



House of Commons  
Liaison Committee

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# **The effectiveness and influence of the select committee system**

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**Fourth Report of Session 2017–19**





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# The effectiveness and influence of the select committee system

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**Fourth Report of Session 2017–19**

*Report, together with formal minutes relating  
to the report*

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## The Liaison Committee

The Liaison Committee is appointed to consider general matters relating to the work of select committees; to advise the House of Commons Commission on select committees; to choose select committee reports for debate in the House and to hear evidence from the Prime Minister on matters of public policy.

### Current membership

[Dr Sarah Wollaston MP](#) (*Liberal Democrat, Totnes*) (Chair)

The Chairs of the following Select Committees are members of the Liaison Committee:

Administration—[Sir Paul Beresford MP](#) (*Conservative, Mole Valley*)

Backbench Business—[Ian Mearns MP](#) (*Labour, Gateshead*)

Business, Energy and Industrial Strategy—[Rachel Reeves MP](#) (*Labour, Leeds West*)

Defence—[Dr Julian Lewis MP](#) (*Conservative, New Forest East*)

Digital, Culture, Media and Sport—[Damian Collins MP](#) (*Conservative, Folkestone and Hythe*)

Education—[Robert Halfon MP](#) (*Conservative, Harlow*)

Environment, Food and Rural Affairs—[Neil Parish MP](#) (*Conservative, Tiverton and Honiton*)

Environmental Audit—[Mary Creagh MP](#) (*Labour, Wakefield*)

European Scrutiny—[Sir William Cash MP](#) (*Conservative, Stone*)

European Statutory Instruments—[Sir Patrick McLoughlin MP](#) (*Conservative, Derbyshire Dales*)

Exiting the European Union—[Hilary Benn MP](#) (*Labour, Leeds Central*)

Finance—[Chris Bryant MP](#) (*Labour, Rhondda*)

Foreign Affairs—[Tom Tugendhat MP](#) (*Conservative, Tonbridge and Malling*)

Health and Social Care—[Dr Sarah Wollaston MP](#) (*Independent, Totnes*)

Home Affairs—[Yvette Cooper MP](#) (*Labour, Normanton, Pontefract and Castleford*)

Housing, Communities and Local Government—[Mr Clive Betts MP](#) (*Labour, Sheffield South East*)

Human Rights (Joint Committee)—[Ms Harriet Harman MP](#) (*Labour, Camberwell and Peckham*)

International Development—[Stephen Twigg MP](#) (*Labour (Co-op), Liverpool, West Derby*)

International Trade—[Angus Brendan MacNeil MP](#) (*Scottish National Party, Na h-Eileanan an Iar*)

Justice—[Robert Neill MP](#) (*Conservative, Bromley and Chislehurst*)

Northern Ireland Affairs—[Simon Hoare MP](#) (*Conservative, North Dorset*)

Petitions—[Helen Jones MP](#) (*Labour, Warrington North*)

Procedure—[Mr Charles Walker MP](#) (*Conservative, Broxbourne*)

Public Accounts—[Meg Hillier MP](#) (*Labour (Co-op), Hackney South and Shoreditch*)

Public Administration and Constitutional Affairs—[Sir Bernard Jenkin MP](#) (*Conservative, Harwich and North Essex*)

Regulatory Reform—[Stephen McPartland MP](#) (*Conservative, Stevenage*)

Science and Technology—[Norman Lamb MP](#) (*Liberal Democrat, North Norfolk*)

Scottish Affairs—[Pete Wishart MP](#) (*Scottish National Party, Perth and North Perthshire*)

Selection—[Bill Wiggin MP](#) (*Conservative, North Herefordshire*)

Standards—[Kate Green MP](#) (*Labour, Stretford Urmston*)

Statutory Instruments (Joint Committee)—[Jessica Morden MP](#) (*Labour, Newport East*)

Transport—[Lilian Greenwood MP](#) (*Labour, Nottingham South*)

Treasury—vacant

Welsh Affairs—[David T.C. Davies MP](#) (*Conservative, Monmouth*)

Women and Equalities—[Maria Miller MP](#) (*Conservative, Basingstoke*)

Work and Pensions—[Frank Field MP](#) (*Independent, Birkenhead*)

### **Powers**

The powers of the Committee are set out in House of Commons Standing Order No. 145. The Standing Orders are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### **Publications**

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## Summary

### Introduction

Select committees are a supple and adaptable tool of the House of Commons. They make good use of the freedom to innovate and engage that their relatively non-rule-bound nature allows. The recommendations in this report are addressed to maximising the opportunities for committees to be a vital part of the institution at the heart of our democracy. We want to draw on and add to the knowledge, skills and energy that is so richly available from all those engaged in ways to make our society work effectively, and exploit the full potential of our digitally connected world to increase participation in the business of politics.

### *Remit and core tasks*

The core tasks for select committees, which were first endorsed by the House in 2002, have had a positive effect on the ability of committees to plan and be held to account for their work, but the time has come to restructure them. We propose a shorter set of core tasks which include the “how” as well as the “what” of committee work. The revised aims, objectives and core tasks are set out in chapter two.

Committees have gradually extended their remit beyond the narrow consideration of the work of the relevant government department and its associated public bodies to include wider matters of public concern. We recommend that Standing Order No. 152 should be amended accordingly, to include a reference to “matters of public concern” falling within the area of competence of the relevant department.

### *Strategic planning*

We recommend that committees publish and consult on their strategy at the start of a Parliament. This would allow committees to hear a wider range of views on not only what they inquire into, but how they might go about doing so, from those who are most engaged in the policy area. It should enable committees to consider the balance between volume of activity, depth of inquiry, and leaving space to consult, follow-up, and assess committees’ own work. It will provide an early opportunity for committees to consider how best to deploy the finite resources at their disposal—including, in particular, Members’ time—and whether they might need to draw on support from other teams across the House, including Participation and Speaker’s Counsel.

### *Government responses*

We recommend that every government department produce an annual memorandum to its departmental select committee which sets out progress on implementing committee recommendations. This practice should also be followed in respect of recommendations made by cross-cutting committees. This would enable both committees and departments to monitor the quality as well as the timeliness of government responses.

The Liaison Committee will continue to monitor the timeliness and quality of government responses over the next 12 months, and refer any department whose responses are persistently late or of poor quality to the Leader of the House of Commons.

### ***Working in partnership***

As well as working more closely with research communities and civil society, committees can continue to form effective working relationships across committees through joint working. The new “guesting” provisions which allow Members of one committee to participate in certain proceedings of another have contributed significantly to this. Other forms of innovative joint working include committees coming together to run deliberative democracy initiatives, such as the citizens’ assembly on zero carbon launched earlier this spring.

### ***Accountability***

Select committees are emanations of the House itself. They need to be more accountable for their own use of the powers which the House confers on them and the resources which it places at their disposal. We therefore propose the following reforms which would better connect the work of committees with the work of the House and improve their accountability to the public:

- embedding in Standing Orders the pilot arrangement whereby the Liaison Committee determines the subject for debate on three days in return for handing the Estimates Day to the Backbench Business Committee;
- cross-cutting questions on select committee work to take place in Westminster Hall, under arrangements to be determined by the Procedure Committee;
- a comprehensive examination by the Procedure Committee of the ways in which the work of committees could better reinforce the work of the Chamber; and
- the reintroduction of annual reports from individual committees, in the form of a return to the Liaison Committee, in a short, visually-engaging format.

### ***Values and behaviours***

The House’s Behaviour Code applies to Members’ interactions when they are serving on select committees as it does in every other element of their work (see Annex 2). We must also uphold, and be seen to uphold, the seven principles of public life. Chairs have a particular responsibility, as holders of leadership roles, to actively promote and robustly support these principles and be willing to challenge poor behaviour wherever it occurs. We remind chairs and members of select committees to be mindful of the impact of their decisions on the staff of the House. Staff resource, as well as that of Members, does have a limit.

## Select committees and the UK's future relationship with the European Union

The high degree of uncertainty regarding the future relations between the UK and the EU points towards flexibility as a key principle for how select committees approach their future tasks. As events unfold, committees may have to adapt to ensure that scrutiny remains proportionate to the state of the UK's relationship with the EU and the rest of the world. Any future relationship negotiations are likely to be wide-ranging and complex. As such, they are likely to engage the interest of most select committees, requiring expert support to be deployed as efficiently as possible.

There is scope to adapt committee structures in response to the challenges presented by the evolving UK-EU relationship. While acknowledging that committee structures are linked to decisions about the machinery of government, we also conclude that we must respond to the deep uncertainty which is—and will remain—a factor for some time. One option which we believe requires further investigation is the creation of a single integrated European committee to provide oversight of EU-UK matters. Further work is also required to consider the appropriate model for future treaty scrutiny. We recommend the development of a Framework Agreement between both Houses of Parliament and the Government on providing information on treaty negotiations and conclusions. Discussions must now take place in earnest between the Liaison Committees of both Houses, with input from the Leaders of each House, to determine the next chapter in the House's oversight of UK-EU relations, whatever form they take.

We recommend that the Committee Office give thought to the requirement for expertise and its consequences on models for staffing committees, considering the range and uncertainty of demands. It is imperative that any new arrangements be designed to make the most flexible and efficient use of existing resources, so that EU and international legal and policy expertise can be deployed to best effect

## Evidence, engagement and research

Where possible, committees should seek to build in opportunities for stakeholders to engage in their work, such as consulting on inquiry topics. Timescales should be set to enable those with limited resources to respond. This includes allowing sufficient time for them to prepare written submissions or to prepare for an oral evidence session.

### *Submitted evidence*

The current requirements for the format of written evidence to select committees are outdated. Committees should be able to accept evidence in a much wider range of formats, including, for example, video and audio clips and images. Information in any format which is accepted by a committee and published by Order of the House should be treated as formal evidence and we invite the Procedure Committee to identify and endorse any changes in the House's practices that would be necessary to achieve this and commit ourselves to establishing a protocol to ensure that such material is used appropriately and make sure there are proper safeguards for individuals' privacy.

The current requirements for submitting written evidence pose barriers which prevent some members of the public from engaging with committees' work. An online form with a series of text boxes to help structure the submission could encourage contributions from members of the public.

### ***Witnesses and oral evidence***

Giving oral evidence to a select committee can be a challenging encounter for even the most experienced witnesses. In some circumstances, that is as it should be. But, for many witnesses, the whole experience can be very trying. We note that the UK Parliament's Behaviour Code, which sets out shared behavioural expectations for the parliamentary community, applies just as much to the way we treat witnesses and those attending our public engagement sessions, as it does to our treatment of each other and House staff.

We also recommend a greater formalisation of the process by which witnesses are encouraged to declare all relevant financial interests when giving written or oral evidence.

Those appearing before committees in person should be supported to give the best account they can. The traditional horseshoe layout of committee rooms is not appropriate for all occasions. Committees should be free to experiment with different room layouts for different types of witnesses and evidence. Committees' needs must be considered in both the design of the temporary accommodation in Richmond House and planning our future return to the Palace of Westminster. We need flexible spaces which can be easily adapted so we can take evidence in different formats and there must be ready access to reliable, and preferably permanently situated, video-conferencing facilities.

We have already set a target that, by the end of this Parliament, at least 40% of our discretionary witnesses should be female and that a panel of three or more discretionary witnesses should normally include at least one woman. When deciding who to put forward as witnesses, organisations should share and respect our commitment to diversity and consider how a lack of diversity among their representatives might appear to the wider public and reflect on their sector.

We recommend that steps should be taken by the Committee Office to gather wider data on witness diversity and witnesses' feedback on oral evidence sessions, possibly by way of a questionnaire sent to witnesses after a session.

### **Public engagement: listening to those with lived experience**

We are convinced of the value of and need for public engagement—both face-to-face and digital—seeing it very much as a listening activity rather than an occasion to “broadcast” about the work of Parliament. We recommend the following measures to promote further public engagement work by select committees:

- the Committee Office and Select Committee Engagement Team together find a way to capture, record and evaluate, in a way that can easily shared and accessed by different teams, the range of digital and face-to-face public engagement activities being undertaken by committees;
- training should be made available for committee members and staff in how to facilitate public engagement events;
- the Committee Office should explore the costs and constraints on widening the scope of the “witness expenses” arrangements to embrace a wider range of events both in Westminster and beyond and bring forward costed proposals for enhancing this capacity, ensuring that these expenses are designed to maximise the opportunity for people in different circumstances to participate;
- work should begin between the Parliamentary Digital Service and Web and Publications Unit to trial new digital engagement tools and ensure that the new website can facilitate the use of a range of these; and
- the House should consider how knowledge and learning on citizens’ assemblies and other types of deliberative public engagement should best be captured, recorded and shared with a view to undertaking such activities more easily in the future.

### **Research evidence**

We believe there is great merit in effective use of research information with best practice available. The Government often assembles research evidence in its policy making process which would be of great value to committees’ work. However, this research is not always publicly available and can be hard to find. Select committees could ask departments to provide their evidence base before an inquiry began.

Efforts to make best use of the research capacity and knowledge of academic institutions and other research-based organisations must continue. We need to build more systematic and better understood structures within which co-operation between select committees and the wider research community can be more effectively enabled and enhanced.

We recommend that work with UKRI and other relevant bodies in building connections with the research community through outreach and the use of fellowships, secondments and short-term attachments be taken forward by POST and the Committee Office.

The Association of Charitable Foundations has offered to facilitate better engagement with the charitable research foundations. We recommend that the Committee Office, working together with POST, should take up this offer.

The most effective way for Committees to access research is to find ways to work in partnership with, and gain access to, not only the outputs of our publicly-funded research sector but also to its inputs, helping to influence (but not seeking to control) the priorities of the research funders and the criteria used in awarding grants. The publicly



funded research sector should also continue to recognise the value in contributing to public debate and parliamentary scrutiny, and to reward academic institutions which contribute to this goal.

We would encourage the research funders to look at ways of building collaborative and co-operative, thematically coherent research transmission hubs where meta-analyses and syntheses are prepared proactively and are readily accessible. These might form a basis, over the longer term, for some kind of “Office of Public Evidence” that would bring together some of the synthesis of research evidence, fact checking, and academic liaison functions for select committees.

### **Powers, privileges and contempts**

Recent events have reinforced the view that serious consideration must be given to the nature and extent of the power to “send for persons, papers and records”, which is delegated to almost every select committee by the House.

The options before the House are essentially to do nothing, to seek to reassert its claim to penal powers or to legislate to put those powers on a statutory footing in compliance with the expectations of current constitutional and juristic principles. There is no clear consensus on this Committee about the relative merits of a statutory solution or the middle way of an “assertion”, and it may be that the Privileges Committee will be forced to choose between recommending that the House simply abjures its claim to the power to compel attendance and penal powers to punish contempts or finds a way to give them at least some element of statutory force.

The Procedure Committee’s recent report on the power of the House to call for papers from government concluded that the power remained a valid and useful procedure but noted that, where a motion for return engaged a select committee, the consent of that committee ought to be secured before the motion is debated. We support this recommendation. We further note that recourse to an Address would be available at the initiative of a committee. We believe that, should any committee feel obliged to have such resort, time should be found as a matter of practice to debate its motion.

### ***Publishing unconventional material and the Parliamentary Papers Act 1840***

The obscurity and ambiguity of the Parliamentary Papers Act 1840 is an unnecessary inhibition on select committees taking advantage of the breadth of modern means of communications, as we have recommended, both to gather evidence and to publish their findings in different ways which will engage different audiences.

We believe that the matter of the review of the 1840 Act should now be taken forward, either by a reference to the Committee of Privileges or through further work by this Committee.

### ***Pre-appointment hearings***

We support the recommendation of the Public Administration and Constitutional Affairs Committee that there should be provision in standing orders to secure a debate on the floor of the House when a Minister intends to disregard a recommendation by a committee not to appoint their preferred candidate to a public office.

### **Communicating our work**

To improve public engagement with committees' work, reports should be 'digital first' and, where possible, be complemented (and perhaps eventually supplanted in some cases) by other digital formats which, chosen and designed with their needs in mind, convey our work to the wider public. Such outputs should be made under an order of the committee wherever possible.

Although reports will continue to be the main output from select committees, we there is a need for different kinds of 'communication' from committees which, while formally agreed and reported to the House, are less formal than a report, with its rather cumbersome procedural apparatus, but which carry more weight and status than a letter and can be specifically addressed to the world. Such publications might be a paper analysing the evidence received so far or responding to what was heard in a public session, a summary of their interim findings which might invite people to respond to them, a more general update on their work partway through a long inquiry or a follow-up survey of the progress in implementing their recommendations.

By giving more notice of publication, committees could increase the impact of their reports by working with outside organisations to give them added publicity. Standing Order No. 134 provides that embargoed reports should be sent out no more than seventy-two hours in advance of publication. We recommend that the Standing Order be amended to give committees complete discretion and flexibility over the timing and distribution of their embargoed reports before publication.

### ***Online presence***

Our website is Parliament's main means of communicating with the public. For many, it will be their first and only point of access to our work. We are pleased that efforts to replace our existing website are underway. However, it is critical that this work is completed at the earliest opportunity. The new site must be easy to navigate for those who have no prior knowledge of the workings of Parliament. It should be easy for the public to find out about how the issues that interest and concern them are being debated and investigated by Parliament and its committees.

Committees' use of social media is sophisticated, innovative and live to emerging trends. We should continue to explore how committees can further diversify their use of online platforms and networks, including using 'social listening software' to help committees gauge the public mood on an issue and join existing conversations.

### ***Ongoing campaigning and communications***

By taking the approach of planning, prioritising and following-up their work, committees would be operating more like campaigning organisations, which continually look for opportunities to highlight issues and further their cause in a range of different ways in Parliament, the media and beyond. Some committees are already operating in this way. Adopting this approach across all committees would clearly require us to be more strategic and call for additional member and staff time. It will almost certainly entail increased resources for the central communications functions of the Committee Office.

### ***The impact and accessibility of the language of scrutiny***

Although familiar and well-used by MPs and officials, the language of Parliament appears rather alien to members of the public. Our use of terms such as ‘evidence’, ‘witnesses’, ‘inquiry’, ‘select committee’ and ‘terms of reference’ can be confusing and off-putting.

Committees should feel emboldened to adapt their language as they see fit, keeping the needs of their audience in mind, and the use of technical terms in the Standing Orders should be no impediment to this. By way of example, we could invite people to give us their “views, concerns and experiences” on a topic and, instead of “witnesses”, we could refer to “guests” or “participants”. We could also start by referring to just “committees” in our communications, leaving out the term “select”.

### ***Chairs and Members***

The success of a committee depends on the Members who serve on it, and on the leadership of the chair. Their independence, attitude and commitment are what makes committees work. The fact that committees are composed of elected representatives from across the range of opinion in the House is their unique and most important characteristic, which is the foundation of the authority they enjoy.

### ***Elected chairs and members***

The direct election of most select committee chairs by secret ballot of the whole House has led to more confident committees, with an increasing willingness to innovate and push the boundaries. We recommend that the relevant changes to Standing Order No. 122B be made to extend chair elections to all select committees.

There is currently no provision for a member of a committee to relinquish their place if, for whatever reason, they are no longer able to prioritise the work of the committee. We suggest that the Procedure Committee may consider whether there are any different options available for allowing Members to leave committees part way through a Parliament, rather than having to wait for a replacement to be found.

The House’s Standing Orders defines eligibility for the Backbench Business Committee by excluding Ministers of the Crown, parliamentary private secretaries and principal

opposition front-bench spokespeople. We suggest that eligibility to sit on committees should be determined by extending the application of the restrictions on membership of the Backbench Business Committee to all select committees.

### ***Gender balance***

Political parties need to ensure that reasonable diversity, at least on grounds of gender and ethnicity, is achieved on all committees. We believe that gender representation on committees is important enough to require positive action. We suggest that the Procedure Committee should report on how quotas might be used so as to require a minimum of three Members of every select committee to be male, and a minimum of three female.

### ***Parental leave***

We recommend that the Selection Committee propose temporary substitutes for select committee Members on parental leave, replacing them with the original Members when they return from that leave.

We recommend that committees should from now on record in both their Formal Minutes and their attendance tables the periods for which any Member of the committee has a proxy vote under the House's scheme agreed on 28 January 2019.

### ***The role of the Liaison Committee***

Our regular meetings with the Prime Minister are crucial to effective parliamentary scrutiny of the executive. The sessions with the Prime Minister now take place three times a year. Although there is no hard and fast requirement on the Prime Minister to attend, it would be difficult for any future Prime Minister to avoid. The presumption must be that the Prime Minister will make three dates a year available in good time for us to make the necessary arrangements. In particular, any new Prime Minister must appear before us at the soonest possible opportunity after they take up office.

The Liaison Committee is restricted to considering “matters relating to select committees” only, except in our evidence sessions with the Prime Minister. We recommend amending Standing Order No. 145 to extend our ability to take evidence on matters of public policy from others than just the Prime Minister.

### ***A co-ordinating role?***

This Committee does not, and should not, exercise any form of control over the activities of individual committees. However, it should be the forum in which cross-over is discussed and co-ordination through informal means achieved. The Liaison Committee, as the place where all chairs come together, can host and facilitate such knowledge sharing.

### ***Sector, thematic, or locality reviews***

We were drawn to suggestions that select committees could work together to consider how policies have affected a particular section of society, across departmental boundaries. At the start of each Parliament, the Liaison Committee might usefully decide upon two or three sectors or areas of the UK and invite select committees to work together to consider the impact of government policy across departmental boundaries.

### ***Resources for scrutiny***

The total budget for the Committee Office now stands at around £16 million a year, of which over 90% is staff costs. That represents less than 5% of the House's total resource budget.

Although scrutiny work is protected within the House's budget, the Finance Committee has recently told us that it will, for the future, take a stricter interpretation of the scrutiny exemption, applying it only to demonstrably novel demands agreed by the House (typically to establish a new committee) and that the "flat cash" remit will apply to the scrutiny budget in general. The pressures on staff resources however, continue to grow, and the appetite for work amongst select committees is certainly not diminishing.

We note and endorse the Procedure Committee's recent proposal to expand the financial section of the Scrutiny Unit into a Commons Budget Office to support committees' financial scrutiny.

We note the increasing pressure for additional resources to support the committees' media and communications work. As part of the deal for the increased resources which the House granted in 2002, the Liaison Committee agreed to commission a review of select committee resources by the National Audit Office (NAO). A further review was commissioned and reported in 2007. The time has come to invite the NAO again to undertake a full review of the staffing and wider resourcing model that supports select committees.

There is a demand for greater inter-parliamentary working, which should be an aim whatever the nature of the UK's future relationship with the EU. The Clerk of the House should negotiate with the chief executives of the devolved legislatures to establish a jointly-owned "shadow" secretariat of a UK-wide co-ordinating body to undertake feasibility studies and prepare options for the establishment of an effective, but not over-formalised, UK interparliamentary body based around the committees of each UK legislature.

### ***Process of establishing the Liaison Committee***

The process of constituting the Liaison Committee at the beginning of the Parliament needs simplifying so that it can be done in a timely fashion. We invite the Procedure Committee to bring forward further changes to Standing Order No. 145 so that the Liaison Committee can come into existence as a when chairs take office following a general election.

***A champion for the select committee system***

We recommend that the Committee Office communications staff develop and pilot a regular publication (perhaps monthly) highlighting in accessible formats the work of select committees collectively, providing a gateway through which the non-specialist and those with a direct but non-sector specific interest in parliamentary scrutiny could be drawn into the outputs of select committees across the whole range of their scrutiny activity.

# 1 Introduction

1. The House of Commons system of departmental select committee is celebrating its fortieth anniversary this year. Whilst there had been a long tradition of the House using committees to conduct scrutiny and perform other tasks on its behalf, the new departure in 1979 was for its committee system to mirror the major government departments, for the first time paving the way to systematic scrutiny by the Commons across the whole waterfront of government activity.<sup>1</sup> Heralding the changes as he moved the motions for reform, the then Leader of the House Norman St John Stevas explained his hope that the new structure would:

Provide opportunity for closer examination of departmental policy and of the way in which ministers are discharging their understanding of the pressures and constraints under which ... their departments have to work. It will bring about a closer relationship with Ministers themselves. It will also be an important contribution to greater openness in government of a kind that is in accord with our parliamentary arrangements and our constitutional tradition.<sup>2</sup>

2. The core work of select committees remains much as first set by the House to examine the expenditure, administration and policy of the government department they mirror (and of its “associated public bodies”). They continue to take evidence from ministers, civil servants, experts, and others with expert knowledge or directly affected by the issue under consideration. They agree and publish reports (many more than in the early years) in which they draw conclusions and make recommendations. But this fails to capture the full scope of their activity today.

3. Over the last forty years the range and number of the House’s select committees has grown. The great grandparent of the committee system, the Public Accounts Committee (PAC), predates the 1979 reforms by over a century and still stands at the centre of the House’s control of public expenditure. The National Audit Act 1983 (which also owes much to Norman St John Stevas) brought the Exchequer and Audit department under the aegis of the House in the shape of the National Audit Office (NAO) and, by giving it the duty to look at effectiveness, efficiency and economy in the use of public money, has greatly increased the scope and impact of the PAC’s work. Increasingly, the NAO has worked with other committees of the House, to great mutual benefit. Other cross-cutting committees have been added to the mix: the Science and Technology Committee, the Environmental Audit Committee, the Joint Committee on Human Rights and, most recently, the Women and Equalities Committee. The number of departmental select committees has fluctuated along with the number of government departments—in 2016, the temporary Committee on Exiting the European Union was added (the European Scrutiny Committee continues and predates the 1979 reforms), as well as the International Trade Committee. Another recent newcomer to the fold is the Petitions Committee—a reform which, proposed by the Procedure Committee, came into existence in 2015 and which has been at the heart of a whole new form of citizen engagement with Parliament through the e-petitions system. It is the most striking example of how the digital revolution has changed and continues to change the way the House connects with the people who elect its Members.

1 Select Committee on Procedure, First report, 17 July 1978, HC 588–1 1977–78

2 HC Deb, 25 June 1979, [col 48](#)



4. The Liaison Committee—the committee comprising the Chairs of all the House’s select committees—was formally established as part of the 1979 reforms. It now comprises 36 members.<sup>3</sup> Its primary task is to “consider general matters relating to the work of select committees” and to advise the House of Commons Commission on their resourcing.<sup>4</sup> Over its existence it has acted as a champion of the select committees within the House, producing reports on ways in which the scrutiny function can be enhanced. We hope this report will be a significant contribution to that series. When announcing our inquiry we asked for views on what select committees should aim to achieve, and whether they focus on the right things. We wanted examples of effective scrutiny which should be more widely shared. We asked which reports have had the biggest impact and why.

5. What we heard highlighted the extraordinary scale and range of the work of select committees. Committees have interpreted their own remit in increasingly adventurous and bold ways, seeking to move with the times but nevertheless constrained by the wider system in which they sit. A wider range of individuals and organisations are being held to account by them on behalf of the House and, more importantly, the electorate. Committees are increasingly active beyond the Corridors of Westminster, and they engage in a continuing dialogue with many more individuals and organisations: ministers; experts; professionals and practitioners; the organs of civil society including charities, think tanks, campaigning groups, trades unions and trade associations. Increasingly, they seek to hear from people going about their daily lives who are directly affected by the actions and policies of government and its agencies or by others who exercise power over the lives of citizens; and such lived experience is drawn from here in the UK and across the world. Importantly, increasingly they seek to be agents of change, not just observers and critics.

6. Select committees can be supple and adaptable, and since 1979 have made good use of the freedom to innovate and engage that their relatively non-rule-bound nature allows. The predominant theme of this report is to recognise and celebrate that urge to innovation and that instinct for adaptation. We aim to clear away unnecessary constraints and to further enable the committees to work with and learn from each other. But committees need to use their resources wisely and work in partnership with the many others who are engaged, one way or another, with holding those in power to account, looking for the truth of a matter, or in seeking solutions to some of the more intractable problems we confront in the UK and internationally.

7. Our ideas, conclusions and recommendations are intended to maximise the opportunities for these committees, rather than to be prescriptive, and to enable the sharing of the best practice and innovation that the committees have already generated for themselves.

8. Over forty years the committees have become one of the most recognisable features of the House in the media. They can also show a more positive side to Parliament. Select committees are at their best when Members are encouraged and enabled to leave narrow Party interests at the door and to work in a more collaborative and evidence-led manner. There is always room to do things better. This report seeks to build on existing achievements, reflect on what could be done better on behalf of the public, and to urge the committees to continue to innovate.

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3 Orders of the House of 10 September 2015, 11 October 2016 and 6 November 2017.

4 Standing Order No. 145.



## 2 The work of committees

### The core tasks

9. In 2002 the House, on the prompting of the Modernisation Committee and as part of the package of enhanced resources for scrutiny which it had just approved, invited the Liaison Committee to “establish common objectives” for the departmental select committees.<sup>5</sup> These “core tasks”<sup>6</sup> were refreshed in 2012 by our predecessors,<sup>7</sup> who urged that they should be used to help committees to plan and set their priorities. They also recommended that committees should report their performance against them at the end of each session.<sup>8</sup> We believe that, as resources devoted to select committees have grown further since 2012, it is important that we reaffirm the need for standards against which committees are judged and could be held accountable. They are not intended to be restrictive but could help committees as they set their priorities and plan their future programmes and subsequently reflect on their performance. We believe that if committees planned more, and worked in a more focused way, their influence and effectiveness could be even greater.

10. The primary purpose of select committees remains “to examine the expenditure, administration and policy of the principal government departments ... and associated public bodies”.<sup>9</sup> But as former Permanent Secretary Dame Una O’Brien told us, “As each Parliament takes up the cudgel, the world out there is changing, and how to give effect to those responsibilities needs to change”.<sup>10</sup> What we heard in our inquiry persuades us that the core tasks could usefully be revised to reflect such changes.

### Background

11. The core tasks are intended to guide the departmental select committees without constraining them. Initial assessments of the use of the core tasks were positive. Writing in *The Times* in April 2003, Peter Riddell noted that select committees were “adopting a more methodical and less ad hoc approach via a series of core tasks”. When they were reviewed by the Liaison Committee in 2012, it asked whether the tasks were “still realistic given the limitations on Members’ time”. The Committee concluded that the core tasks were still useful, whilst accepting that not all were relevant to every committee. Several changes were made to the core tasks in 2012, including the addition of a “public engagement” core task, and making scrutiny of departmental strategy a stand-alone task.

5 HC Deb, 14 May 2002, [cols 648–715](#)

6 Liaison Committee, First Report of Session 2002–03, [Annual Report For 2002](#), HC (2002–03) 558, para 13

7 Liaison Committee, Second Report of Session 2012–13, [Select committee effectiveness, resources and powers](#), HC (2012–13) 697, para 20

8 For more information about the genesis of the core tasks of select committees, see [Select Committees - core tasks](#), Standard Note SN/PC/316, House of Commons Library, last updated 29 January 2013.

9 Standing Order No. 152.

10 [Q2](#)

**Box 1: The core tasks of select committees endorsed by the House in 2013**

**Overall aim:** To hold Ministers and Departments to account for their policy and decision-making and to support the House in its control of the supply of public money and scrutiny of legislation

**Strategy:** Examine the strategy of the department, how it has identified its key objectives and priorities and whether it has the means to achieve them, in terms of plans, resources, skills, capabilities and management information

**Policy:** Examine policy proposals by the department, and areas of emerging policy, or where existing policy is deficient, and make proposals

**Expenditure and Performance:** Examine the expenditure plans, outturn and performance of the department and its arm's length bodies, and the relationships between spending and delivery of outcomes

**Draft Bills:** Conduct scrutiny of draft bills within the committee's responsibilities

**Bills and Delegated Legislation:** Assist the House in its consideration of bills and statutory instruments, including draft orders under the Public Bodies Act

**Post-Legislative Scrutiny:** Examine the implementation of legislation and scrutinise the department's post-legislative assessments

**European Scrutiny:** Scrutinise policy developments at the European level and EU legislative proposals

**Appointments:** Scrutinise major appointments made by the department and to hold pre-appointment hearings where appropriate

**Support for the House:** Produce timely reports to inform debate in the House, including Westminster Hall, or debating committees, and to examine petitions tabled

**Public Engagement:** Assist the House of Commons in better engaging with the public by ensuring that the work of the committee is accessible to the public

***Too many or too few?***

12. We heard some views that there were too many core tasks, too widely framed, with select committees not best placed to undertake some of the functions. Dr Mark Goodwin and Dr Stephen Bates argued that with respect to post-legislative scrutiny “while many... are strongly in favour of committees doing more post-legislative scrutiny, it seems to be an unattractive task for committees themselves”.<sup>11</sup> The Hansard Society believed that “of the 10 core tasks, delegated legislation and post-legislative scrutiny are particularly ill-served”<sup>12</sup> and concluded that “a decision therefore needs to be made about whether they should remain a core task” or whether they would be better served by dedicated scrutiny committees. Sir Richard Mottram noted that the strategy core task alone was “an absolutely huge task if a Select Committee is really required to try to do it”.<sup>13</sup> The Procedure Committee has recently drawn attention to the extent to which departmental select committees discharge their remit to examine departmental expenditure plans, and has questioned whether this amounts to systemic scrutiny of the Government's proposals for spending public money.

11 Dr Mark Goodwin ([SCS0015](#))

12 Hansard Society ([SCA0067](#))

13 [Q2](#)

13. We also heard other recommendations for additional core tasks. The Institute for Government suggested that committees could “scrutinise the implementation of recommendations made by public inquiries”.<sup>14</sup> The case was well argued, and it is clear that there does need to be some form of follow-through for such inquiries when they have reported, and the absence of any such mechanism is a significant shortcoming which can reduce the impact of these expensive undertakings and let government and others off the hook. However, we also recognise that such monitoring is a significant call on resources and could only be done through an increase in staff. It might also be best done in a centralised way, even within Parliament, rather than left to individual committees for which different inquiries and their outcomes will engage very different levels of political engagement.

14. Rather than add tasks to our list, we have sought to group them together, making it clear that, while there should be a guiding strategy, the way in which a particular task is undertaken by a committee will depend on the circumstances of each committee. When considering policy or administration, a committee should certainly consider whether recommendations from any major public inquiry should be followed up, but the choice of whether and how to do so will be for each committee—the key thing is that it should not go by default.

15. A committee on public inquiries could be established, as could more committees on delegated legislation, as proposed by the Hansard Society.<sup>15</sup> There are undoubtedly many orphaned areas of executive activity which are too often neglected by Parliament. But committees cannot possibly cover-off every risk and initiative—they must rather become adept at using the resources of civil society to keep track of particular issues and be ready to hold the feet of Ministers to the fire when evidence of negligence or neglect is produced. There are tasks that might be given to stand-alone committees, but handing scrutiny to a stand-alone body always risks making others feel that they have no further responsibility (and therefore interest) in it.

### *Holding those with power and authority to account*

16. The Liaison Committee’s 2012 report on effectiveness stated that:

... in a growing number of cases, third parties—including private sector bodies—can be the focus of committee inquiries. Increasingly, the private sector is involved in delivering public services, and committees have a legitimate interest in scrutinising how taxpayers’ money is spent. And some private sector services are of such concern that the public expect the committee to intervene, filling the accountability gap.<sup>16</sup>

14 Institute for Government ([SCS0038](#))

15 Hansard Society ([SCA0067](#))

16 Liaison Committee, Second Report of Session 2012–13, [Select committee effectiveness, resources and powers](#), HC (2012–13) 697, para 20

17. The number has continued to grow. The Institute for Government observed that “increasingly committees are stretching the boundaries of their delegated role, for example, by investigating the behaviour of private companies beyond the public policy implications of what they have done”.<sup>17</sup> The Hansard Society found that committees increasingly act as “an instrument of accountability in relation to concentrations of power and influence wherever that is found in the public or private sectors”.<sup>18</sup> Dr Craig Prescott saw this as a “positive role for select committees, particularly when there are no other scrutiny or accountability mechanisms, or when they have failed”.<sup>19</sup>

18. While select committees interpret their own remit, there is a question as to whether the wider role which they have adopted should now be reflected in their Standing Orders. The Chair of the Foreign Affairs Committee suggested that the time had come for this to be done. Dr Prescott believed that the lagging of the standing orders behind the reality of committee work could give rise to problems.<sup>20</sup> *We recommend that paragraph (1) of Standing Order No.152 should be amended to read as follows:*

*Select committees shall be appointed to examine the expenditure, administration and policy of the principal government departments and their associated public bodies as set out in paragraph (2) of this order; together with matters of public concern falling within the area of competence of those departments and bodies.*

### **The future of EU scrutiny**

19. The core task on EU scrutiny was agreed before the EU referendum of 2016 and the triggering of article 50 in 2017. We will explore the impact on select committees of the changing relationship with the EU in chapter 3 below, but there is a changing picture in this regard, no matter what the outcome of the negotiations with the EU.

### **Public engagement: listening as well as broadcasting**

20. The creation of the public engagement core task to “assist the House of Commons in better engaging with the public by ensuring that the work of the committee is accessible to the public” was a valuable step forward in 2012. We heard in this inquiry widely held views that it is now insufficient to represent the types of dialogue with the public that committees currently undertake. Professor Cristina Leston-Bandeira and her colleagues from the University of Leeds told us that:

The assumption behind ‘making work accessible to the public’ implies a broadcasting mode, whereby Parliament informs the public about its work. This is of course important, but public engagement entails more: it is also about listening to the public and about integrating this into ordinary parliamentary business.<sup>21</sup>

17 Institute for Government ([SCS0038](#))

18 Hansard Society ([SCA0067](#))

19 Dr Craig Prescott ([SCA0078](#))

20 Dr Craig Prescott ([SCA0078](#))

21 University of Leeds ([SCS0035](#))

We agree. Engaging the public is about far more than just informing. We also consider that public engagement should not be a stand-alone task but a thread running through all of a committee's way of working. It needs to be considered and incorporated when undertaking the full range of select committee activity. We set out more detail on our public engagement proposals in chapter 4 below.

### *The way forward*

21. It has long been understood that committees conduct different types of inquiry.<sup>22</sup> Some inquiries are short and sharp, with few evidence sessions on highly topical issues. Others (though this is much less common nowadays than it was thirty or forty years ago) take an approach more akin to the Royal Commission mode: assembling the evidence, hearing from a broad range of voices, perhaps commissioning further research or working with outside special advisers to produce a report which may stand as an enduring summary of the state of knowledge in a particular policy area. For some inquiries, hearing from those with lived-experience is crucial, for others, public opinion can be a useful guide. An investigatory inquiry, for example, where the truth is sought about a complex series of events may involve questioning of a very different style from that of a deep-dive into a policy area, where research evidence will be of particular importance. Some inquiries will involve the publication of a lengthy report, others will result in an exchange of letters or the publishing of information for the public record. There is no one-size-fits-all method of inquiry. However, reflection on what kind of inquiry a committee is about to undertake may inform decisions on how it goes about its work, and interacts with those in the policy community and potential witnesses.

22. **The core tasks had a positive effect on the ability of select committees to plan and be held to account for their work, but the time has come to restructure them. We propose a shorter set of core tasks which include the “how” as well as the “what” of committee work. We believe this approach can help foreground the need for forward planning, public engagement, and innovation.** Our revised core tasks are set out at the end of this chapter.

### **Maximising impact**

23. Committees are increasingly thoughtful about how they use their resources to deliver effective scrutiny. They need to give careful consideration to the kind of impact they wish a particular inquiry to have, and the ways in which that can be maximised. We heard examples of how that can be achieved:

- involving a wide range of stakeholders in the choice of inquiries;
- getting the timing right;
- careful planning and setting of timescales which enable stakeholders to prepare well-focused submissions and to engage in dialogue with a committee;
- early consideration of public engagement and communications strategies and any related objectives;

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22 See for example, Liaison Committee, Second Report of Session 2012–13, [Select committee effectiveness, resources and powers](#), HC (2012–13) 697, para 20

- working with stakeholders to maximise the impact of an inquiry and to continue to work with them;
- high-profile and well-conducted public evidence sessions; and
- reports which are short and focused.

Committees have the greatest chance of getting this right if they fully consider the process of the inquiry, from planning and prioritising through to following-up.

### *Planning and priorities*

24. At the start of each Parliament, best practice amongst select committees is to consider their objectives and how they will go about meeting them, often in consultation with key stakeholders. The Liaison Committee's 2012 report endorsed this approach, as do we.

25. In particular, we strongly encourage committees to consider how to engage with their key stakeholders on their objectives. This might be, as has become traditional, through round-table discussions. However, **we encourage committees to go further and publish and consult on their strategy at the start of a Parliament. This could include setting out how the public and stakeholders can submit ideas for future inquiries. This would allow committees to hear a wider range of views on not only what they inquire into, but why it matters and how they might go about doing so, from those who are most engaged in or affected by a policy area.**

26. *We recommend that the Committee Office facilitates, with Research and Information, including the Parliamentary Office of Science and Technology (POST), the creation of documented and published "Areas of Interest" in the same way that government departments now do.* The Government's Areas of Research Interest (ARI) provide details of the main research questions facing departments in order to improve how they access, commission and use research evidence. In the parliamentary context, ARIs would be of use not only to those in the university sector, but those in other third sector and research-based organisations. UCL Public Policy explained that publication of "Areas of Evidence Interest" could:

... both act as a signal to academic communities as to likely broad areas of select committee interest and knowledge needs, and could form the basis for discussions with UKRI about funding schemes to support academic responses.<sup>23</sup>

We give further consideration as to how committees could work more effectively with academics and researchers in chapter 4.

27. Committees should take a strategic and purposeful approach to their public engagement and communications work. There should be early conversations with the engagement team, as well as media and communications and Web and Publications Unit officers. This must form part of their early planning processes so that resources can be allocated effectively and decisions made in a timely fashion. These matters are discussed in more depth in chapter 4 below.



28. Similarly, committees should at an early stage consider whether the nature of their inquiry is such that they are likely to need advice from Speaker's Counsel on aspects of the eventual report. If so, this should be factored into the timeframe for the inquiry and report preparation. While some committees are expressly entitled to the advice of Speaker's Counsel,<sup>24</sup> others are of course at liberty to request it.

29. As part of this planning process, committees may consider the balance between volume of activity, depth of inquiry, and leaving space to consult, follow-up, and assess their own work. As Professor Emma Crewe and Dr Ayesha Siddiqi noted, "committees tend to embark on so many inquiries that there is insufficient time for debating evidence, reviewing their own work and achieving follow-up to their scrutiny and investigation".<sup>25</sup> Professor Matthew Flinders told us that:

I have often thought that select committees take on far too many inquiries and therefore become incredibly over-stretched in terms of a capacity to deliver. ...doing half-as-much-twice-as-well could be a recipe for greater effectiveness and influence.<sup>26</sup>

**30. Select committees must make choices about what they do and why. Members' time and the resources we have to support committees are limited. Thorough planning and time for follow up are likely to deliver greater impact, more time for engagement, and better use of evidence.**

### **Government responses**

31. The onus should not fall entirely on small committee teams to try to discover what actions have come about from select committee work. Some of this burden should fall on parliamentary teams in government departments. Tom Tugendhat MP suggested that the Government should be asked to commit to producing an annual submission to each committee, setting out significant areas of progress in implementing committee recommendations, or other key developments relating to issues reported upon by committees.<sup>27</sup> Committees should then be encouraged to review those submissions and follow-up where appropriate. We agree and extend this to other reports flagged as being of interest to committees.

**32. We recommend that every government department produces an annual memorandum to the relevant select committee which sets out progress on implementing committee recommendations and other reports notified as being of interest to the relevant committee. This would enable both committees and departments to monitor the quality as well as the timeliness of government responses. Departments should also provide memoranda to cross-cutting committees where their responsibilities apply.**

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24 These are the European Scrutiny Committee, the Regulatory Reform Committee, the Joint Committee on Statutory Instruments, the European Statutory Instruments Committee and the Exiting the EU Committee.

25 Global Research Network on Parliaments and People ([SCA0055](#))

26 Professor Matthew Flinders ([SCA0053](#))

27 Tom Tugendhat MP ([SCA0050](#))

33. Such an annual memorandum might also encourage greater focus in government departments on the quality and timeliness of their responses to select committee reports. The deadline for producing Government responses is 60 days, but in practice, this is regularly missed.<sup>28</sup> Sometimes this may be for good reasons but, by the end of the sixty-day period, ministers should be ready to explain and justify further delay, and should provide regular monthly updates on progress if need be. The Science and Technology Committee noted that a fuller response rather than a timely response may sometimes be more valuable.<sup>29</sup> The Chair of the Public Accounts Committee rightly warned readers away from measuring impact by considering government responses alone. She argued:

While that figure may be informative it is not necessarily an accurate proxy for performance or impact—clearly the fact that the Government doesn't accept a recommendation does not mean the recommendation is wrong, inappropriate, poorly evidenced or unworkable. Conversely, it would be a perverse incentive if Government acceptance were the prime measure of the quality of a select committee's work.<sup>30</sup>

34. A number of committees have taken a more assertive approach to poor quality government responses, for example putting them out to review by those who participated in an inquiry or returning them to the department for further consideration. Committees themselves can contribute to the chances of receiving thoughtful and considered responses which address the arguments as well as the conclusions and recommendations of their reports by showing self-restraint and avoiding a scattergun approach to recommendations.

35. One of the simplest things that a committee can do to increase its impact is to follow-up on their previous work. A published report is not the end of the story. It can be tempting for committees to move on to the next thing, not leaving enough time and resource to follow-up what came before.<sup>31</sup> However, examples of committee work that has been particularly effective, such as the Health and Social Care Committee's inquiry on Childhood Obesity, show clearly the value of returning to a subject, and continuing to push the Government to respond, including to emerging evidence. **Follow-up should be considered part of the core ways of working of select committees.**

36. **We believe it remains appropriate to have a deadline for government responses, but how it is met should be a matter of negotiation between ministers and chairs. We intend to monitor the timeliness of these responses over the next twelve months. Where departments are persistently late, or responses are persistently poor quality, we will notify the Leader of the House of our concerns. We believe best practice in this area will not happen of its own accord: the Committee Office should invest resources in the technology and techniques which are shown to work in improving the follow-through of committee recommendations. Together with the Cabinet Office, the Committee Office should be developing official-level dialogue about how both sides of the bargain could be strengthened to ensure that committees are not casting their bread on the waters when they make recommendations to government.**

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28 Institute for Government ([SC50038](#))

29 Science and Technology Committee ([SCA0046](#))

30 Ms Meg Hillier ([SCA0080](#))

31 Global Research Network on Parliaments and People ([SCA0055](#)); Science and Technology Committee ([SCA0046](#))



**Box 2: Impact and follow-up: childhood obesity**

The Health and Social Care Committee has held three inquiries into childhood obesity. The Committee's first report into this in 2015 made just nine key recommendations, most of which concentrated on toughening the regulations around unhealthy food and drink, including a tax on sugary soft drinks, which was introduced a few months later.

The inquiry was timed to report whilst the Government's childhood obesity strategy was under development. The Committee engaged closely with Public Health England (PHE), an executive agency which had prepared an evidence review to inform the Government's strategy, over its decision to delay publication of this review. After repeated requests, including an accountability hearing with the chief executive, the Committee eventually persuaded PHE to publish the review so that its contents were available to the public and campaigners ahead of the Government's strategy.

In the spring of 2017, the Committee held a follow-up inquiry, which was instrumental in persuading the Government publish a "Chapter 2" to its Childhood Obesity strategy, to consider recommendations which the first strategy, in the view of the Committee, had not adequately considered.

The Committee held a further follow-up inquiry in 2018, and produced a targeted report with 10 key recommendations, many of which have now been implemented. Further follow up aims to focus government attention on particular areas of concern, such as widening health inequality in childhood obesity.

***Working in partnership***

37. One way to maximise the impact of our work is to act in partnerships with others inside and outside the House. As well as working more closely with research communities and civil society, we can continue to form effective working relationships across committees through joint working.

38. Select committees already work in a way that is more joined-up than ever before. We have seen a number of concurrent inquiries using the provisions of Standing Order No. 137A.<sup>32</sup> We are particularly pleased the new "guesting" provisions which allow Members of one committee to participate in certain proceedings of another as a "guest" have been so enthusiastically taken up. Other forms of innovative joint working include committees coming together to run deliberative democracy initiatives such as a citizens' assembly on social care in 2018 and now on zero carbon launched earlier this spring. **We hope that as our new joint working practices are embedded, they might be mirrored by similar provisions in the House of Lords, and that their innovative use could provide opportunities for joint working between legislatures.** We also welcome the Defence Committee's initiative of a joint inquiry with its counterpart from the French Assemblée nationale,<sup>33</sup> and are pleased to hear that they are planning further joint inquiries. We look at the case for better inter-parliamentary working below.

32 Liaison Committee, First Report of Session 2017–19, [Changing committee practice and procedure: enhancing effective working](#), HC 922

33 Defence Committee, Thirteenth Report of Session 2017–19, [Future Anti-Ship Missile Systems: Joint inquiry with the Assemblée nationale's Standing Committee on National Defence and the Armed Forces](#), HC 1071, and Assemblée nationale, XVe législature, Commission de la défense, Rapport d'information conjoint, No 1493, [Prochaine génération de missiles anti-navires](#).

## Accountability

### *A feedback loop to the House*

39. Select committees need to be more accountable for their own use of power and resources, for with power comes responsibility. As Dr Hannah White of the Institute for Government told us, once select committees are established, it is up to them to decide how to interpret the role and remit the House has given them, but that:

It would be desirable for there to be a feedback element within that, for the House to take more notice of what it is that this group has gone off to do ... “What has this group of Members made of this opportunity that we have given them, and the resource that they have had?” ... Committees being held to account within the House is a missing aspect of the picture at the moment.<sup>34</sup>

We set out below a series of reforms we believe would improve accountability to the House and to the public.

### *Opportunities for debates on committee activities*

40. At present, select committee reports may be debated on the floor of the House and in Westminster Hall using the following routes:

- application to the Liaison Committee for a debate on Thursday afternoon in Westminster Hall;
- application to the Backbench Business Committee for a Select Committee Statement in the Chamber on a Thursday afternoon;
- application to the Liaison Committee for debate in the Chamber under the swap arrangements currently in place with the Backbench Business Committee for Estimates Day debates.

41. We have found a high level of demand for debates in the Chamber. Demand exceeds supply. This has been a particular frustration when the legislative load has recently been so light. The breadth of the issues which have been brought to the floor of the House through the work of committees is immense. Debates held have covered topics from Customs and Borders, to plastic bottles and disposable coffee cups, through to the long-term funding of adult social care.

42. *The current pilot swap arrangements for Estimates Days have given the Committee access to the agenda on three days a session. We believe this pilot arrangement to have been a success and recommend that it should be embedded in Standing Orders, and we await the outcome of the Procedure Committee’s evaluation of the pilot, which it instituted in January 2018. Given the somewhat elastic length of a parliamentary session, the number of days given to the Liaison Committee should be at least three a year, rather than three a session.*

### Question time for select committee chairs

43. Professor Meg Russell suggested there should be a half hour question time for select committee chairs whenever a report is published:

That would be an opportunity for the chair to showcase what they had just published, but it would also be an opportunity for Members to come along and ask, “Well, why didn’t you look at this? Why didn’t you look at that?” if they felt that the Committee had not focused in the right places. That would be quite a nice umbilical link to have.<sup>35</sup>

We think there is merit in a regular weekly question time in core parliamentary time for the chairs of departmental and other significant committees. If two 15 minute slots could be made available in the Chamber each week, each chair would be subject to questions roughly twice a session. This would do more to link committee business to the Chamber, and provide part of the missing feedback loop.

44. In addition, it would be possible to make use of existing provisions in Standing Orders to allow for oral questions to chairs, and perhaps to chairs and ministers alongside each other, in Westminster Hall.<sup>36</sup> Questions could be tied to cross-cutting themes (such as climate change policy or drugs policy) in a way that is not possible in the Chamber.

45. *We invite the Procedure Committee to come forward with proposals for select committee questions in the Chamber, and to produce a scheme for cross-cutting questions on select committee work to take place at sittings in Westminster Hall.*

### A talking or a working Parliament

46. Certain political scientists have drawn a distinction between “talking” and “working” legislatures. By this they generally define those that are based on the plenary as talking and those that are based on committees as working. Westminster is an essentially plenary-based legislature. But as we have seen, over the last forty years, the committees have come to make up an increasingly vital and prominent part of the House of Commons. The House has been often reluctant and laggardly in recognising this fact. The proposals we make above are only a modest increase in the present arrangements for integrating the work of the committees with the work of the main Chamber more fully. There is a case for a review of procedures in the Chamber to ensure that the work of select committees is sufficiently reflected there. Amendments to legislation tabled in the name of select committees—a change championed by the Procedure Committee in the 2010 Parliament—is one means whereby committee work may be more visibly integrated into legislative activity, and we see no reason why the principle ought not to be extended to amendments to motions. **We would encourage the Procedure Committee, when time allows, to take a long and comprehensive look at the ways in which the select committees reinforce rather than compete with the work of the plenary, and be prepared to make recommendations which would represent a step change in that settlement.** We would, of course, be happy to support such an endeavour.

35 [Q38](#)

36 Standing Order No. 10(6) provides for business in Westminster Hall to include oral questions.

## Annual reports

47. For many years, the Liaison Committee published an annual review of select committees, based on committees' individual annual reports. More recently, the Committee has moved away from this format. In 2012, it explained that it had "encouraged committees to send us a memorandum, setting out what they had achieved during the 2010–12 Parliamentary Session but also reflecting on what could be done better". The Committee has not repeated an annual review since. Although the Committee produced a "legacy report" at the end of the 2010–15 Parliament it was unable to do so before the 2017 snap election.

48. Committees have a number of ways to explain to the public, stakeholders and the House what it has achieved. For example the Science and Technology Committee produced a video in Parliament Week 2018 discussing its role, the impact the Committee had had and what it was working on.<sup>37</sup> ***We recommend that the process of Committees accounting for their performance on an annual basis be reintroduced. Departmental select committees, and those with a policy scrutiny remit, should produce a short, visually engaging output each year. This could be a document making use of data visualisations and infographics to set out key achievements and innovations, statistics and notable examples of impact the committee had had, or it could be a video providing information on these points.***

## Values and behaviours

49. What we do is important and so is the way in which we do it. We want select committees to show Parliament at its best. The House's Behaviour Code applies as much to Members interactions when they are serving on select committees as it does in other elements of their work (see Annex 2). We must also uphold, and be seen to uphold, the seven principles of public life. Chairs have a particular responsibility, as holders of leadership roles, to actively promote and robustly support these principles and be willing to challenge poor behaviour wherever it occurs.

50. The House of Commons Committee Office has recently introduced Standards of Service which set out the role of committee staff and the standards to which they work. Committee staff are members of the House service and their role is to offer politically impartial procedural, policy, administrative and media and communications support to committees. Their professionalism and support is hugely appreciated by chairs and members alike and everyone has a responsibility to make sure that this professionalism is reciprocated. The House has a duty of care to its employees, including ensuring that they do not work excessive hours or be asked to undertake unreasonable tasks or an unreasonable workload. We remind chairs and members of select committees to be mindful of the impact of their decisions on the staff of the House. Staff resource, as well as that of Members, does have a limit.

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37 <https://twitter.com/YourUKParl/status/1062739685838151680?s=20>

## Conclusion

51. Much of the strength of select committees comes from the varied and innovative approach they take to their work. Our recommendations in this chapter seek to build on the flexible approach taken to scrutiny, whilst ensuring that guidance and good practice reflects current interests and concerns. As Professor Tony Wright, former MP and Chair of the Select Committee on Reform of the House of Commons, told us, “select committees are a work in progress; they are not the finished article”.<sup>38</sup> We wish to encourage committees to continue to push the boundaries, within a framework that maximises their impact and effectiveness, while also paying due regard to efficiency in the use of resources. This will require committees to consider trade-offs and make hard choices. That is a key task of politics.

**Box 3: Revised aims and objectives**

**Overall aim:** To hold Ministers and Departments to account, and to investigate matters of public concern where there is a need for accountability to the public through Parliament.

**To deliver this aim our core tasks are:**

- **Policy:** To examine the policy of the department, including areas of emerging policy or where existing policy is deficient, and make recommendations.
- This may include legislative scrutiny, post-legislative scrutiny, and scrutiny of delegated legislation where relevant.
- **Implementation:** To hold departments and arm's-length bodies to account for implementation of committee recommendations. Too often inquiries come up with important recommendations, widely welcomed but left to gather dust on the shelf.
- **Administration:** To examine the administration of departments and their associated public bodies, including scrutiny of their strategy and their performance and management information.
- This includes holding pre-appointment hearings where appropriate.
- **Expenditure:** To inform and support the House's control of public expenditure by examining the expenditure plans, outturn and performance of the department and its public bodies, and the relationships between spending and delivery of outcomes, including effectiveness and value for money.
- **Matters of public concern:** To consider matters of public concern where there is a need for accountability to the public through Parliament, including the actions of organisations or individuals with significant power over the lives of citizens or with wide-reaching public responsibilities.

**To deliver these tasks we will:**

- Hear from those with relevant responsibilities, expertise, knowledge and lived experience, using methods which maximise our ability to engage with a diverse range of people.
- Work in collaboration when appropriate with research communities in the public and charitable sectors to make sure we are well informed, including using reliable and accurate data, and to ensure we use the best research evidence to support our findings.

- Communicate our work in the most transparent and immediate ways which are appropriate through reports, findings, summaries and other means, and by a range of different media, to inform Parliament, to influence Government and hold Ministers and others to account, and to contribute to public understanding and public engagement in democratic debate.
- Follow-up on our findings and recommendations to maximise their impact; returning to subjects where necessary and repeatedly calling Ministers and others to account where responses are insufficient and actions are lacking.
- Make ourselves accountable to the House of Commons and the electorate for how we deliver on these commitments.

### 3 Select committees and the UK's future relationship with the European Union

#### Introduction

52. The UK's future relationship with the European Union has been a dominant theme in the work of select committees since the Government confirmed after the 2015 general election that a referendum on EU membership would be held, preceded by a renegotiation of membership.<sup>39</sup> It has intensified since the referendum and will intensify further if negotiations on the UK's long-term relationship with the EU begin in earnest, or indeed if the UK exits the EU without a deal (a "no-deal" exit).

53. In this chapter, we set out the impact that the evolving EU-UK relationship has already had on select committees and look to the future, noting that the relationship's impact on select committees covers not only our work on EU-UK matters but also the UK's domestic and international agendas. We identify the factors and the principles underpinning that work and, finally, what changes might be considered.

#### Current impact of the EU-UK relationship on select committees

54. Since the UK's accession to the European Communities in 1973, EU law has had a unique status in the UK legal system. It can be automatically applicable and, in certain circumstances, takes precedence over UK domestic law.<sup>40</sup> Commons oversight of EU-UK relations has largely been delegated to the European Scrutiny Committee (ESC).<sup>41</sup> The ESC's work is based on the scrutiny reserve resolution,<sup>42</sup> which prevents any UK Minister giving agreement in the Council or European Council to any proposal for EU legislation where it is still under scrutiny by the ESC or awaiting debate—although the Government can 'override' this reserve if it considers doing so to be justified. Based on legal and policy analysis, the ESC reports politically or legally important EU documents to the House, through its weekly reports, and draws some of them to the attention of relevant departmental select committees, who may then incorporate those documents into their work. The ESC's document scrutiny may include related matters, and so it has inquired into EU withdrawal matters such as dispute resolution, the transition/implementation period and the conduct of negotiations.

39 Cabinet Office, [Queen's Speech 2015](#), 27 May 2015

40 Some forms of EU law such as the EU Treaties and Regulations are "directly applicable". Unlike EU Directives, they do not require implementation in domestic law. EU law is also capable of having "direct effect" if it meets certain conditions. This means that directly effective rights must be directly recognised and enforced in the national courts, even in the absence of correct domestic implementation where this is required. In addition to this indirect enforcement of EU law at national level, EU institutions (principally the Commission and the Court of Justice) have powers to directly enforce EU law which can result in the imposition of fines and penalties. The case law of the Court of Justice must also take precedence over UK laws, including the common law.

41 For further information about this work see House of Commons, "The European Scrutiny System in the House of Commons: A short guide by the staff of the House of Commons European Scrutiny Committee" ([May 2015](#)).

42 [Scrutiny Reserve Resolution](#), Appendix to the House of Commons Standing Orders relating to public business.



55. After the referendum on EU membership, the Exiting the European Union (ExEU) Committee was established to scrutinise the work of the respective department. The Committee set out initially to identify the steps that needed to be taken to plan for leaving the EU. It then proceeded to scrutinise the Article 50 negotiations, the Government's vision for the future UK-EU relationship—including the implications of “no-deal”—and the department's legislative responsibilities. Latterly, the Committee has spent time examining how the Government interacts with Parliament, and how the House of Commons ensures it is involved in important decisions at an appropriate time in the process.

56. Many other select committees have taken an interest in EU matters specific to their areas of competence since the referendum. A wide range of inquiries have been undertaken by departmental select committees, concerning ongoing EU policy as well as the future relationship, the withdrawal agreement, no-deal planning, international policy implications and new domestic policy.

57. Following the passing of the EU (Withdrawal) Act 2018, the European Statutory Instruments Committee was established to assess proposed negative statutory instruments (SIs) tabled under the Act in order to correct deficiencies in EU retained law.<sup>43</sup>

58. The UK's prospective withdrawal from the EU has also already increased international treaty work. The Joint Committee on Human Rights assesses treaties with human rights implications and is expanding its role on treaties.<sup>44</sup> The Commons International Trade Committee has asked for a specific role on future trade treaties.<sup>45</sup> A number of committees are considering the operation of treaty scrutiny, but Parliament's formal role in ratifying treaties remains limited.<sup>46</sup>

## Future tasks for select committees

### *Future relationship negotiations*

59. The then Prime Minister said in correspondence with us that she wanted to ensure that Parliament had an enhanced opportunity to scrutinise and provide input as the Government developed the negotiating mandate for the future UK-EU relationship. This could include, she said, the configuration and responsibilities of select committees.<sup>47</sup> For select committees, the negotiation of the future relationship could provide substantial opportunities for wide-ranging inquiries into all aspects of the future relationship.

43 SIs may be laid under the negative or affirmative procedure. Those laid under the affirmative procedure must be actively approved by both Houses of Parliament while those laid under the negative procedure become law on the day the minister signs them and automatically remain law unless a motion—or ‘prayer’—to reject it is agreed by either House within 40 sitting days.

44 Joint Committee on Human Rights, Seventeenth Report of Session 2017–19, [Human Rights Protections in International Agreements](#), HC 1833 HL Paper 310

45 International Trade Committee, Sixth Report of Session 2017–19, [UK trade policy transparency and scrutiny](#), HC 1043

46 [Parliament's role in ratifying treaties](#), Commons Library Briefing Paper 5855, 17 February 2017

47 [Letter](#) from the Prime Minister to Dr Sarah Wollaston MP, dated 14 January 2019.

### *Scrutiny of the Joint Committee*

60. As well as the future relationship negotiations, the Government has also recognised the need for scrutiny of the work of the Joint Committee (JC) and its Specialised Committees, which would be established under the draft Withdrawal Agreement to supervise the implementation and application of the Agreement.<sup>48</sup> As presently conceived the JC's wide-ranging powers would include the power to extend the transition/implementation period and the power to disapply the backstop, in whole or in part, as long as the conditions to do so had been fulfilled. The draft Withdrawal Agreement provides that not only are these and other decisions of the JC binding on the UK, but they must have the same legal effects as the Withdrawal Agreement itself.

61. Part of the importance of scrutiny of the JC, said the Institute for Government, was that any approach adopted may become the basis for scrutiny of a similar arrangement to govern the future relationship.<sup>49</sup> A suggested approach was to apply a scrutiny reserve to the work of the JC, similar to that currently applicable to the scrutiny of EU legislation.<sup>50</sup> It was also suggested in our evidence<sup>51</sup>—in line with a suggestion by the ESC<sup>52</sup>—that Parliament should establish similar processes to those established for the European Parliament's oversight of the JC. This includes enhanced engagement where the JC might be invited to extend the transition/implementation period or disapply the backstop, in whole or in part.<sup>53</sup> A further way of Parliament engaging with the JC would be to require the Government to place particular issues on the agenda of the JC subject to the EU's consent.<sup>54</sup>

### *Monitoring EU law and policy*

62. Another task for select committees will be that of monitoring EU law and policy.<sup>55</sup> As set out in Annex 1, the impact of new EU law and policy in the UK will diminish over time in all foreseeable exit scenarios, unless the Government were to conclude a future relationship with the EU that involved continued acceptance of all EU laws and participation in all EU policies which the UK currently applies.<sup>56</sup> The volume of material subject to EU legislative scrutiny is therefore likely to reduce. However, it was also accepted that EU law would continue to play a significant role in the UK. This role would vary depending on the phase of the exit process and the nature of the future relationship between the UK and the EU (see Annex 1).

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48 [Letter](#) from Rt Hon. Steve Barclay MP to Sir William Cash, dated 13 May 2019.

49 [SCS 0038](#)

50 Dr Holger Hestermeyer ([Q74](#))

51 Haddon ([Q72](#))

52 European Scrutiny Committee, Sixty-seventh Report HC 301-lxv (2017–19), [chapter 5](#) (5 June 2019).

53 [Commission Declaration](#) (to the European Parliament Plenary) on arrangements for European Parliamentary scrutiny of the Joint Committee, 16 April 2019.

54 [Letter](#) from Sir William Cash MP, Chair of the European Scrutiny Committee and Lord Boswell of Aynho, Chair of the House of Lords EU Committee to Rt Hon. Dominic Raab MP, Secretary of State for Exiting the European Union (24 July 2018).

55 [Letter](#) from Rt Hon. Steve Barclay MP to Sir William Cash, dated 13 May 2019.

56 Self-evidently, in a hypothetical scenario in which the Government revoked Article 50, and the Union accepted that decision, EU law and policy would continue to apply to the UK at present and there would be no reduction in its role in the UK.

63. Should the Withdrawal Agreement negotiated between the UK and the EU be ratified by both Parties, it would include a transition/implementation period lasting until December 2020, which could be extended for a further one or two years. During the transition/implementation period, EU law would with some exceptions continue to apply and have the same legal effects in the UK as at present, but as a matter of international law (see Annex 1). The ESC observed last year that the relevance of EU rules would remain extremely high during this period and therefore that some form of EU legislative scrutiny would still be necessary.<sup>57</sup> This approach was reflected in the material submitted to our inquiry.<sup>58</sup>

64. In addition, Agata Gostyńska-Jakubowska contended that the EU and its laws would continue to have an impact on the UK under any EU exit scenario, including no-deal.<sup>59</sup> This is because varying degrees of alignment between the UK and the EU can be foreseen under different models of the future relationship (see Annex 1).

### *The Scrutiny Reserve*

65. In its publication, “Parliament after Brexit”, the Institute for Government highlighted the need to consider the purpose of, and arrangements for, EU legislative scrutiny post-Brexit.<sup>60</sup> This is because the UK will not have a vote in the institutions of the EU and therefore the Scrutiny Reserve will no longer function in the same way. Consequently, a central purpose of EU legislative scrutiny—to hold the Government to account for its voting position on EU legislative proposals in Council—will fall away.<sup>61</sup> This will also reduce the levels of activity associated with the exercise of the Scrutiny Reserve in relation to the Government’s votes in Council. It will no longer, for example, be necessary for the Committee to produce a report lifting, or waiving, the scrutiny reserve, or declining to do so, each time there is the possibility of a Minister voting for a proposal (or abstaining where voting takes place by unanimity) in the Council. Furthermore, Parliament will lose the ability to issue reasoned opinions to the EU institutions.<sup>62</sup> The ESC is mindful of these changes and has therefore launched an inquiry on how EU legislative scrutiny might evolve, what its outputs might be and what any revised process might require in terms of input.<sup>63</sup>

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57 European Scrutiny Committee, Nineteenth Report of Session 2017–19, [EU Withdrawal: Transitional provisions and dispute resolution](#), HC 763

58 [Q 74](#) [Cygan], Institute for Government ([SCS0038](#)), The Law Society of Scotland ([SCA0054](#)), Hansard Society ([SCA0067](#))

59 Centre for European Reform, [Not so fast! Westminster’s \(continuous\) oversight of European affairs post-Brexit](#), 12 April 2019

60 [Parliament after Brexit](#), Institute for Government, May 2019

61 See “the purpose of the European Scrutiny system” in “The European Scrutiny System in the House of Commons: A short guide by the staff of the House of Commons European Scrutiny Committee” ([May 2015](#)).

62 This is the formal power under the Lisbon Treaty for national parliaments and individual chambers to express their view that the objective of a particular initiative is best achieved by action at the national or local level rather than the EU level (the principle of “subsidiarity”).

63 European Scrutiny Committee inquiry into [Post-Brexit Scrutiny of EU Law and Policy](#)

## UK-EU relations

66. Witnesses noted the important role of external engagement in relation to future UK-EU relations.<sup>64</sup> This should involve: formal and informal links with the EU institutions; relationships with other EU-27 national parliaments; and relations with the devolved legislatures, as policy areas under discussion will intersect with policy areas which are currently devolved within the UK. On links with the EU institutions specifically, the current Political Declaration proposes dialogue between the European Parliament and the UK Parliament. The recent Report from the House of Lords EU Committee, *Beyond Brexit: How to win friends and influence people*, identified several practical issues for Parliament to consider, including: whether any formal mechanism for dialogue should be established; representation of the two Houses and linkages between the work of any delegation and the wider work of the two Houses and their committees.<sup>65</sup>

## Scrutiny by departmental select committees

67. We heard that the UK's future relationship with the EU will have an impact on the volume of policy developed from the UK rather than the EU and so potentially add to committees' workloads.<sup>66</sup> Scrutiny of the work of the Department for Environment, Food and Rural Affairs was identified as an example.<sup>67</sup> It was observed too that committees may need to monitor how the EU's regulatory oversight role is replaced domestically (through a variety of agencies).<sup>68</sup> A further factor which is likely to affect committees' work on domestic law and policy will be the complex interaction between international law, EU law, domestic law and the new category of retained EU law (see Annex 1). Assessing the continued impact of EU law on the UK is likely to be of political interest but will be legally challenging.

## Scrutiny of the development of common frameworks

68. In light of support for the development of common frameworks in policy areas that are currently governed—in full or in part—by EU law, the Government has also recognised the desirability of UK-wide interparliamentary engagement. On 6 February 2019, Sir Bernard Jenkin MP asked whether the Government would provide this Parliament “with the necessary resources so we can institute proper interparliamentary machinery in the United Kingdom?”. The Rt Hon. David Lidington MP responded that the Government “was very open to proposals” and that “if Parliament will lead, the Government will support it”.<sup>69</sup> We note that the development of Common Frameworks will necessitate more mechanisms for effective interparliamentary relations within the UK, and we discuss this issue further in chapter 8.

64 [Q74](#) [Cygan, Simson Caird]

65 House of Lords European Union Committee, 35th Report of Session 2017–19, [Beyond Brexit: how to win friends and influence people](#), HL Paper 322

66 Institute for Government ([SC50038](#)), The Law Society of Scotland ([SCA0054](#)), Hansard Society ([SCA0067](#))

67 Institute for Government ([SC50038](#))

68 [Q72](#) [Haddon], UK in a Changing Europe - Parties, Parliament and the Brexit Process Project ([SCA0049](#)), Institute for Government, [Parliament after Brexit](#), May 2019

69 HC Deb, 6 February 2019, [col 317](#)

## New treaties

69. The UK's withdrawal from the EU would mean that the UK would need to negotiate and conclude a substantial number of new treaties.<sup>70</sup> More UK policy would be set at the international level when responsibility for transnational topics—currently scrutinised by the ESC and by the European Parliament—such as international trade, security, data protection, the environment and fisheries largely returned to the UK.<sup>71</sup> While the existence, extent and significance of those new treaties will largely depend on the nature of the future relationship between the UK and the EU, it is likely that departmental select committees will wish to scrutinise any that are required.

## Future approaches

### Factors and principles

70. As the Institute for Government noted, there is currently a lot of uncertainty about how, when, and perhaps even if, the UK will leave the EU.<sup>72</sup> Under a negotiated exit based on the Withdrawal Agreement, the Political Declaration allows for significant flexibility in the type of relationship between the UK and the EU that could be negotiated, were the UK to revise its “red lines”. Equally, a “no-deal” exit would be unlikely to represent a permanent terminus for EU-UK relations, as the UK would wish to put in place new, preferential bilateral arrangements on a range of issues, and the EU has indicated that it would, before any such arrangements were concluded, insist on the settling of many of the issues which are currently reflected in the Withdrawal Agreement. There is thus the possibility of inertia on the one hand but, on the other, rapid shifts in the post-exit relationships between the UK and EU. This extremely uncertain outlook points to a need for departmental select committees to be flexible and able to adapt rapidly to different scenarios.

71. Our evidence identified several lessons to be learned from the experience of scrutinising the Article 50 negotiations. Uppermost among them was the lack of information provided by the Government to Parliament. Professor Cygan pointed out that select committees expended energy on seeking information “that really should have been presented to the public and put in the public domain more readily”.<sup>73</sup> Jack Simson Caird drew attention to the commitment by the then Secretary of State for Exiting the EU, Rt Hon. David Davis MP, that the Government would “certainly match and, hopefully, improve on what the European Parliament sees”.<sup>74</sup> This promise was not delivered on, he claimed, and many MPs complained that insufficient information was made available.<sup>75</sup>

70 See for example House of Lords European Union Committee, [Scrutiny of international agreements: lessons learned](#), HL Paper 387, para 17

71 Arabella Lang ([SCS0004](#))

72 Institute for Government, [Parliament after Brexit](#), May 2019

73 [Q70](#) [Cygan]

74 Oral evidence taken by the House of Lords European Union Committee on 12 September 2016, [Q14](#)

75 LSE blog, [Does the House of Commons have power without influence?](#), April 2019

72. We also heard concerns about a lack of coordination and therefore duplication of work by select committees.<sup>76</sup> Dr Haddon of the IfG argued that Parliament as a whole needed to think about “how it can use its resources well, ensuring it is delivering as much [as possible] with the resources that it has got”.<sup>77</sup>

73. We anticipate that an important factor shaping the future work of select committees will be the range of matters covered in future negotiations. Based on the commitments set out in the Political Declaration, the scope of the negotiations on the future relationship will be much wider than the Article 50 negotiations, which were devoted to strictly separation issues, such as the financial settlement, citizens’ rights and the Irish border. As the Exiting the EU Committee concluded, the future negotiations will touch “a wide range of aspects of the political and economic future of this country” from data to fisheries to financial services to workers’ rights to security to trade in goods.<sup>78</sup>

74. Another factor that we foresee as relevant is the structure of any negotiations. This is not yet known, but it could be expected to be based on a number of distinct cross-cutting strands or clusters. These could cut across the remits of EU-specific and departmental select committees to an even greater extent than at present, and thus present a significant challenge for scrutiny.<sup>79</sup>

**75. The high degree of uncertainty regarding the future relations between the UK and the EU points towards flexibility as a key principle for how select committees approach their future tasks. As events unfold, committees may have to adapt to ensure that scrutiny remains proportionate to the state of the UK’s relationship with the EU and the rest of the world. Any future relationship negotiations are likely to be wide-ranging and complex. As such, they are likely to engage the interest of most select committees, requiring expert support deployed as efficiently as possible.**

### **Committee structures**

76. There was a clear sense from the testimony of the experts from whom we heard that structural change among committees would help to address the challenges that we have identified. Dr Hestermeyer considered it critical that the institutional structure could work “fluently and flawlessly” in whatever scenario.<sup>80</sup> In his assessment of the process, Jack Simson Caird told us:

... what we have learned is that Brexit is such a complex, multi-level problem—in terms of international law, domestic/constitutional law, delegated legislation, devolution—that it is actually very difficult for existing structures, which are not specifically designed to cope with that sort of problem, to be adapted to.<sup>81</sup>

76 Hestermeyer ([Q70](#)), The Bingham Centre for the Rule of Law ([SCA0068](#))

77 [Q72](#) [Haddon]

78 Exiting the European Union Committee, Sixth Report of session 2017–19, [Parliamentary scrutiny and approval of the Withdrawal Agreement and negotiations on a future relationship](#), HC 1240

79 UK in a Changing Europe Research Hub ([SCA0048](#))

80 [Q74](#)

81 [Q70](#)



77. A number of suggestions have been made as to how committee structures could adapt to support both scrutiny of UK-EU matters specifically and scrutiny of treaties more broadly. Concerning scrutiny of EU-UK matters, the UK in a Changing Europe observed that it would be necessary, during and after any transition/implementation period, both to continue to scrutinise EU legislative proposals and to scrutinise wider UK-EU relations. This could be done either by two separate committees (one being a specialist committee—which could be based on the European Scrutiny Committee—devoted to reviewing the technical legal effect of EU legislative proposals on UK law) or by a single committee undertaking both tasks. Agata Gostyńska-Jakubowska advocated the model of a single committee, noting in particular that this would avoid the current duplication between the work of the Exiting the EU Committee and of the European Scrutiny Committee.<sup>82</sup>

78. The need to involve—and to liaise between—departmental select committees has been recognised as fundamental. The UK in a Changing Europe conceived of a role for the Liaison Committee, suggesting that it could coordinate EU-related inquiries.<sup>83</sup> Another way of achieving coordination, suggested Ms Gostyńska-Jakubowska, would be for each departmental select committee to appoint a “rapporteur” on European matters to liaise with the single European committee. Rapporteurs would update their committees on the work of the single European committee, and act as a channel of communication, both formal (for example, answering requests for information and participating in some of the committee’s inquiries) and informal. Such co-operation, argued Ms Gostyńska-Jakubowska, would ensure that departmental committee recommendations reflect the single European committee expertise and vice versa.

79. Turning to scrutiny of the UK’s international treaties beyond those reached with the EU, Arabella Lang noted that there have been consistent arguments in favour of a joint (House of Lords and House of Commons) committee on international treaties.<sup>84</sup> The House of Lords Constitution Committee concluded in its recent report on *Parliamentary Scrutiny of Treaties* that “a dedicated treaty committee is required to provide effective parliamentary scrutiny of treaties”. It noted that there was a choice to be made—by the Liaison Committees of both Houses—between establishing a treaty committee in either or both Houses, or establishing a joint committee, and that there were advantages and disadvantages of each approach.<sup>85</sup>

80. Dr Haddon noted that there was a fundamental question about how a single treaty committee would work with departmental select committees.<sup>86</sup> Dr Hestermeyer supported the concept of a joint committee, noting that the House of Commons currently has more power over the process but—counter-intuitively—undertakes less scrutiny of international treaties.<sup>87</sup> He also, however, acknowledged the question of interaction with departmental select committees.

82 Centre for European Reform, [Not so fast! Westminster’s \(continuous\) oversight of European affairs post-Brexit](#), 12 April 2019

83 UK in a Changing Europe ([SCS 0049](#))

84 [SCS 0004](#)

85 House of Lords Select Committee on the Constitution, 20th Report of Session 2017–19, [Parliamentary Scrutiny of Treaties](#), HL Paper 345

86 [Q72](#)

87 [Q74](#)

81. The need to coordinate between committees in relation to international treaties is similar to that identified for UK-EU matters. Dr Hestermeyer and Dr Simson Caird suggested that the Liaison Committee might also play a role in coordinating between committees, potentially by way of a Sub-Committee.<sup>88</sup>

82. **We agree that there is scope to adapt committee structures in response to the challenges presented by the evolving UK-EU relationship. While acknowledging that committee structures are linked to decisions about the machinery of government, we also conclude that we must respond to the deep uncertainty which is—and will remain—a factor for some time.**

83. **One option which we believe requires further investigation is the creation of a single integrated European committee to provide oversight of EU-UK matters.** Such a committee would need the flexibility to scale up or down aspects of all areas of its activity responsively as events unfolded, thus mitigating the risk of potentially disruptive reorganisations at different phases in the withdrawal process. This more integrated approach could also help to avoid gaps and overlaps, enabling deeper integration between the different elements of EU-UK oversight. Externally, it would also help to ensure consistent interparliamentary engagement on EU-UK matters both internationally and within the UK. Finally, it could assist with deployment of the existing EU legal and policy staff resource more efficiently, facilitating its availability for all committees.

84. **Further work is also required to consider the appropriate model for future treaty scrutiny and the Liaison Committees of both Houses should hold internal discussions to take this forward. Options for consideration include the establishment of a joint “treaties” committee of both Houses.** Such a committee would focus on treaties between the UK and non-EU partners, and adopt a largely sifting role, drawing significant documents/treaties to the attention of the relevant committees and thus allowing them to focus on the most contentious documents/treaties affecting their remit. It could also perform an important role in developing expertise in the parliamentary treaty scrutiny process and sharing best practice, and as a central point of contact on treaties in Parliament.

## Resources

85. To tackle the identified issue about a failure to deploy specialist resources efficiently, Dr Simson Caird suggested a staff unit, bringing together those with Brexit-related expertise and ensuring that the expertise is available widely across select committees.<sup>89</sup> Such a staff unit could help support—he said—external relations activity with the EU-27 parliaments and the European Parliament.

86. **We recommend that the Committee Office give thought to the requirement for expertise and its consequences on models for staffing committees, considering the range and uncertainty of demands. This must reflect not only the demands of EU and international work, but also the expanded workload deriving from any potential return of policy competence from the EU level to the domestic level. To meet the needs of the committees as a whole, it is therefore imperative that any new arrangements are designed to make the most flexible and efficient use of existing resources, so that EU and international legal and policy expertise can be deployed to best effect.**

88 [Q74](#), The Bingham Centre for the Rule of Law ([SCA0068](#))

89 [Q74](#)



## Information provision

87. Whatever structures are in place, the Government should ensure Parliament has sufficient information to conduct its scrutiny effectively. As the Hansard Society told us, there needs to be a common understanding of the documentation and information that will be automatically provided to Parliament.<sup>90</sup>

88. To tackle the risk of information gaps, Dr Simson Caird suggested that a framework agreement be reached between Parliament and Government on information provision. This, he said, should set out the rules on which the Government and committees will interact for that period when information will be supplied.<sup>91</sup> The Lords EU Committee has recently set out detailed recommendations on treaty information, including a presumption in favour of transparency during treaty negotiations.<sup>92</sup>

89. ***We recommend the development of a Framework Agreement between both Houses of Parliament and the Government on providing information on treaty negotiations and conclusion.*** We commend the model agreement which Arabella Lang from the House's Parliaments and Treaties hub has submitted to this inquiry.<sup>93</sup>

## Conclusion

90. Given the uncertain nature of the EU exit process, future parliamentary oversight of UK-EU matters across a wide range of issues will need to be dynamic, cohesive, collaborative and flexible. As far as possible, we should seek to avoid the duplication that has been an arguably inevitable feature of committee work during scrutiny of the Article 50 negotiations. Flexibility means that we should consider structures which allow committees to adapt rapidly to different scenarios and should seek to avoid the disruption which would occur if oversight arrangements had to be revisited at successive phases of the exit process. There are a variety of models available to achieve this, taking account too of how an increased volume of international treaties should be scrutinised. ***Discussions must now take place between the Liaison Committees of both Houses, with input from the Leaders of each House, to determine the next chapter in the House's oversight of UK-EU relations, whatever form they take and at whatever pace of change.***

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90 Hansard Society [SCA 0067](#)

91 [Q74](#)

92 House of Lords European Union Committee, 42nd Report of Session 2017–19, [Scrutiny of international agreements: lessons learned](#), HL Paper 387, para 30 ff

93 Parliament and Treaties Hub, House of Commons ([SCA0083](#))

## 4 Evidence, engagement and research

### Introduction

91. The flow of information into committees is central to their scrutiny work. This information is largely gathered through written and oral submissions, which is then evaluated to form conclusions and recommendations. Through engaging with diverse voices, listening to experts and those with lived-experience and by gathering public opinion, we are able to engage with the public as well as produce well-evidenced reports. The weight and influence of committees' findings is largely due to this process. As these inputs are so crucial to our work, we asked whether select committees were getting the right evidence, and what barriers there were to them getting the information they need.

92. This chapter first sets out how a range of views or evidence could be used to help shape inquiry choices, and terms of reference. It then looks at how committees take formal evidence, including matters relating to witness diversity and the witness experience. It then considers the way in which diverse views from the public can be gathered and used to inform recommendations and conclusions. Lastly, it looks at how select committees engage with academic research evidence to inform their work.

### Inputting into inquiry topics

93. In the preceding chapter, we recommended that committees take time to consider how they will prioritise issues over the course of the Parliament, engaging their stakeholders in these discussions and publishing their proposals for areas of work. The current lack of transparency about how inquiries are chosen can leave committees open to some criticism, with the Policy Impact Unit at UCL STEaPP noting that there can be “a perception that committees are selecting their own pet topics for investigation, or that they have been successfully lobbied by groups with vested interests”.<sup>94</sup>

94. Consulting on inquiry topics can be a way of deepening the relationship between parliamentarians and the public.<sup>95</sup> The Science and Technology Committee's My Science inquiries and the Scottish Affairs Committee's My Scottish Affairs inquiries are examples of this kind of innovative and good practice. The House's Research and Information (R&I) and Participation teams noted that, if the public is consulted and a committee actively pursues one of the ideas put forward, then it would demonstrate a “clear connection between consulting the public and impact on the Committee's work”.<sup>96</sup> By engaging stakeholders, the questions asked by committees are likely to be more pertinent to the policy community.<sup>97</sup> Clearly, there will need to be a balance and committees should also clarify if there are areas that they do not feel are best considered by a select committee but by another body with more appropriate expertise.

95. Allocating more time to scoping and consulting on inquiry topics would also allow gaps in the research evidence to be identified. As the House of Commons R&I and Participation teams again told us, more time could be given to determining “what is already known, what the gaps are, how best to fill them, and how the inquiry process will

94 UCL STEaPP ([SCS0042](#))

95 Global Research Network on Parliaments and People ([SCA0055](#))

96 Research and Information, Participation - House of Commons ([SCS0045](#))

97 Dr Danielle Beswick ([SCS0036](#))

help shape recommendations. This will better inform the scope, terms of reference and call for evidence, as well as how to identify witnesses that could fill in the gaps and initial questions”.<sup>98</sup>

96. Committees are also more likely to hear from a wider range of voices if they give sufficient time for their stakeholders to engage. We were struck by the evidence given by Ruth Chambers from the Green Alliance and Kayley Hignell from Citizens’ Advice who emphasised that their organisations needed at least four to six weeks to prepare submissions. The longer they had, the more chance there was that they could use their own networks to provide a research base for their submissions. Early notice and planning is key. Kayley Hignell told us that “[e]ven if it was a sense of a pipeline of inquiries—not necessarily tied down, just topics of interest, perhaps—it would allow us to prep earlier, or at least look at our priorities and where we are putting our resources”.<sup>99</sup> This is a proposal that ties in with our earlier recommendation on the development of “Areas of Research Interest”. ***Where possible, committees should seek to build in opportunities for stakeholders to engage in their work, such as consulting on inquiry topics. Timescales should be set to enable those with limited resources to respond. This includes allowing sufficient time for them to prepare written submissions or to prepare for an oral evidence session.***

#### Box 4: Crowdsourcing topics for inquiries

The Science and Technology Committee carried out My Science inquiries in 2017 and 2019. Using social media platforms, the public were invited, via written submissions or through video submissions using #MyScienceInquiry on Twitter, to put forward their ideas on what the committee should launch an inquiry. Submissions covered a broad range of subjects and came from individuals, universities, learned societies, charities, and civil society organisations. The Committee shortlisted submissions and invited shortlisted submitters to pitch their proposal in person to the Committee. The Committee subsequently launched some of these as full inquiries and acted on the others through writing letters to Ministers and incorporating relevant questions into future evidence sessions. The Scottish Affairs Committee used a similar method to carry out their My Scottish Affairs inquiry project in 2017.

## Formal “evidence”

97. The word “evidence” in the context of select committee work has a particular meaning, and we consider the use of this term in chapter 6 when we discuss the language of committees. Formal evidence accepted by a select committee, either in writing or orally, allows committees to draw on the information in their reports. It also puts the information in the public domain with the protection of parliamentary privilege—the vast majority of evidence is published on the internet, with oral evidence available to watch on parliamentlive.tv. Even though the uniquely privileged position select committees enjoyed forty years ago has to a degree been eroded by freedom of information legislation, open government policies and online access to data, it remains one of the great advantages of the select committee system that the committees enjoy unrivalled access to information both through the respect they command as organs of the House and the goodwill they earn through their record of influence and impact.

98 Research and Information, Participation - House of Commons ([SCS0045](#))

99 [Q48](#)

98. The Science and Technology Committee highlighted the issue of witness interests. Subsequent to, but not related to, an appearance of a witness to that Committee allegations were made in the media about the witness's interests. The Science and Technology Committee now informally asks witnesses in evidence sessions and those submitting written evidence to declare their interests and called for "consistent practice to apply across all Select Committees" on witness declaration of interests:

99. In particular, it would be helpful for witnesses to be asked to make clear whether any interest (financial or non-financial) they have does, or could be perceived to, affect their evidence. This could be achieved by:

- All those who submit written evidence being asked to proactively highlight any relevant interests that they have and the nature of those interests (such as the interests of clients of a consultancy company). Where the witness holds a public office position, they should also highlight any overlap between their interests and that role, and how that overlap is managed; and
- All those who provide oral evidence being asked proactively at the start of the evidence session to declare any interests and the nature of those interests. Where the witness holds a public office position, they should also highlight any overlap between their interests and that role, and how that overlap is managed.

100. *We recommend that by the end of March 2020 the Committee Office should make proposals to the Liaison Committee on how a system for witnesses declaring interests could work and what procedural changes, decisions of the House and guidance would be needed to enable such a process.*

### **Written evidence—format**

101. Written submissions form a large part of the evidence base of an inquiry and shape its depth and direction and the identity of those invited to give oral evidence. Any barriers at this stage in the evidence gathering process are therefore critical.

102. Currently, written evidence must be submitted in Microsoft Word, be under 3000 words and contain as few pictures as possible; requirements which, as the Web and Publications Unit (WPU) noted, have been in place for over 20 years.<sup>100</sup> When people widely and regularly use audio, video and photography to convey information—and technology means they can do so with ease—these requirements appear increasingly out-of-date.<sup>101</sup> They have also hampered the work of some committees, requiring staff on the Digital, Culture, Media and Sport (DCMS) Committee to transcribe video files received during its Fake News and Disinformation inquiry before they could be accepted as evidence. The Chair of the Committee, Damian Collins MP, said that "this diminished the impact of the evidence as it was taken out of the most appropriate format, impacted the credibility of the Committee in the sectors that it operates in, and was a poor use of Committee staff time".<sup>102</sup> The WPU also noted that transcription was unsatisfactory and could not convey "the full range of human communication through non-verbal means".<sup>103</sup>

100 Web and Publications Unit ([SCS0043](#))

101 Web and Publications Unit ([SCS0043](#))

102 Digital, Culture, Media and Sport Committee ([SCS0044](#))

103 Web and Publications Unit ([SCS0043](#))

103. The Welsh Assembly accepts and publishes evidence in audio and video format and has done since 2012 when the relevant Standing Order was amended to remove the reference to “written” material.<sup>104</sup> As a result, all material submitted to committees—including video and audio clips and images—is privileged and the public is invited to submit “digital evidence” in response to calls for evidence.<sup>105</sup> Accordingly, the views of the public gathered through audio and video recording by their Outreach team is also formal evidence. The House of Commons’ Select Committee Engagement Team called for the same approach to be applied to the information they gather through public engagement.<sup>106</sup> Recently, they have been conducting ‘go-to democracy’, bringing the views of the public to the committee; for example, filming fishermen at the harbourside for the Northern Ireland Affairs Committee and interviewing shoppers about ‘toxic chemicals and everyday life’ for the Environmental Audit Committee.

104. **Select committees are now operating in a very different media and communications environment, where information is conveyed as much through audio, video and image as the written word. *Whatever its medium or format, information submitted to committees which they then seek to publish by order of the House ought to be recognised as formal evidence. The House must take the necessary steps to bring about this change.* We invite the Procedure Committee to identify and recommend to the House any changes in the House’s practices that would be necessary to achieve this. For our part, we commit to establishing a protocol to ensure that such material is used appropriately by select committees seeking to report it, for instance by ensuring that all parties to an audio recording have consented to the reporting of such material.** We have set out a possible change to Standing Orders in Annex 2 and invite the Procedure Committee to consider it.

105. We also heard that the current requirements could be preventing members of the public from engaging with the work of committees. The WPU said that they posed “educational, technical and personal” barriers which, although easy for organisations and the ‘usual suspects’ to comply with, “denie[d] many citizens a voice in inquiries”:

Requiring written documents assumes a level of literacy that many in the UK [...] do not possess [...] For many people a long, written document will be an extremely daunting task, and an insurmountable barrier to entry. Microsoft’s software packages start at £59.99 per year [...] Parents, carers, and people in inflexible employment patterns may struggle to find time to compose a long, written document<sup>107</sup>

Yet committees often want to hear how members of the public are affected by the matters under their consideration. The WPU suggested that an online form inviting responses via a series of text boxes could encourage people to contribute and help them structure their submissions, thereby making them easier for staff to analyse.<sup>108</sup> Nesta also recommended having an online form which could combine survey questions as well as free text answers.<sup>109</sup>

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104 National Assembly for Wales Business Committee, [Proposed Amendments to Standing Orders: Private Bills and Miscellaneous Changes](#), June 2012

105 National Assembly for Wales, [Assembly Business: Getting involved with committees](#), Edition 3, March 2017

106 Research and Information, Participation - House of Commons ([SCS0045](#))

107 Web and Publications Unit ([SCS0043](#))

108 Web and Publications Unit ([SCS0043](#))

109 Nesta ([SCA0071](#))

106. To our knowledge, there has been no analysis of the extent to which members of the public submit either written or oral evidence to inquiries. From our own experience we know that they are most likely to contribute where they have direct or ‘lived’ experience of an issue or have been adversely affected by a policy in some way. Even then, they are likely to be in a minority. We note, however, that calls for evidence occasionally elicit a very large public response; for example, the Housing, Communities and Local Government Committee’s inquiry on leasehold reform which received over 800 written submissions from leaseholders. Although consultations with hard-to-reach groups conducted for us by the Outreach Team revealed a keenness among the public to engage with committees, barriers to doing so included “not understanding the jargon”, “lack of confidence”, “not knowing how to get involved”, as well as a lack of IT skills and access to a computer.

**107. We recognise that we need to make it as easy as possible for members of the public to engage in our work. However, the current requirements for submitting written evidence pose barriers which prevent this from happening. *An online form with a series of text boxes to help structure the submission could encourage contributions from members of the public. We recommend that this should be trialled by the Web and Publications Unit over the next twelve months.***

### Oral evidence

108. Hearing oral evidence is a widely recognised aspect of select committee work. It is a key tool, allowing us to gather information, delve into the details of a topic and, in the case of government officials and others in positions of power and influence, to hold them to account under sustained cross-examination. The openness of the process sends an important signal that committees are transparent, open to a range of views and operating in the public interest. In this section, we reflect on what we heard about witnesses’ experiences of giving evidence.

### Experiences of giving evidence

109. Our witnesses come from all backgrounds and walks of life, but we see witnesses as falling into two broad groups. ‘Professional’ witnesses who give evidence in connection with their job role, responsibilities or area of research. Some will have had significant experience in a senior role, be used to public speaking and may have given evidence before, and some will not. Alongside these, and increasingly, committees seek to hear from members of the public who are ‘non-professional’ witnesses whose expertise relates to their lived experience.<sup>110</sup>

110. Whatever a person’s background, giving evidence is challenging, described variously by our witnesses as “intimidating”,<sup>111</sup> “tough”,<sup>112</sup> “daunting”<sup>113</sup> and “a big deal”.<sup>114</sup> You are being asked to give immediate answers to often challenging questions during a live broadcast on the record.<sup>115</sup> In addition, as Ruth Chambers of Green Alliance noted, if you are representing an organisation, you “want to do a good job [...] you really feel that kind

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110 [Q33](#)

111 [UCL \(SCS0008\)](#)

112 [Q32](#)

113 [Q55](#)

114 [Q55](#)

115 [Q32](#)



of weight behind you”.<sup>116</sup> All this takes place in a formal and imposing setting, both within the committee room with its ‘horseshoe’ and witness table set-up and beyond.<sup>117</sup> For many, the experience of visiting Parliament—with its armed police and security measures—let alone appearing before a select committee, can be intimidating.<sup>118</sup> The experience will be more challenging for our non-professional witnesses who may be visiting Parliament for the first time, may not be familiar with the way committees work or have the support of an organisation behind them.

111. We heard mixed reports about witnesses’ actual experiences of giving oral evidence. UCL Public Policy said that the experience of the 25 UCL academics and researchers they contacted who had given oral evidence was “generally positive”.<sup>119</sup> This was also the case for the staff at the Institute for Government who had given evidence.<sup>120</sup> And, despite a significant proportion (54%) of the 410 witnesses surveyed by LSE Government Department students finding their session “very” or “somewhat intimidating”, 93% of them still found it “very” or “somewhat enjoyable”.<sup>121</sup> Very few (under 2%) said they would avoid giving evidence again and 74% said they would actively volunteer to do so. The majority of respondents also felt that they had been given the opportunity to put their points across, that the chair guided the session well and that it was focused and well-organised.

112. However, for some, the experience was not a positive one. Although this happened only once in ten years of appearing before committees, Dr Ruth Fox of the Hansard Society recounted a “very bad experience [...] over a lengthy period of time” which resulted in an apology from the chair and the clerk.<sup>122</sup> Professor Emma Crewe and Dr Ayesha Saddiqi said that, despite appearing as “friendly witnesses”, the tone taken by committee members ranged from “respectful to the opposite”.<sup>123</sup> And witnesses from the 2013–14 session interviewed by Dr Marc Geddes said that they had been treated in a way that was “far more political than they had expected or wanted given that they had attended to impart information”.<sup>124</sup>

113. On a separate but related point, Ruth Chambers of the Green Alliance told us that pausing the session to allow members to vote, sometimes several times in a row, was “terribly demoralising for a witness, who may have psyched themselves up to come to give evidence in a stressful environment”.<sup>125</sup> **We note how discourteous it can appear to witnesses and how disruptive it can be for them to have to pause an evidence session when the division bell rings. Many witnesses travel long distances to give evidence and the House should consider how its voting procedures could be modified to reduce this disruption, including trialling the use of electronic voting posts in committee rooms.**

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116 [Q57](#)

117 Dr Danielle Beswick ([SCS0036](#))

118 Professor Matthew Flinders ([SCA0053](#))

119 UCL ([SCS0008](#))

120 Institute for Government ([SCS0038](#))

121 LSE blog, ‘[Speaking truth to power’ in Select Committees: what is the experience like for external evidence givers?](#), 16 July 2019

122 [Q33](#)

123 Global Research Network on Parliaments and People ([SCA0055](#))

124 Dr Marc Geddes ([SCS0023](#))

125 [Q50](#)

114. The style of questioning adopted by committee members can have an impact on the quality of the evidence gathered. Professor Emma Crewe and Dr Ayesha Saddiqi observed that, while adversarial “court-style” questioning can be appropriate when holding a witness to account, a “more gentle and (where possible) discursive style generates more interesting engagement”.<sup>126</sup> The Institute for Government said that questions intended to gather information were the most fruitful, and that those aimed at scoring political points could lead to witnesses feeling more on edge and being more guarded.<sup>127</sup> Their assessment, of which we take note, was that committee members vary in their ability to ask effective questions and elicit useful information.

115. We believe that it is entirely appropriate, and at times a responsibility, to subject certain witnesses to tough questioning in a formal setting. We want to put certain witnesses in the “hot seat”,<sup>128</sup> for them to have to prepare for their appearance<sup>129</sup> and to “test [their] competence”.<sup>130</sup> But we want all witnesses to be able to give their best evidence, and to feel they have been treated with courtesy and respect. Otherwise, we risk damaging the reputation of select committees and discouraging potential witnesses from participating. It is also important for members to pay attention to witnesses and be ‘in the room’, rather than distracted repeatedly by electronic devices.

116. *The UK Parliament’s Behaviour Code, which sets out shared behavioural expectations for the parliamentary community, applies just as much to the way we treat witnesses and those attending our public engagement sessions, as it does to our treatment of each other and House staff.*

117. *In order to improve the quality and effectiveness of questioning by select committees, further effort should be made to renew the mentoring and training for select committee members and chairs. This might include a new “chair’s mentoring scheme” run peer-to-peer but facilitated by the House. It might also be worth exploring the possibility of a 360 degree feedback scheme for committees which asks witnesses, special advisers, and key stakeholders, for honest (and anonymised) reflections on an annual basis. Members should agree in advance how they will deal with other communications, including social media, during committee hearings and be mindful of the impact on witnesses if members are not paying attention to their evidence.*

### Support for witnesses

118. Before an evidence session, it is good practice for a member of committee staff to offer each witness a telephone briefing covering what to expect on the day, the likely questions and answering any of their queries. We heard that witnesses valued having this briefing<sup>131</sup> and the 25 academics and researchers contacted by UCL Public Policy about their experiences of giving evidence emphasised how helpful committee staff were in this regard.<sup>132</sup> However, we heard that there was inconsistent practice across committees in terms of giving witnesses the questions in advance.<sup>133</sup> Ruth Chambers of Green Alliance

126 Global Research Network on Parliaments and People ([SCA0055](#))

127 IfG

128 [Q32](#)

129 [Q13](#)

130 [Q4](#)

131 Institute for Government ([SCS0038](#)); UCL ([SCS0008](#))

132 UCL ([SCS0008](#))

133 UK in a Changing Europe Research Hub ([SCA0048](#)); [Q57](#)



recommended this approach or “at least giv[ing] the broad areas [...] to settle nerves and lead to better quality evidence”.<sup>134</sup> Comparisons were made with the House of Lords where questions are provided in advance which we heard made it a “much more comfortable, less frightening environment”.<sup>135</sup>

119. Members of the public giving evidence, particularly young or vulnerable people or those with disabilities, will need more support prior to giving evidence and on-the-day. For example, the Health and Social Care Committee team said that, beforehand, they had had “detailed discussions” with witnesses who had been bereaved by suicide and briefed their committee members on the approach to take when questioning them, including the use of language.<sup>136</sup> The Royal Mencap Society described how they had worked with different committee teams to support people with a learning disability to give oral evidence, saying that it required “preparation, support, understanding and sometimes a longer timescale”.<sup>137</sup> The box below contains an extract from their written submission which sets out useful advice for committees on how to create an inclusive oral evidence session.

**Box 5: An extract from The Royal Mencap Society’s written submission**

To have a learning disability, that is to say to have an intellectual disability, can mean difficulty in responding to questions on the spot as well as understanding complex phrases, jargon, acronyms, abstract phrases and so on. The key to addressing this is support and preparation [...]

Committee members ‘sticking to the script’ is helpful, that is to say asking questions in the order people are expecting and using the same wording of the question the witness is expecting. It may of course be that a committee member wishes to ask a follow up supplementary question, but making it clear it is supplementary and not from the ‘script’ is again helpful. We have found that a ‘double act’ with supporter sitting next to the witness works well as they can help the witness find their place on the ‘script’ should the discussion stray as well as in some cases ‘translate’ supplementary questions [...]. An awareness among committee members is important and they are given tips and advice on creating an inclusive session—for example not using complex language, jargon etc. In some cases, it can be easier for the witness to read out more of a statement, rather than take questions as the interactive nature Q&As could still prove challenging [...]. We have also found that sending a copy of the witnesses’ responses ahead to committee members is helpful. This was particularly useful as one of the people we supported also had a speech impairment and we wanted to ensure everyone could engage fully with her testimony.

134 [Q57](#)

135 [Q32](#)

136 Health and Social Care Committee Team ([SCA0047](#))

137 Royal Mencap Society ([SCA0065](#))

120. We were also told that a “practical meet and greet” on arrival could really make a difference to a witness’ experience.<sup>138</sup> Ruth Chambers of Green Alliance recounted an example of when this had been done well by a committee in the House of Lords:

One member of the secretariat was outside the room to meet and greet witnesses. They had a little iPad that showed the seating plan and told people where to go in the room—a small thing but it makes a difference—and they talked through how the Committee session would be run. Then the Chairman came out and introduced himself [...] It was really no more than setting the mood music, but [...] it really made a difference.<sup>139</sup>

Although not a formal routine, we often take time speak to witnesses before or after a session to put them at ease or thank them for their time. For example, when taking evidence from young people with special educational needs and disabilities earlier this year, the Education Committee suspended the session between each panel to allow time for the young people to settle in and for introductions and to answer their questions.<sup>140</sup> Furthermore, to thank them for their contribution, committee staff will sometimes arrange for witnesses to watch a debate in the Chamber or have a tour of the Palace of Westminster after the session.

**121. Those appearing before committees in person should be supported to give the best account they can. This means offering all such people a telephone briefing and, unless committees feel that their status and the topic on which they are giving evidence should preclude it, giving them guidance on the likely questions or topics in advance. There should be no theological anguish amongst committee staff about whether or not this might trespass on the zone of contempt of the House. Chairs should also consider taking steps to put witnesses at ease before a session, greeting witnesses on their arrival, introducing themselves and setting the scene.**

### *Format of public hearings*

122. Most public sessions of committees are held with committee members sat around the horseshoe and witnesses at the table in front of them. This formal layout, reminiscent of a judicial inquiry with the focus on the witness, can aid our questioning and holding to account in certain circumstances. However, as we heard, it does “not lend [itself] to a particularly friendly atmosphere for somebody who is not at all used to it”.<sup>141</sup> Professor Matthew Flinders of the University of Sheffield said that “creat[ing] a less formal and legalistic atmosphere [is] absolutely critical when it comes to engaging with younger people or individuals from hard to reach sections of society”.<sup>142</sup>

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138 [Q57](#)

139 [Q57](#)

140 Education Committee ([SCA0063](#))

141 [Q33](#)

142 Professor Matthew Flinders ([SCA0053](#))

123. Committees have diverged from this format on various occasions, seating everyone around the horseshoe and table to make those taking part feel more comfortable.<sup>143</sup> The Education Committee said that their recent roundtable session had enabled them to have an “in-depth conversation” with their interlocutors and to hear from more of them at once.<sup>144</sup> Ruth Chambers of Green Alliance said that, in her experience, a roundtable format helped less experienced participants provide better evidence: “you feel part of a conversation and discussion, and you contribute rather differently as a result”.<sup>145</sup>

124. Video link is another way of enabling witnesses who might otherwise find it difficult, for example due to personal circumstances or limitations on their ability to travel, to give oral evidence. Dr Danielle Beswick said it held “significant promise as a technology for engaging a more diverse range of witnesses [...] allow[ing] committees to take formal oral evidence from vulnerable and disadvantaged groups in other countries, and from uniquely qualified and experts and practitioners overseas”.<sup>146</sup> Despite the potential benefits, her research revealed that its use by committees has been “sporadic”.<sup>147</sup> The International Development Committee, which has used video-link in the past, said it was “perceived as being difficult, expensive, vulnerable to glitches and/or complicated”, suggesting that this was a barrier to its wider use among committees.<sup>148</sup> They called for video-conferencing technology to be made permanently available in a dedicated room on the Estate along with interpretation facilities.

**125. Committees’ needs must be considered in both the design of the temporary House and planning our future return to Parliament. We need flexible spaces which can be easily adapted so we can take evidence in different formats and there must be ready access to reliable, and preferably permanently situated, video-conferencing facilities.**

126. We currently use private seminars as a way of increasing our understanding or delving into the technicalities of a particular topic. Professor Meg Russell suggested that this could be a less intimidating way of taking evidence from non-professional participants, reversing the presumption that such “evidence” should be taken on the record.<sup>149</sup> She suggested that we consider this a “trade-off between quality of evidence and transparency”. **Hansard does not currently transcribe informal proceedings, but having a record of such sessions is extremely valuable. We recommend that Hansard be resourced and therefore enabled to provide this support.**

### *Witness diversity*

127. Witness gender diversity was a common theme of the evidence we received and an issue which this Committee has a particular and recurrent interest in. The gender data we publish each session shows that far fewer women are witnesses, only 37% of discretionary witnesses in 2017–19.<sup>150</sup> This proportion is, however, growing, rising from 29% in 2015–16.

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143 Petitions Committee ([SCS0039](#)); Education Committee ([SCA0063](#))

144 Education Committee ([SCA0063](#))

145 [Q57](#)

146 Dr Danielle Beswick ([SCA0069](#))

147 Dr Danielle Beswick ([SCA0069](#))

148 International Development Committee ([SCA0051](#))

149 [Q35](#)

150 The data covers the period up 30 November 2018. Liaison Committee, [Gender diversity statistics, April - November 2018](#), December 2018

128. The increase in the number of female witnesses is likely to be attributable to the efforts of committees, as well as hopefully to wider changes in society. These efforts include placing witness diversity statements on webpages and in communications with witnesses and offering extra spaces on panels to organisations if they can improve the diversity. In addition, the convention agreed in our recent report, *Witness gender diversity*, has set a specific goal that, by the end of this Parliament, at least 40% of our discretionary witnesses should be female and that a panel of three or more discretionary witnesses should normally include at least one woman.<sup>151</sup> We restate this aim and encourage committees to continue their efforts and share good practice on the steps they have taken to increase witness diversity. We also have further to go on BAME representation and this should also be an area of focus.

129. The Business, Energy and Industrial Strategy (BEIS) Committee said that, despite their strong encouragement, it was often difficult to secure gender diversity among their witnesses due to the energy sector being male-dominated at senior levels.<sup>152</sup> They said that companies and organisations also had a duty to consider witness diversity and the public image of “regular unremittingly male panels”, recommending that the guidance for witnesses<sup>153</sup> be updated to reflect this.<sup>154</sup> We wholeheartedly agree. **When deciding who to put forward as witnesses, organisations should share and respect our commitment to diversity and consider how a lack of diversity among their representatives might appear to the wider public and reflect on their sector.**

130. Returning to the data we collect, we note its weakness in that it does not capture witness’ self-declared gender but is instead based on the judgement of the committee team. Also, there is anecdotal evidence to suggest that the category of ‘non-discretionary’ witnesses (people who appear because they hold a particular position, namely Ministers and key office holders) is interpreted differently by different committees.<sup>155</sup>

131. Moreover, we fully appreciate that the data we currently collect is very limited. We were told that committees should also be monitoring age, ethnicity, disability status, nationality, geography and income,<sup>156</sup> and Professor Emma Crewe and Dr Ayesha Saddiqi suggested that this could be done by giving witnesses a form to fill in when they give evidence.<sup>157</sup> This could also be a way of collecting feedback on oral evidence session, as currently happens in the Scottish Parliament.<sup>158</sup> ***We recommend that steps should be taken by the Committee Office to gather wider data on witness diversity and witnesses’ feedback on oral evidence sessions, possibly by way of a questionnaire sent to witnesses after a session.***

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151 Liaison Committee, Second Report of Session 2017–19, *Witness Gender Diversity*, HC 1033

152 Business, Energy and Industrial Strategy Committee ([SCS0041](#))

153 House of Commons, [Guide for witnesses giving written or oral evidence to a House of Commons select committee](#), updated February 2016

154 See also Hugh Bochel ([SCS0018](#))

155 Dr Danielle Beswick ([SCS0036](#))

156 Global Research Network on Parliaments and People ([SCA0055](#)), Dr Danielle Beswick ([SCS0036](#))

157 Global Research Network on Parliaments and People ([SCA0055](#))

158 Institute for Government ([SCS0038](#))

## Public engagement: listening to those with lived-experience

### Introduction

132. We are convinced of the value of and need for public engagement—both face-to-face and digital—seeing it very much as a listening activity rather than an occasion to “broadcast” about the work of Parliament.<sup>159</sup> As well as allowing us to hear how members of the public are affected by the issues we are exploring, it creates a much richer, more diverse information base, balancing what we hear from professional stakeholders who most often contribute to inquiries.<sup>160</sup> The Petitions Committee, which frequently undertakes public engagement, said that it led to “better informed debates and inquiries”, providing them with the expertise of people with lived experience.<sup>161</sup>

133. The amount of public engagement undertaken by committees has risen sharply in recent years, from 18 face-to-face events or activities (with a total of 575 attendees) arranged by the Select Committee Engagement Team (SCET) in 2016–17 to 36 (with 1227 attendees) in 2018–19.<sup>162</sup> Committees are continually innovating in their approach, moving beyond the familiar roundtable and ‘town hall’ methods to deliberative workshops, using voting pods and ‘go to democracy’. Committees also make frequent use of digital engagement, launching web forums or online surveys around 3 or 4 times a month to find out more about the public’s views on an issue.

134. As demonstrated by the case studies accompanying this section, committees, the SCET and the Web and Publications Unit are using public engagement to gather the information they need in a way that suits their audience. Furthermore, by harnessing the support of the Outreach Team, the SCET have been able to access ‘hard to reach’ audiences.<sup>163</sup> However, the assessment of Professor Cristina Leston-Bandeira and her colleagues at the University of Leeds was that, while there was “much to celebrate”, there was “still further work to do”.<sup>164</sup> The evidence from the SCET and others also highlighted various ways in which current practice could be developed and enhanced.<sup>165</sup> We consider these in the sections below.

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159 University of Leeds ([SCS0035](#))

160 University of Leeds ([SCS0035](#)); The Involve Foundation ([SCA0070](#)); Research and Information, Participation - House of Commons ([SCS0045](#))

161 Petitions Committee ([SCS0039](#))

162 Research and Information, Participation - House of Commons ([SCS0045](#))

163 The Outreach Team, which has 12 officers based in different regions across the UK, targets hard-to-reach audiences, delivering workshops about how Parliament works and how to get involved.

164 University of Leeds ([SCS0035](#))

165 Research and Information, Participation - House of Commons ([SCS0045](#))

**Box 6: The Science and Technology Committee: using multiple channels of engagement to hear from a hard-to-reach audience**

In 2018 the Science and Technology Committee ran an inquiry into the impact of social media and screen use on young people's health. The nature of the topic area meant that it was important for the committee to hear the experiences and views of young people directly. In order to do this, the committee used three different engagement methods.

A deliberative workshop between committee staff and a visiting school to Parliament (the school were already booked in for a visit to Parliament's Education Centre). This consultation allowed the committee to hear directly from 25 students aged 13–16 about their views on social media and screen use.

Through the use of voting pods, 942 young people (aged 8–16) visiting the Education Centre at Parliament and those being visited by Education and Engagement Outreach Officer across the UK, were anonymously polled. Using Turning Point software, questions and multiple-choice answers related to the inquiry were displayed on the screen, the participants then gave their answers anonymously via their own voting pod. The aggregate data from the multiple groups taking part was collected and combined and used by the committee as part of their inquiry.

The Committee and the Select Committee Engagement Team worked together to create and publicise a distributed dialogue pack, a lesson plan designed to capture the views of young people on the impact of social media. The distributed dialogue packs were publicised through the Education and Engagement newsletter, Teacher Ambassadors, Twitter feeds and visiting groups to the Education Centre. The Committee shared the pack with MPs and encouraged them to share it with schools in their constituencies. The pack was used and completed by 21 schools, providing the Committee with the views of over 3000 young people.

By using three different methods of engagement, the committee was able to gather both quantitative and qualitative information from a wide range of young people from different areas of the UK. Another benefit is that these methods taught young people, who may not otherwise have been aware, about the value of select committees and their work. Moreover, it empowered the participants to actively feed into the work of Parliament; after learning about it, they then had the chance to be part of it.

***Enhancing current practice******Taking a more purposeful approach***

135. As we discussed in chapter 2, a strategic or “purposeful” approach to public engagement, which entails taking the time to plan or “fram[e]” public engagement in the context of an inquiry and consider how best it could contribute, is needed.<sup>166</sup> Involve, a leading public participation charity, highlighted the benefits of having a “clear brief”, setting out a series of questions which, if considered at the outset with sufficient lead-in time, would help to ensure public engagement generated useful evidence.<sup>167</sup> These included asking what the committee wants to learn, who the committee wants to hear from and by

166 Research and Information, Participation - House of Commons ([SCS0045](#))

167 The Involve Foundation ([SCA0070](#))



when and in what format the findings should be presented.<sup>168</sup> We also heard that giving more thought to when public engagement should take place within the inquiry process would be helpful. Some of the committee chairs interviewed by Dr Danielle Beswick for her research reported that it came “frustratingly late in the process when much of the formal evidence had been taken”.<sup>169</sup>

136. It is also important to emphasise that, for public engagement to be successful and generate useful information, consideration needs to be given to the method used.<sup>170</sup> Thinking about the “brief” described above,<sup>171</sup> as well as the audience’s needs and how they could best input their views,<sup>172</sup> will help committees and their staff to identify the most appropriate method. We believe that committees are doing this effectively with advice and support from the SCET. For example, the evidence from the Petitions Committee demonstrated their use of a wide range of methods—face-to-face and digital—chosen to suit the particular audience.<sup>173</sup>

### *Increasing accessibility*

137. The timing and location of events, the financial implications of attending and the use of complex language and jargon are factors which can limit the accessibility of public engagement to participants.<sup>174</sup> We were concerned to hear the SCET say that the timing of our events, usually on weekdays, and the fact that participants were volunteering their time meant a wide range of people were being excluded.<sup>175</sup> The many competing demands on our time, and the need for us to be in Westminster on certain days of the week, do limit our ability to travel, and while we cover participants’ travel expenses, particularly those with caring responsibilities, we are not able to reimburse them for their time. Nor do we have a budget at present to help people attend our more informal engagement activities beyond Westminster. ***We recommend that the Committee Office explores the costs and constraints on widening the scope of the “witness expenses” arrangements to embrace a wider range of events both in Westminster and beyond and brings forward costed proposals for enhancing this capacity.***

138. The alternative proposed by the SCET is for them to go to the public and gather their views via filming and audio recording. As discussed earlier, this approach would be greatly facilitated by recognising film and audio recording as formal evidence.

### *Other outputs*

139. Some committees also use topical letters to respond flexibly to topical issues, for example publishing correspondence with Ministers and other stakeholders. We welcome this, and encourage committees to supplement the standard process of inquiries and reports by other less formal initiatives.

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168 The Involve Foundation ([SCA0070](#))

169 Dr Danielle Beswick ([SCS0036](#))

170 Including round table discussions; deliberative workshops; open space technology, filmed semi-structured interviews; conversation cafés, world cafés, distributed dialogues, go-to democracy and pyramid events.

171 The Involve Foundation ([SCA0070](#))

172 Research and Information, Participation - House of Commons ([SCS0045](#))

173 Petitions Committee ([SCS0039](#))

174 The Involve Foundation ([SCA0070](#))

175 Research and Information, Participation - House of Commons ([SCS0045](#))

**Box 7: The Environmental Audit Committee: going to where people are**

Select committees are exploring ways that engagement can be designed to best suit the audiences they are trying to reach. Engagement methods have been used by the Environmental Audit Committee, whereby information is collected from people where they are rather than expecting them to make the journey to Westminster.

In May 2019, the Environmental Audit Committee used a form of ‘go to democracy’. Staff from the committee together with engagement staff went to an IKEA in London and a shopping centre in Leeds to gain insight into the public’s awareness around issues to do with their inquiry into ‘toxic chemicals and everyday life.’ Staff spoke to 160 people as they shopped, using a survey as the basis for conversation and writing notes on key comments from these discussions. Some of these participants were filmed and these clips can be shared with Members of the committee or on social media to promote the inquiry. By using this method, the committee gained the public’s true and instinctive opinion on the issue. Moreover, it allowed them to hear directly from their target audience of ‘consumers’ and engaged with people who probably would not have got involved in the inquiry but were given the option to do so by the committee going to where they already were.

Some individuals may feel uncomfortable discussing their experiences of sensitive topics in front of a group. Equally, they may feel uneasy about the lack of anonymity provided with filmed interviews. To overcome this barrier to engagement, the Environmental Audit Committee used a Dictaphone to record informal interviews as part of their Sustainable Development Goals in the UK follow-up inquiry. In November 2018, committee staff and engagement staff visited social supermarkets and community hubs in London and Yorkshire. During these visits they conducted interviews with users of these services and volunteers at the centre. The recordings of these interviews allowed the committee to consider evidence from those actually experiencing hunger in the UK providing a stronger sense of the human impact of food insecurity.

140. Good facilitation of public engagement also promotes accessibility, helping participants to put forward their views with confidence and ensuring those with louder voices do not dominate the discussion and that everyone feels they have been listened to. Committee members generally facilitate discussions, but sometimes it falls to committee staff. This is a role which requires specialist skills and can be difficult, particularly when the subject under discussion arouses strong feelings. **We agree with the SCET that committee members and staff would benefit from receiving training in how to facilitate public engagement events.**<sup>176</sup>



## Monitoring and recording

141. Professor Leston-Bandeira and her colleagues observed that the monitoring of public engagement across committees seemed “relatively underdeveloped”.<sup>177</sup> Although the SCET collects data on activities, methods and participants, which is then regularly reported to the Committee Office, there is currently no “embedded institutional process” of the kind recommended by these academics.<sup>178</sup> To this end, Nesta recommended creating an “engagement register”, a “simple, shareable resource” which evaluated different activities and recorded success.<sup>179</sup> This could also be consulted by staff, some of whom Nesta had observed had a low awareness of the different methods being used by other committees. We note Involve’s suggestion that a “quick-reference guide” for committee staff setting out method descriptions and case studies could be helpful.<sup>180</sup> ***We recommend that the Committee Office and Select Committee Engagement Team together find a way to capture, record and evaluate, in a way that can easily shared and accessed by different teams, the range of digital and face-to-face public engagement activities being undertaken by committees and how these can be used more effectively.*** The monthly analytics retrospective produced by the Web and Publications Unit which presents data on committees’ online activities could feed into this.

142. We also heard that it was difficult for the public to develop a rounded picture of committees’ public engagement activities,<sup>181</sup> which is perhaps why some of our witnesses were not aware of the extent of the work being done.<sup>182</sup> As Involve observed, the information is “not easily available—certainly not all in one place”.<sup>183</sup> This is a great pity as committees and the SCET deserve recognition for their public engagement work and keenness to innovate in this regard, and we hope that this report provides an insight into the excellent work being done and that our annual reports will also start to tell this story.

## Reporting

143. We are aware that public engagement is not consistently recorded and presented in committee reports. Several submissions highlighted this, saying that the views gathered “don’t always seem to inform reports directly and explicitly”,<sup>184</sup> that there was “uncertainty and inconsistency of practice”<sup>185</sup> as to how the information should be incorporated and that sometimes it was “hidden in the annex”.<sup>186</sup> Proposals to address this included recording public engagement in a dedicated section of the report<sup>187</sup> and clearer and more systematic integration of the information obtained within the text of the report itself, showing how it influenced the committee’s deliberations.<sup>188</sup> We note that the Petitions Committee’s reports draw heavily on the personal stories they hear when consulting the public,<sup>189</sup> and we commend this approach.

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177 University of Leeds ([SCS0035](#))

178 University of Leeds ([SCS0035](#))

179 Nesta ([SCA0071](#))

180 The Involve Foundation ([SCA0070](#))

181 Dr Catherine Bochel ([SCS0019](#))

182 [Q49](#) [Ed Cox]; [Q40](#) [Ruth Fox]

183 The Involve Foundation ([SCA0070](#))

184 University of Leeds ([SCS0035](#))

185 The Involve Foundation ([SCA0070](#))

186 Nesta ([SCA0071](#))

187 University of Leeds ([SCS0035](#)), The Involve Foundation ([SCA0070](#)) and Nesta ([SCA0071](#))

188 University of Leeds ([SCS0035](#)) and Dr Catherine Bochel ([SCS0019](#))

189 Petitions Committee ([SCS0039](#))

## Feedback

144. **Providing feedback to participants after public engagement is very important.** The SCET explained that the value was “not only in making the participants feel that their opinion and time have been valued [and] encouraging them to participate again in the future, but [that] select committees have an important role to play in helping to change the public’s perception of Parliament”.<sup>190</sup> We heard, however, that practice across committees—which includes thanking participants in the Chamber, by email and on social media and sending them reports—was “by no means consistent”.<sup>191</sup> And, although there were positive stories to tell about how the information gathered had shaped committees’ thinking, they were not reaching participants.<sup>192</sup> Nesta suggested having a “more formalised public engagement ‘response’” which could be in a digital format “delivered personally by either senior committee staff, or the chair on larger-scale engagements, summarising how submissions were used and how they influenced the final inquiry recommendations to the Government”.<sup>193</sup>

## Digital engagement

145. Committees are increasingly using digital engagement—for example, web forums, online surveys, digital debates, Twitter and Facebook—to gather the views of the public. These tools enable committees to reach large numbers of people, including members of targeted groups, quickly and without the barriers which we referred to in paragraph 105. By way of illustration, a web forum opened by the Petitions Committee inviting the public’s views on funding for research on brain tumours attracted 1,100 responses in five days,<sup>194</sup> and web forums on Boxing Day shopping and on PIP and ESA attracted around 8000 and 2800 comments respectively. Online surveys are also proving to be a popular way for committees to gauge public opinion on an issue. To encourage a good response rate, these are often promoted by external organisations or via Twitter for a fee. Committees make efforts to recognise the public’s contributions through digital engagement; for example, after using Instagram Stories to promote the Health and Social Care Committee’s recent survey into sexual health services (which had over 400 responses) the results were presented in a visually engaging article.<sup>195</sup>

146. Although sometimes hosted on external websites, such as Mumsnet and Money Saving Expert, web forums are most often located on parliament.uk, which has the benefit of being a neutral space clearly linked to the UK Parliament. However, we heard that, much like the website itself, the tool was outdated and not user friendly.<sup>196</sup> Nesta suggested it could be improved by enabling dialogue between users, having a search function and allowing staff to determine whether it should be open to the public or private.<sup>197</sup> Some committees have trialled the engagement tool, Discourse, which facilitates dialogue between contributors (see box 8 below). Nesta gave us a useful insight into how other parliaments were approaching digital engagement and some of the other different tools available:

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190 Research and Information, Participation - House of Commons ([SCS0045](#))

191 University of Leeds ([SCS0035](#))

192 Research and Information, Participation - House of Commons ([SCS0045](#))

193 Nesta ([SCA0071](#))

194 Petitions Committee ([SCS0039](#))

195 [houseofcommons.shorthandstories.com/health-and-social-care-sexual-health-services/](https://houseofcommons.shorthandstories.com/health-and-social-care-sexual-health-services/)

196 University of Leeds ([SCS0035](#))

197 Nesta ([SCA0071](#))

The Welsh National Assembly has been successful using proprietary forum tool, Dialogue, for running online consultations involving small-medium sized crowds. [...] the Brazilian Chamber of Deputies [...] uses open-source forum tool, Discourse [...] Another tool called Your Priorities—used in a pilot project by the French National Assembly and by the Scottish Parliament—is specifically designed to encourage more consensual style of online conversation. Wikisurveys are another promising area for large-scale crowdsourcing of ideas and opinions [...].<sup>198</sup>

They also made the point that that Parliament's new website, which is currently under construction, should be designed to accommodate, or at least facilitate, the use of different engagement tools if so desired. We agree. **Digital engagement is an increasingly useful tool for committees, enabling us to hear directly from large numbers of people and specific sections of the public. Work should begin between the Parliamentary Digital Service and Web and Publications Unit to trial new digital engagement tools and ensure that the new website can facilitate the use of a range of these.**

147. We are keen to make increased use of digital engagement but note the challenges in terms of analysing the often very large amounts of information generated and ensuring its representativeness and reliability.<sup>199</sup> As noted earlier in this chapter, as with all public engagement, the results should clearly feed into the inquiry and be presented in the eventual report. It is fair to say, however, that committee staff do not generally have the specialist computational skills, tools or time to analyse large amounts of data. Acknowledging this, Professor Leston-Bandeira and her colleagues suggested help could be sought from the Parliamentary Digital Service or a case be made for expanding the WPU or SCET to include staff with these skills.<sup>200</sup> **We note that the research budget could be used to commission analysis from an external organisation of the data gathered from digital engagement and would endorse this approach where taken,** but we also note that development of a greater in-house capability may be worth exploring. This is another area where better resourcing of central services for committees might benefit all select committees.

**Box 8: The Work and Pensions Committee's web forum on Personal Independence Payments and Employment and Support Allowance**

In 2017, the Work and Pensions Committee opened a web forum on PIP and ESA Assessments where any member of the public could comment; it received over 2,500 responses. It used these responses to formulate recommendations on compulsory audio recordings of PIP and ESA assessments to restore trust and improve accountability. Widely covered in news media, the forum is still one of the most visited committee pages on the parliamentary website each month. The Department for Work and Pensions accepted the recommendations in their response, highlighting the role of the forum in coming to this decision.

198 Nesta ([SCA0071](#))

199 Hugh Bochel ([SCS0018](#))

200 University of Leeds ([SCS0035](#))

**Box 9: Piloting the digital engagement tool, Discourse**

The Transport Committee and the Environment Audit Committee ran a pilot of the digital engagement tool, Discourse, in May 2019. Discourse is an online forum where people can discuss issues around an inquiry. Users are able to moderate themselves by liking or flagging comments, and deleting their own comments. The public had two weeks to share their thoughts on three topic areas relating to the specific inquiry. The Transport Committee used their pavement parking inquiry and had 108 comments with 95 unique participants. This platform was advertised through Facebook and via relevant stakeholders. This enabled the Committee to connect with people who they may not have reached with conventional methods to add to the evidence already received.

**Box 10: The Women and Equalities Committee's 'evidence check' and web forum on sexual harassment in schools**

For their 2016 inquiry into sexual harassment in schools, the Women and Equalities Committee invited the public's views on the Department for Education's assessment of the scale of sexual harassment in schools. They also used a web forum to crowdsource scrutiny, and heard from teachers, academics and charities. The participants disagreed with the Department's assessment, arguing that they had significantly underestimated how widespread sexual harassment in schools was, and the Government was forced to reassess and provide a more accurate figure. This exercise was named a global pioneer in digital democracy by Nesta.<sup>201</sup>

***Deliberative public engagement***

148. 'Deliberative' or 'participatory' public engagement (sometimes known as 'mini publics') bring together representative samples of the public to learn about, discuss and reach conclusions on certain topics. The topics chosen are usually those that have proven politically intractable or address moral or constitutional issues and where knowing the public's views would create space for political consensus and a solution to be found.<sup>202</sup> Mini publics vary in size: 'citizens' assemblies' typically have 50 to 150 participants, while 'citizens' juries' are smaller in scale, and 'citizens' panels' which meet over a longer period of time can be small or large.<sup>203</sup> The duration depends on the complexity of the topic, the amount of information participants need to hear and the decisions they are being asked to make—requiring a day, a weekend or sometimes longer. This method was first employed by the UK Parliament in 2018 when the Health and Social Care Committee and the Housing, Communities and Local Government Committee held a Citizens' Assembly on Social Care (CASC) as part of their joint inquiry on the long-term funding of adult social care (see the box below for more details).

149. This type of public engagement is undoubtedly resource intensive, requiring dedicated staff time for design, delivery and facilitation and for participants' expenses to be covered. The CASC was only made possible due to donations from two charitable foundations in addition to funding from the committee research budget. However, the benefits it brought

201 Nesta, [Six pioneers in digital democracy](#), accessed on 18 June 2019

202 The Involve Foundation ([SCA0070](#))

203 The Involve Foundation ([SCA0070](#))

to the inquiry and the weight it added to the committees' recommendations make a strong case for the wider use of mini publics where the topic is appropriate, and we look forward to seeing the results of the citizens' assembly on net-zero being held this autumn.<sup>204</sup> The House of Commons R&I and Participation team suggested that a cost-effective approach could be to use in-house resources and try "lighter touch" deliberative methods.<sup>205</sup> We note that earlier this year the Scottish Parliament held its first citizens' jury, on funding and advice for land management, which was designed and delivered in-house. *The House should consider how knowledge and learning on citizens' assemblies and other types of deliberative public engagement should best be captured, recorded and shared with a view to undertaking such activities more easily in the future.*

**Box 21: Health and Social Care Committee and Housing, Communities and Local Government Committee inquiry on the long-term funding of adult social care**

In 2018, the Health and Social Care Committee and Housing, Communities and Local Government Committee undertook a joint inquiry on the long-term funding of adult social care in England. As part of the inquiry, the committees commissioned a citizens' assembly. The Citizens' Assembly on Social Care (CASC) brought together a representative group of 47 members of the public who, over two weekends in April and May, worked through a three-step process of learning, discussion and deliberation and reaching conclusions about their preferred ways forward. A team of professional facilitators supported this process, ensuring that everyone was heard and felt comfortable participating.

The CASC made a range of recommendations, which were fed into the inquiry and considered by the committees alongside the written and oral evidence. Hearing the public's wishes, helped the committees to agree a set of bold recommendations about the future funding of social care. Key recommendations which the CASC influenced included that the personal element of social care should eventually be delivered free to everyone who needs it and that additional funding should be raised by a 'Social Care Premium' paid by people between the ages of 40 and 65. The assembly also helped to clarify likely areas of resistance to certain possible policy recommendations; for example, on the inclusion of housing assets.

## Future research and development

150. The evidence from Professor Leston-Bandeira and her colleagues referred to the need for a "more systemic approach" to public engagement.<sup>206</sup> Having consistent and agreed processes in place for monitoring, recording and reporting on public engagement and feeding back—as discussed earlier—would facilitate this. Closer and more joined up working, and making use of the skills and systems beyond the Committee Office, would also help. For example, we have a great deal to learn from the Petitions Committee and could make more use of the fact that they could help us (with appropriate consents) to reach the public through their database of petitioners.<sup>207</sup> The SCET has been working with Parliamentary Outreach and making use of their network to access hard to reach audiences and enable them to feed into committees' inquiries. There may be scope to do

204 UK Parliament, [Select Committees announce plans for Citizens' Assembly](#), 20 June 2019

205 Research and Information, Participation - House of Commons ([SCS0045](#))

206 University of Leeds ([SCS0035](#))

207 University of Leeds ([SCS0035](#))

more of this and make use of the skills and resources in other teams across the House; for example, the Parliamentary Digital Service could provide support with the creation of digital engagement tools and the Evaluation and Insight team could provide support with analysing and interpreting the data collected. **In general, what we heard during this inquiry underlined the need for greater research, development and knowledge exchange capacity within the Committee Office, and better connections between the Select Committee Outreach Service and this capacity.**

## Research evidence

151. Select committees also use the word “evidence” in a more traditional way—in the sense of “research evidence” provided largely, but not exclusively, by academic communities. We heard some concerns that select committees were not able to gain access to a diverse range of research information, and that they were not always able to make best use of the research that was available. We believe there is great merit in effective use of research information with best practice available.

## Evidence checks

152. The Government often assembles research evidence in its policy making process which would be of great value to committees’ work. However, this research is not always publicly available and can be hard to find.<sup>208</sup> A number of those who gave evidence to our inquiry suggested that this was an area where select committees could focus their attention. They could “reverse the sequence” by asking a department to provide its evidence base before an inquiry began.<sup>209</sup> They could conduct “evidence checks”—an innovation which has been led by work by the Education Committee and Science and Technology Committee have already done. **We endorse the use of evidence checks by select committees and encourage a wider range of committees to consider their use where appropriate. We would like government to be more open to sharing its own evidence base with select committees.**

<sup>208</sup> Transforming Evidence ([SCS0017](#))

<sup>209</sup> AsSIST-UK ([SCA0061](#))



**Box 32: Evidence checks**

Originally driven by the Science & Technology (S&T) Committee in 2005, Evidence Checks have since been undertaken by the Education Committee (in 2014), Women and Equalities Committee (2016, called a Fact Check) and again by the S&T Committee (in 2016). The model has differed between committees but each has used it to encourage departments to be more transparent about the evidence base for policy decisions and to open this up to wider scrutiny. For example, the Education Committee asked the department to produce two-page summaries of its use of evidence in nine policy areas. The department's responses were then posted on a series of online web forums hosted on the Parliament website, with the public invited to comment on "the strength of the evidence provided". The web forum posts were then reviewed and used to identify policy areas that would be the subject of oral evidence sessions.

***Research centres and syntheses of evidence***

153. Select committee recommendations and conclusions are often at their strongest when they use cutting-edge and expert academic research. Connecting select committees to research communities, and synthesising academic study for non-specialist audiences is vital. There have been several successful approaches taken to this work which we commend, and which we would encourage UK Research and Innovation (UKRI) to use as a model for future engagement.

154. UK in a Changing Europe is a research hub, funded by the Economic and Social Research Council, to provide an authoritative, non-partisan and impartial reference point for those looking for information and analysis about UK-EU relations. The hub is a one-stop shop for all things Brexit, enabling committees across multiple policy areas to find evidence to inform their work. The Centre's affiliated researchers have submitted oral and written evidence over 100 times since its inception in 2015.<sup>210</sup>

155. We also have found the Cabinet Office-led What Works Network (WWN) is a key source of high-quality evidence synthesis across a broad range of policy areas. UKRI stated that "select committees have not been the target audience for these centres but the synthesis of evidence is likely to be of interest and use to committees where relevant to their inquiries".<sup>211</sup> The National Institute for Health Research's Policy Research Units, and systematic reviews facilities, such as the EPPI-centre at the UCL Institute of Education, were also highlighted as important sources.<sup>212</sup>

156. For Transforming Evidence, the evidence needs of committees were unique and required engagement with multiple evidence "clearinghouse" organisations because "existing evidence production and clearinghouse organisations can act as sources of evidence, but existing models such as the What Works Centres are unlikely to supply what scrutiny requires, being too narrow, solutions-focused, and unrepresentative of the scope of public debate".<sup>213</sup> AsSIST-UK noted too that committees would benefit from using different forms of evidence, including both syntheses of evidence on "what works" in specific programmes and interventions and that enables "a sense of how prior experience and deeper historical experience can be reflected on to shape the future".<sup>214</sup>

210 UK in a Changing Europe Research Hub ([SCA0048](#))

211 UK Research and Innovation ([SCA0052](#))

212 Transforming Evidence ([SCS0017](#))

213 Transforming Evidence ([SCS0017](#))

214 AsSIST-UK ([SCA0061](#))

157. R&I and Participation highlighted that in-house services of the Parliamentary Office of Science and Technology (POST) include conducting rapid evidence reviews for select committees and suggested that this be done more routinely.<sup>215</sup> The Health and Social Care Committee team noted that “our Committee regularly commissions work from POST which makes a valuable contribution to our work”.<sup>216</sup> Several submissions also noted a role for POST in signposting committees to relevant existing evidence, as part of a wider information or evidence infrastructure with external partners to meet the evidence needs of select committees.<sup>217</sup> **We welcome the positive contribution that the Parliamentary Office of Science and Technology makes to the work of select committees. However, efforts to make best use of the research capacity and knowledge of academic institutions and other research based organisations must continue. We recommend that POST, the Committee Office, UKRI and the other research councils, along with the major charitable research funding foundations build more systematic and better understood structures within which co-operation between select committees and the wider research community can be more effectively enabled and enhanced.**

### **Diversity in research evidence**

158. It is clear to us that issues around a lack of diversity in stakeholder engagement and the prominence of the “usual suspects” applies as much to diversity of research expertise as across other stakeholder groups. This appears to be particularly the case for the academic sector, which is both underrepresented when compared to other stakeholder groups, and unrepresentative of the breadth of the academic research community.<sup>218</sup> UCL Public Policy recommended that: “All select committees should seek to increase the diversity of the expertise with which they engage, including academic expertise, in terms of gender, ethnicity, career stage, geographical location and social background of witnesses and advisers.”<sup>219</sup> Suggestions as to how to increase diversity of research expertise centred on academia and included training, fellowships, informal engagement, brokerage functions and culture change.

159. The House’s Knowledge Exchange Team, based in POST, which is part funded by the ESRC, delivers regional training events with universities on how to engage with Parliament, helping connect select committees with academics in a wider range of institutions and different levels of seniority. UKRI suggested that it would be useful to “assess the role that outreach and regional visits are playing in building connections with leading researchers”.<sup>220</sup> We agree, and **we recommend that work with UKRI and other relevant bodies in building connections with the research community through outreach and the use of fellowships, secondments and short-term attachments be taken forward by POST and the Committee Office.**

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215 Research and Information, Participation - House of Commons ([SCS0045](#))

216 Health and Social Care Committee Team ([SCA0047](#))

217 Transforming Evidence ([SCS0017](#)), AsSIST-UK ([SCA0061](#)), UK Research and Innovation ([SCA0052](#)), Global Research Network on Parliaments and People ([SCA0055](#)), Universities Policy Engagement Network (UPEN) ([SCA0060](#)), Scottish Policy and Research Exchange ([SCA0077](#))

218 Research and Information, Participation - House of Commons ([SCS0045](#)); Dr Marc Geddes ([SCS0023](#)); Scottish Policy and Research Exchange ([SCA0077](#)); UCL ([SCS0008](#)); Global Research Network on Parliaments and People ([SCA0055](#))

219 Constitution Unit, UCL ([SCA0056](#))

220 UK Research and Innovation ([SCA0052](#))



160. POST also runs internships and placements which enhance researchers' understanding of parliamentary processes, as well as providing access to research expertise for select committees. Some schemes are also run externally, including the Cambridge Science and Policy Fellowships, UCL Policy Fellowships, the Hansard Scholars scheme and the Royal Society pairing scheme. These schemes received praise from committees which had been associated with them.<sup>221</sup> We would support further investment both within Parliament, and from external organisations, in fellowship and internship schemes.

161. Increasing access to a diverse range of research evidence will also require change from within the sector itself. The “impact agenda” in the Research Excellence Frameworks (REF) have incentivised higher education institutions to think much harder about the real-world effect of their research. Partly as a result of work from within Parliament, the REF 2021 has acknowledged influencing public debate and scrutiny as a key indicator of impact. The various research hubs which are seeking to develop links between policy makers and academia need to interact in a more systematic way with select committees to help identify academic witnesses who can provide a greater diversity and range of perspectives, as well as building long term links with committees. As UCL STEaPP argued:

Research funders need to take the first step, making funding for policy-relevant research contingent on demonstration of planned policy engagement. Universities need to take the second step by establishing policy impact units to assist their researchers in maximising their engagement with policymakers.<sup>222</sup>

162. Committees also need to make their own contribution. Consultation on topics for inquiries, and the publication of Areas of Research Interest as highlighted in chapter 2 above, would make it much easier for research communities to engage with select committee scrutiny. So too would setting realistic deadlines for providing evidence and having a strategic long-term plan for their inquiries. Lastly, committees should also do more to demonstrate when expert advice has been vital in their work.<sup>223</sup> As the House's R&I and Participation Team told us:

A mechanism or acknowledgement of how evidence is used in an inquiry would be very helpful in closing the circle and encouraging re-engagement in the future. This would also help in academics being recognised by their Institution for the work they put into submissions, a lack of recognition being seen as a barrier in a recent survey conducted by POST.<sup>224</sup>

### **Working with the charitable sector**

163. The resource of publicly-funded research in higher education institutions is not the place where important evidence is accumulated. The Association of Charitable Foundations reminded us that its 380 members collectively hold assets of around £50bn and give over £2.5bn annually—much of it to support research which is close to those who are directly experiencing or directly involved in ameliorating some of the most intractable issues we face. They told us:

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221 Joint Committee on Human Rights ([SCA0074](#)), International Development Committee ([SCA0051](#))

222 UCL STEaPP ([SCS0042](#))

223 Institute for Government ([SCS0038](#))

224 Research and Information, Participation - House of Commons ([SCS0045](#))

Foundations have a distinct ‘helicopter’ view of civil society and the impact of the policy environment within their fields, as well as insight into the reality on the ground. Foundations have long-standing experience and expertise across a broad range of issues, are unbound by political or market cycles and, as charities themselves, they are strictly non-partisan. Foundations also have specialist knowledge about funding practices and mechanisms for supporting civil society.<sup>225</sup>

They also told us that their research, being close to practitioners, could often identify gaps in policy, develop new approaches and ways of working, and spot trends that may otherwise be missed, and recommended that select committees should draw on their experience and expertise, believing that they could make a unique contribution to the evidence base and to policy-making. They provided some examples of where foundations had already engaged closely and collaboratively with select committees and enabled much deeper engagement with those with direct experience of working within the current policy framework. The ACF noted that:

... several foundations are already taking up the opportunities presented by select committees as a lever to effect change. But there may be a lack of awareness of the impact that engaging with select committees can have in influencing policy. This may be a barrier to select committees accessing a broad range of evidence and information. Encouraging more foundations to feed into these processes would be valuable in ensuring diverse perspectives and robust evidence are heard and utilised by select committees.<sup>226</sup>

We agree. This is another area where best practice in some committees could valuably be generalised but where awareness also needs to be raised amongst the kind of organisations which are beneficiaries of the foundations’ funding. *We recommend that the Committee Office act upon the Association of Charitable Foundation’s offer to facilitate better engagement with the charitable research foundations and that this function is also assigned to the Office’s central knowledge exchange capacity, working together with POST.*

### **Funding for research**

164. The House of Commons puts aside a modest sum of money to pay for commissioned research for committees. It is often used for small pieces of discrete research, but recently was used to pay for part of the Citizens’ Assembly on Adult Social Care (although this was only viable with co-funding from some charitable foundations). We have recently secured an increase in the annual commissioned research budget for committees.

165. However, by comparison with other research-based organisation that sum is microscopic. UK Research and Innovation has a total budget of more than £7 billion. At a more realistically comparable level, the UK in a Changing Europe programme alone has a budget of £3.19 million for 2019–2022. This compares to our own budget for commissioning research which in 2019–20 will be £200,000. **The most effective way for Committees to access research is to find ways to work in partnership with, and gain access to, not only the outputs of our publicly-funded research sector but also to its inputs, helping**

225 Association of Charitable Foundations ([SCA0066](#))

226 Association of Charitable Foundations ([SCA0066](#))

**to influence (but not seeking to control) the priorities of the research funders and the criteria used in awarding grants. The publicly funded research sector should also continue to recognise the value in contributing to public debate and parliamentary scrutiny, and to reward academic institutions which contribute to this goal.**

166. As numerous studies have shown, the biggest impediment to maximising the ability of committees to use academic research is that they and the universities generally march to a different drumbeat (though as we have seen, the charitable sector can be more agile). It is also the case that the two groups use a different language, though academics are becoming increasingly adept at translating their research into usable summaries and syntheses. But all that takes time as well, which is a scarce commodity. So once again, it is vital that committees make the effort to plan ahead and mix short-term inquiries with those with a long lead time in which they can maximise the opportunity for participation by the research sector. As we said in chapter 2, planning is a key element in strengthening the committees' scrutiny function.

### **A centre for public evidence?**

167. As we have noted above, the impact agenda in research has incentivised the universities to give more attention to engaging with policy-makers and scrutineers. One result is the emergence of a growing number of research hubs and engagement organisations which are devoted specifically to generating and facilitating these types of engagement. The UK in a Changing Europe programme is a particularly significant example. However, we perceive some risk that the proliferation of such groups and bodies will introduce a new element of complexity into the landscape which will make it difficult for users of research to navigate.

168. ***We would encourage the research funders to look at ways of building collaborative and co-operative, thematically coherent research transmission hubs where meta-analyses and syntheses are prepared proactively and are readily accessible.*** These might form a basis, over the longer term, for some kind of "Office of Public Evidence" that would bring together some of the synthesis of research evidence, fact checking, and academic liaison functions for select committees on a similar scale and model to the Office of Budget Responsibility or the National Audit Office. ***We invite those with an interest in this area, as custodians of very substantial public funds, to consider how such a body could be constituted, operated, and held accountable to Parliament while giving the widest possible benefit of access to the best research knowledge for all interested citizens.***

### **Conclusion**

169. The impact that committees have is crucially dependent on the information and evidence that they have access to. We must continue to widen and diversify the range of voices we hear from, and we should listen carefully to those who have a professional commitment to impartiality. Our conclusions and recommendations would benefit from access to the rich body of knowledge held by the academic and third sectors and membership bodies, as well as those with lived experience. We must endeavour to create the conditions which enable us to have access to the best research evidence available. We must be flexible and imaginative in tailoring the style and pace of our interactions to those we are communicating with. We must welcome and encourage those who might not otherwise be heard to come forward. The wider the range of voices we hear, the more effective and influential our findings are likely to be. And the more we work in partnership with others, the more likely we are to be heard.

## 5 Powers, privileges and contempts

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### Introduction

170. This chapter reviews issues relating to the powers delegated to select committees by the House. It considers first the power to send for persons, papers and records and the challenge provided by recalcitrant witnesses. In connection with the “papers” it receives, it goes on to consider the need for a more concise understanding of the immunity given to publications of select committees, so that they are free to communicate their findings in a variety of ways that are more accessible to different audiences and through wider channels of communication. Finally, it considers the powers of committees to work together with other UK legislatures.

### Persons, papers and records

#### *The problem*

171. The House delegates to almost every select committee the power to “send for persons, papers and records”. The exercise of these powers is generally done informally, and even when the powers are formally invoked, they are rarely resisted. By and large committees have been successful (ultimately, and often sometimes after protracted negotiations) in securing both the persons and the papers they want. But even when witnesses attend they may not give proper answers and may even deliberately mislead a committee.

172. There are two important constraints on the power to send for persons. The first is that Members of neither House can be compelled—so ministers are collaterally exempt. So far as the attendance of ministers is concerned this has not proved to be a very significant problem, with one or two exceptions, within the conventional assumption that ministers do not normally appear before committees other than the one scrutinising their own department. If a point were to be reached where ministers were regularly declining the invitations of committees the House would need to take action. Although there have been some tensions, the problem has not reached a point where action is required.

173. There is, however, a different problem with Members of the House of Lords who hold public office or positions of private power who might be able to assist committees. There would be real problems associated with lifting this immunity or privilege, but there is a feeling (expressed most forcibly by the Chair of the Foreign Affairs Committee) that peers who are asked to give evidence on matters unrelated to their membership of the House of Lords should be subject, in the last resort, to the power to order the attendance of persons. **We invite the Privileges Committee to consider the issue of the extent of the immunity of Members of the House of Lords**, if it considers that it can tackle this subject within the framework of its existing inquiry into the House’s exercise and enforcement of its powers in relation to select committees and contempts.

174. Although the attendance of Members of this House has not been the subject of contention in living memory, we note that Paragraph (9) of Standing Order No. 149 provides that:

The committee [on Standards] shall have power to order the attendance of any Member before the committee or any sub-committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of a sub-committee or of the Commissioner, be laid before the committee or any sub-committee.<sup>227</sup>

**and we conclude that, should the co-operation of Members of this House in the future arise as an issue, it would be open to any committee to seek an ad hoc order of the House to secure the attendance or documents of any reluctant Member.** Any Member disobeying such an order might be regarded as having committed a contempt and might therefore be subject to sanction by the House, including potentially a severe sanction such as suspension.

175. The second issue of longstanding dispute is over the status of civil servants. Successive governments have conceded that civil servants are subject to the powers of the House, and that if ordered to attend they will. But under the Haldane Doctrine, civil servants are only emanations of the minister they serve, so they cannot say anything to a committee that their minister has forbidden them to say (though if they deliberately misled a committee they would be as guilty of a contempt as anyone else). This has been a vexatious point of debate for at least a century, and the Liaison Committee has pointed out on numerous occasions that the so-called “Osmotherley Rules” (formally known as “Guidance for Civil Servants: Giving evidence to select committees”),<sup>228</sup> which purport to govern the relationship between civil servants and select committees, have never been endorsed by the House. Since they were last revised in 2014 there have been no irresolvable disputes between committees and ministers over requests for named civil servants to give evidence, though there have been some struggles.

176. However, the key issue before us at present is the powers and sanctions available to the House and its committees in relation to private individuals rather than ministers and their officials. On 27 October 2016, after resolving to admonish two employees of News International for contempt in deliberately misleading the Culture, Media and Sport Committee about their knowledge of phone hacking, the House resolved to refer the matter of “the exercise and enforcement of the powers of the House in relation to select committees and contempts” to the Committee of Privileges.<sup>229</sup>

177. Since then the question of the power of committees to enforce the attendance of reluctant witnesses has continued to grow in salience. Much of this can be put down to the increasing tendency, noted in chapter 2, for committees to focus their attention on individuals who exercise or have exercised power in society but who are not ministers or public servants. Professor Meg Russell described this as “a nice problem to have”, observing that “it is an illustration of you entering a next phase as a set of select committees, and it is another new challenge. You are victims of your own success ... there are people not wanting to come because they are aware of the level of exposure that they will get if they do”.<sup>230</sup> In particular, on 28 June 2018 the House referred to the Committee of Privileges the matter of an alleged contempt of Parliament by a witness who had refused to obey an

227 : “A similar power is conferred on the Committee of Privileges (Standing Order No. 148A (6)).

228 Cabinet Office, [Giving evidence to select committees: Guidance for Civil Servants](#), last updated October 2014

229 Committee of Privileges, First Report of Session 2016–17, [Conduct of witnesses before a select committee: Mr Colin Myler, Mr Tom Crone, Mr Les Hinton, and News International](#), HC 662

230 [Q37](#)



Order of the House that he should attend a meeting of the Digital, Culture, Media and Sport Committee, having previously refused to comply with an order of the Committee itself to attend.<sup>231</sup>

178. The Privileges Committee reported on 27 March 2019 its conclusion that the individual in question had committed a contempt and recommended that the House should admonish him by resolution.<sup>232</sup> The House did this, following a short debate, on 2 April 2019, and on 21 May 2019 the Privileges Committee announced the resumption of its inquiry into select committee powers. On 8 July it took oral evidence from two members of the Liaison Committee (Chris Bryant and Sir Bernard Jenkin).

### Options

179. The 2013 Joint Committee on Privilege rejected a legislative solution to this issue but proposed a more robust assertion of the House's penal jurisdiction, suggesting some codification by the House of what constituted a contempt; and a clearer specification (in standing orders or through resolutions) of what due process committees had shown they had followed before alleging a contempt (for example giving witnesses reasonable notice of attendance and an explanation of the matter on which they were being examined, and sticking to relevant questions; allowing witnesses to respond to findings before they were made public; allowing for a right of reply).<sup>233</sup>

180. This contrasted with the recommendations of the 1999 Joint Committee on Privilege which had recommended legislation on a number of related topics, including the definition of 'proceedings in Parliament' and contempt of Parliament, legislation to confirm that both Houses had the power to levy fines but not to imprison, and a concurrent jurisdiction with the courts to punish non-Members for contempts such as failing to attend proceedings or to answer questions.<sup>234</sup> Each House debated these recommendations, but its proposals for legislation never attained sufficient priority to be included in any government's legislative programme.

181. The use of legislation to enforce a parliament's powers via the courts is not unknown in the UK. Sections 22 to 25 of the Scotland Act give power (with some savings restricting this to matters within the Parliament's competence and jurisdiction) for the Scottish Parliament to order the attendance of a witness or the production of documents and make it an offence to refuse to comply with an order. Similar powers were given to the National Assembly for Wales. In both cases, enforcement and punishment (by fine) lie with the courts. These powers have never been invoked, so whether they have been effective in ensuring compliance or have proved unnecessary cannot be demonstrated. But as Dr Hannah White of the Institute for Government remarked:

231 Digital, Culture, Media and Sport Committee, Third Special Report of Session 2017–19, [Failure of a witness to answer an Order of the Committee: conduct of Mr Dominic Cummings](#), HC 1115

232 Committee of Privileges, First Report of Session 2017–19, [Conduct of Mr Dominic Cummings](#), HC 1490

233 Joint Committee on Parliamentary Privilege, Report of Session 2013–14, [Parliamentary Privilege](#), HL 30 HC 100, *passim*

234 Joint Committee on Parliamentary Privilege, Session 1998–99, [Parliamentary Privilege](#), HL 43-I / HC 214-I, published 9 April 1999, *passim*, but in particular chapter 6.

Both the Scottish and Welsh legislatures have a legal basis for their power to call witnesses, and the sky has not fallen in .... I am inclined towards thinking that the sky would not fall in if we legislated to provide for the power that we think select committees should have.<sup>235</sup>

182. Overseas, the 2014 New Zealand Parliamentary Privileges Act, in section 22, gives the Parliament a power to fine but transfers enforcement to the courts. Section 7 of the Australian Parliamentary Privileges Act 1987 gives the Federal Parliament power both to fine and to imprison, though the enforcement mechanisms are left rather vague. As Dr Ruth Fox of the Hansard Society noted:

Other Parliaments, including Commonwealth Parliaments on the Westminster model, have legislated and the sky has not fallen in. The price to pay for that will be that the Committee system will have to think quite carefully and in detail about the fall-out, which includes issues such as procedural fairness and so on ... At the moment, you do not have to pay much attention and spend much time and resource on that, so it is about the cost-benefit analysis of the value to you and how important you think it is to take those measures and expend those resources to get those one, two, three or four witnesses—however many it may be per Session—before you.<sup>236</sup>

183. Essentially then, the issue boils down to this: do the House and its committees need a weapon of last resort if a private (that is, non-governmental) witness simply refuses to obey an order to attend or submit papers; and what do we do to punish those who have defied such an order or who have refused to co-operate with or are found to have lied to or otherwise deliberately misled a committee? In all such cases there would be little question that a contempt of Parliament had been committed (though, for a variety of reasons, in the News International case it took nearly nine years to establish this). But in the opinion of most commentators (and it seems the Committee of Privileges) the only available punishment for contempt is admonishment in absentia, because if a contemnor refused to come and be admonished at the bar of the House there is nothing the House could do to compel them to appear there.

184. The key question for the House is whether the admonishment of those who have defied a committee or lied to it has made it less or more likely that future witnesses will consider that the risks attached to defiance or deliberate deceit are high enough to deter them from that course. For those with a lack of a sense of public obligation and perhaps without a reputation or a share price to defend or protect they may not be. And, from this perspective, the stakes for defying an order to produce papers are similarly low.

### **Conclusions on penal powers**

185. The options before the House are essentially to do nothing, to seek to reassert its claim to penal powers or to legislate to put those powers on a statutory footing in compliance with the expectations of current constitutional and juristic principles. We do not intend to pre-empt the Privileges Committee's findings and report here. Indeed, opinion within this Committee is divided. In June 2018 the Chair of this Committee wrote to the Privileges Committee in the following terms:

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235 [Q37](#)

236 [Q37](#)



There is not a consensus in the Liaison Committee on which of these two routes (statutory or non-statutory) is the right one to follow, although there is probably a majority in favour of the former (and it is the solution I personally support). While there is some scepticism within the Committee about the effectiveness of a non-statutory solution there are also significant anxieties about the risks of involving the courts in the proceedings of the House.

Despite the differences of opinion described above, there is clear agreement across the Liaison Committee that the situation cannot be allowed to remain as it is. Addressing themselves to the Joint Committee which was then considering these issues, our predecessor Committee concluded in November 2012 that, “at the very least Parliament should set out a clear, and realistic, statement of its powers—and perhaps also its responsibilities—in a resolution of the House and set out in more detail in Standing Orders how those powers are to be exercised”, and that “this would at least show Parliament’s determination to retain the powers it has”, noting that “Evidence of such determination is altogether lacking at present”. Despite these urgings, the recommendations of the 2013 Joint Committee have not been debated in this House, let alone acted upon.

... In the meantime, we would urge your Committee to initiate the process of drafting legislation relating to exercise and enforcement of these powers, so that it may be carefully and thoroughly considered in draft and consulted upon—not least with our colleagues in the other House of course. The range of statutory solutions would seem to run from a full-dress Parliamentary Privileges Act to a limited provision engaging the criminal justice system solely in the enforcement of the order of a committee. We are aware that there are a number of international examples on which to draw.

186. In its 2012 report our predecessor committee had declared itself unpersuaded by the arguments for a statutory solution, but also rejected the option of doing nothing.<sup>237</sup> Since then, nothing has been done. **Events since the letter from the Chair of this Committee was submitted to the Committee of Privileges in June 2018 have only served to further convince us that the option of doing nothing is unacceptable.** What enthusiasm there was for implementing the recommendations of the 2013 Joint Committee on Privileges’ middle way of an “assertion” of the House’s penal powers seems if anything to be waning, and it may be that the Privileges Committee will be forced to choose between recommending that the House simply abjures its claim to the power to compel attendance and penal powers to punish contempts or finds a way to give them at least some element of statutory force.

## Papers

187. The delegated power to call for papers enjoyed by most select committees does not extend to papers held by the Government, in a similar way (though for different reasons) to the way in which ministers are technically immune from the power to call for persons. Although there are not infrequent private wranglings between committees and ministers

237 Liaison Committee, Second Report of Session 2012–13, [Select committee effectiveness, resources and powers](#), HC 697, paras 133–4

over access to papers, in general these matters are resolved by compromise. There is, however, a reserve power held by the House to compel the production of papers through the use of a motion for an Address. This power has achieved an unexpected prominence recently as it was used on no fewer than ten occasions by the opposition during the current Parliament. On six of those occasions the motion was so framed as to require the papers in question to be submitted to a select committee.

188. The Procedure Committee recently reported on this topic. It broadly concluded that the power remained a valid and useful procedure but noted that where a motion for return engaged a select committee, the consent of that committee ought to be secured before the motion is debated and recommended:

... where any motion for a return of papers requires papers to be provided to a select committee, the consent of the chair of the Committee, or another Member speaking with the authority of the Committee, ought to be signified on the Order Paper or in the Chamber before the Chair may propose the question on the motion.<sup>238</sup>

189. We welcome this provision and trust it will achieve the status of House practice or be embodied in standing orders. **We further note that recourse to an Address would be available at the initiative of a committee, but the main issue would be the ability of the government to refuse to find time for a motion for an Address to be debated. We believe that, as it is tantamount to a matter of privilege, should any committee feel obliged to have such resort to seeking a motion for an Address, it should become the clear practice of the House that time would be found urgently to debate its motion.**

190. **We urge government to be more forthcoming in releasing papers that set out the evidence on which decisions are made, even if this involves redacting sections which are formal advice to ministers. There is no excuse for withholding evidence gathered at public expense which should rightly be in the public domain so that it can be subject to scrutiny.**

## Publishing unconventional material and the Parliamentary Papers Act 1840

191. We discuss at various points throughout this report the need for select committees to be able both to receive and to publish material in ways appropriate to the digital era. This includes (as discussed in chapter 4) receiving submissions in unconventional formats and then for the committees to be free, if they so choose (as discussed in chapter 6), to publish their findings in unconventional formats.

192. The protection from criminal or civil action for material published under the authority of the House is provided by the Parliamentary Papers Act 1840. That Act is an egregious example of the obscurity that could sometimes be achieved by Victorian drafting, and could well be made more accessible to the modern reader. But the key issue for select committees is the extent to which they can rely on the courts, on the rare occasions when it might be necessary, to conclude that the protection it affords extends to unconventional material received by or published by a committee.

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238 Procedure Committee, Ninth Report of Session 2017–19, [The House's power to call for papers: procedure and practice](#), HC 1904, para 81

193. Our advice from Counsel for Domestic Legislation is that section 1 of the Act probably does protect material in whatever medium it is received.<sup>239</sup> The protection afforded by section 3 of the Act to extracts and summaries is slightly less certain. The whole Act, and particularly section 3, was discussed at some length in chapter 7 of the 2013 report of the Joint Committee on Parliamentary Privilege which, in contrast to its general opposition to legislation, agreed with recommendation of its 1999 predecessor<sup>240</sup> that the 1840 Act should be replaced “by modern statutory provisions”.<sup>241</sup> **We agree with the general conclusions of both the 1999 and 2013 joint committees on parliamentary privilege that the Parliamentary Papers Act 1840 needs revision. So far as select committees are concerned, the mischief of the 1840 Act is obscurity and ambiguity. These factors are an unnecessary inhibition on select committees taking advantage of the breadth of modern means of communications both to gather evidence and to publish their findings in different ways which will engage different audiences.**

194. In his submission to us, Daniel Greenberg, Counsel for Domestic Legislation, proposed a simple, “natural language” rewrite of the 1840 Act along the following lines:

**Publishing Parliamentary proceedings**

- (1) Publishing all or part of Parliamentary proceedings does not give rise to any criminal or civil liability.
- (2) Publishing a summary or description of Parliamentary proceedings does not give rise to any criminal or civil liability, if it is fair and accurate.
- (3) [For the purposes of this section, a reference to Parliamentary proceedings includes a reference to any information or other material submitted to a Committee of either House.]
- (4) For the purposes of this section it is immaterial what method of communication is used for publication.

195. **No doubt more work may be required to achieve a simple, clear statement of the statutory protection that select committees (and other parliamentary proceedings) need to enjoy in order to be able to perform their functions in as up-to-date a way as possible. But, once again, no action has been taken on recommendations from joint committees of both Houses for two decades. We believe that the matter of the review of the 1840 Act should now be taken forward, either by a reference to the Committee of Privileges or through further work by ourselves.**

239 Ref to Daniel Greenberg’s memo

240 Joint Committee on Parliamentary Privilege, Session 1998–99, [Parliamentary Privilege](#), HL 43-I/HC 214-I, published 9 April 1999, chapter 8

241 Joint Committee on Parliamentary Privilege, Session 2013–14, [Parliamentary Privilege](#), HL 30/ HC 100, published 3 July 2013, para 195

## Pre-appointment hearings

196. We published a report on pre-appointment hearings in June of this year.<sup>242</sup> That set out our guidelines for the conduct of hearings but did not directly address the powers of committees in this connection. In a report on its pre-appointment hearing of the preferred candidate for Chair of the Charity Commission, published in February 2018, the Digital, Culture, Media and Sport Committee commented:

The Secretary of State's immediate response to our initial post-hearing letter made us concerned about the Government's regard for Parliament's legitimate, well-established role in pre-appointment scrutiny. Cabinet Office guidance states "On receipt of the committee's report, Ministers will consider the report before deciding whether to proceed with the appointment" ... The Secretary of State's quick response to our initial letter showed scant regard for both due process, and for Parliament's role in public appointments ... Select Committee advisory decisions have only rarely been set aside by appointing Ministers (three times out of nine negative committee reports over the course of the 100 or so hearings held since 2005). However, the most recent of these three cases—the July 2016 appointment of the Chief Inspector of Ofsted despite the Education Committee's objection—was very similar to our own. The Government continued with the appointment regardless despite a unanimous negative Committee report. We must ensure this is not becoming a trend ... The way in which the 2016 Grimstone Review was implemented gave extra powers to Ministers over public appointments, effectively awarding them an override power and the freedom, if they chose, to appoint people deemed unappointable ...<sup>243</sup>

197. The Committee went on to note that the Liaison Committee had recommended in 2011 that for certain categories of posts the House as a whole should be able to exercise an effective veto in the face of an adverse report from a select committee on a preferred candidate,<sup>244</sup> and stated its intention of consulting with other committees on this topic. We decided to refer the matter to the Public Administration and Constitutional Affairs Committee for investigation on behalf of the Liaison Committee as part of its wider inquiry on our behalf into pre-appointment hearings (the findings of which were reflected in our June report). That Committee concluded:

The evidence does not support the contention that Ministers invariably give serious consideration to negative reports from committees. The majority have been rejected, sometimes apparently out of hand. We support the DCMS Committee's recommendation that if a Minister wishes to set aside a negative committee report there should be a mechanism that ensures there is a pause for reflection on all sides. Granting a power for committees to require Ministers to defend their decision in a ninety-minute debate on the floor of the House on a substantive motion within a reasonable time frame would

242 Liaison Committee, Third Report of Session 2017–19, [Pre-appointment Hearings](#), HC 2307.

243 Digital, Culture, Media and Sport Committee, Third Report of Session 2017–19, [Appointment of the Chair of the Charity Commission](#), HC 509, paras 49–51

244 Liaison Committee, First Report of Session 2010–12, [Select Committees and Public Appointments](#), HC 830, para 50

require them to consider seriously the arguments made by a committee. It would also ensure that committees made a negative report only where they were confident that they had a good case to make ... Therefore, committees should be given the right to choose to have a debate on a substantive motion if a Minister ignores a recommendation and where they consider that it merits the attention of the whole House. Committees will be aware that in any debate the strength of their arguments for opposing a candidate, and their fair handling of the pre-appointment hearing process, is likely to be as closely scrutinised as the Minister's response to them.<sup>245</sup>

198. The Committee invited the Procedure Committee to look at this proposal, although that invitation has not yet been formally responded to. We concur with the Digital, Culture, Media and Sport and Public Administration and Constitutional Affairs committees that the time has come to build on the first ten years of pre-appointment hearings by introducing an enhanced degree of parliamentary scrutiny, involving the House, not just its select committees, where there is an unresolved conflict between a Minister and a committee. Such a step would not undermine ministerial accountability. Ultimately Ministers are accountable to Parliament. They must be willing and able to defend their decisions and persuade the House. ***We support the recommendation of the Digital, Culture, Media and Sport and Public Administration and Constitutional Affairs committees for a new standing order of the House to provide for committees to have a right to initiate a short debate in cases where Ministers propose to override a negative report of a committee following a pre-appointment hearing,*** and we include the version proposed by the PACAC in our Appendix of proposed changes to standing orders.

## Power of committees to work together

199. In chapter 3 we discussed the importance, in the context of the UK's future relationship with the EU, of facilitating inter-parliamentary working between the legislatures of the UK. While the development of "common frameworks" would give added urgency to the case for better and more joined-up scrutiny of inter-governmental action in the UK, as a recent report from the Scottish Affairs Committee illustrated, the need for better accountability for the Joint Ministerial Committee already exists.<sup>246</sup> And, in its recent report on devolution in the context of Brexit, the Public Administration and Constitutional Affairs Committee remarked:

With the increase in the extent of inter-governmental relations which must inevitably follow the UK's exit from the EU, it is imperative that mechanisms be developed to scrutinise properly the work done at the inter-governmental level. The importance of devolution within the UK's constitutional architecture should be recognised by developing mechanisms and procedures for the different parliaments and assemblies of the UK to communicate formally with one another ... In order to allow for effective scrutiny, the Governments of the UK should support changes to Standing Orders and, where necessary, bring forward legislation to allow committees of the UK's parliaments and assemblies to meet jointly and establish inter-

245 Public Administration and Constitutional Affairs Committee, Tenth Report of Session 2017–19, [Pre-appointment Hearings: Promoting Best Practice](#), HC 909, paras 46 and 54

246 Scottish Affairs Committee, Eighth Report of Session 2017–19, [The relationship between the UK and Scottish Governments](#), HC 1586, published 7 June 2019

parliamentary committees. To help facilitate joint working and the work of inter-parliamentary committees, members of these committees from across the UK should have easy access to one another's parliamentary estates for the purposes of committee meetings, assured through the mutual recognition of parliamentary passes. For the Houses of Parliament in Westminster we refer this issue to the Administration Committee.<sup>247</sup>

200. We discuss some further implications of inter-parliamentary working in the next chapter.

## Conclusion

201. The proposals we make above are designed to remove some technical impediments to select committees which may inhibit innovation and collaboration and effective scrutiny. We commend them to the House. We await the outcome of the inquiry by the Committee of Privileges into penal powers and contempts with interest. With regard to the other two issues, we will consider what we can do as a committee to achieve early action to deliver these relatively minor changes.

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247 Public Administration and Constitutional Affairs Committee, Eighth Report of Session 2017–19, [Devolution and Exiting the EU: reconciling differences and building strong relationships](#), HC 1485, paras 149–50



## 6 Communicating our work

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### Introduction

202. Having considered the ‘inputs’ into select committees in chapter 4, we now turn to consider their ‘outputs’. Committees’ outputs—reports, the website and social media, communications and their ‘language’—are all forms of public engagement. These are the main ways in which committees communicate their work with the wider public.

203. Reports are the most visible committee outputs, and the most numerous: 41 were published in May 2019 alone. They have a characteristic format, with a summary and analysis of the evidence leading to conclusions and recommendations which are also listed in full at the end. When published, they are usually the most up-to-date appraisal of the topic in hand and therefore an important source of “genuine, factual and accurate” information for the sector concerned and, as we heard, for journalists.<sup>248</sup> They are also the key vehicle for securing media coverage of an inquiry’s findings and they are often accompanied by visually attractive and accessible summaries and promotion on social media. In order to provide greater recognition of the diligent work put into producing reports, the format of authors should be amended to allow for a “lead report specialist/author” to be denoted in the inside cover page. This can both provide recognition to the individual but also clarify the point of contact for external audiences.

204. Committees have increased their online presence significantly in recent years and now reach a very sizeable audience. Over the last 12 months, committee web pages have been viewed 5.5 million times and, across our 34 Twitter accounts, we have a combined following of 316,000 people, many of whom follow multiple accounts. People are also engaging with our content: we have had 2.8 million interactions (retweets, likes and clicks) with our posts and 4 million video views since setting up our accounts.

### Reports

#### *Focus and timing*

205. **In its 2012 report, our predecessor committee encouraged committees to keep their reports short and to avoid too many recommendations, and we endorse and restate this approach.** In reaching this recommendation, they had taken into account the findings of the UCL Constitution Unit whose research found that the great number of recommendations in some reports could detract from their impact.<sup>249</sup>

206. The Health and Social Care Committee said that, in their experience, one of the “critical building blocks for effective scrutiny” was “targeting and focus” and that producing “short, targeted and focused” reports on suicide prevention and anti-microbial resistance, combined with engaging with the Government’s work programme and follow-up, had contributed to their impact.<sup>250</sup> However, the majority of committee reports are probably rather longer. Professor Christine Whitehead, an experienced specialist adviser, said that attempts to shorten reports had “generally proved unsuccessful”.<sup>251</sup> She explained why:

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248 [Q85](#)

249 The Constitution Unit, [Selective Influence: The Policy Impact of House of Commons Select Committees](#), June 2011

250 Health and Social Care Committee Team ([SCA0047](#))

251 Professor Emeritus Christine Whitehead ([SCA0079](#))



The committee specialists are very competent—and work extremely hard—but they do have to work within what is determined by the terms of reference, what the chair regards as particularly relevant, what can be accepted unanimously by the Committee and to a rather more limited extent what might be likely to catch the wider press and public interest.

207. The timing of reports is also important. Kayley Hignell of Citizens' Advice said that the Work and Pensions Committee's series of reports on Universal Credit were particularly well-timed, having been published "at points where there is still time to change the timetable [...] [which] made a massive difference".<sup>252</sup> In addition, we heard that their repeatedly returning to the issue had "help[ed] to keep the problems with the system in the public eye",<sup>253</sup> thus maintaining pressure on the Government. The International Development Committee said that committees' ability to report quickly on time sensitive or urgent issues was hampered by the "relatively long-winded" report publication process and suggested that, because of this, committees were resorting to sending letters.<sup>254</sup> They suggested that a different output, which "whilst less burdensome than a report—is more formal than a letter", might be needed. **We agree that there is a need for different kinds of 'communication' from committees which, while formally agreed and reported to the House, are less formal than a report, with its rather cumbersome procedural apparatus, but which carry more weight and status than a letter and can be specifically addressed to the world.** Such publications might be a paper analysing the evidence received so far or responding to what was heard in a public session, a summary of their interim findings which might invite people to respond to them, a more general update on their work partway through a long inquiry or a follow-up survey of the progress in implementing their recommendations.

### *Accessibility and dissemination*

208. The format and style of committee reports came in for criticism from our witnesses who suggested that there needed to be a "review"<sup>255</sup> or "re-think"<sup>256</sup> of their design, structure and the way in which they are disseminated, all with a view to improving accessibility and increasing reach. For example, Professor Cristina Leston-Bandeira and her colleagues at the University of Leeds said that reports were "very traditional" and had "remained unchanged for considerable time".<sup>257</sup> They continued:

The actual reports follow a text laden and printed driven format, which suits a narrow audience. The integration of photos and other visualizations would help to widen reports' relevance and engagement potential [...] reports may on occasion include graphs/scientific outputs, but very rarely do we see other types of illustrations [...] Reports are also produced as a printed output, which results in (poor) html and pdf versions.

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252 [Q68](#)

253 [Q84](#)

254 International Development Committee ([SCA0051](#))

255 University of Leeds ([SCS0035](#))

256 Professor Matthew Flinders ([SCA0053](#))

257 University of Leeds ([SCS0035](#))

The Institute for Government's suggestions for increasing the accessibility and reach of reports included avoiding overly-technical language, making sure that summaries were clear and concise and using charts and infographics to bring the information to life for the reader.<sup>258</sup>

209. Committees sometimes produce, in addition to standard reports, visually attractive and accessible overviews of their work at the end of an inquiry, explaining what the committee has done, who they have heard from and their key recommendations. We heard that this had become standard practice for the Health and Social Care Committee and is, no doubt, also the case for many others.<sup>259</sup> These overviews, usually in HTML or Shorthand, are published alongside the main report, bringing together audio-visual material produced throughout the inquiry, and made available on the committee webpage and widely disseminated on social media (for more details and examples, see box 12 below). This type of output has proven popular with the public (some Shorthands have had more views than the report itself) and was also deemed to be a "positive step" by witnesses to this inquiry.<sup>260</sup> Social media advertising has also allowed us to reach individuals who are interested in and following a subject, rather than a committee or an inquiry. Ideas for extending committees' reach yet further included "informatics, podcasts, vlogs, summary leaflets",<sup>261</sup> taking a "digital first" approach to publication,<sup>262</sup> and including social media buttons to allow readers to share relevant sections or quotes in HTML versions of reports.<sup>263</sup> For example, the Chair of the Environmental Audit Committee has set up a personal podcast based on ongoing inquiries of the committee. Each episode is based on an informal conversation with expert participants from the inquiry, creating an accessible channel through which the inquiry can be communicated. It is possible to conceive of a situation in the future where the principal outputs of an inquiry are in some such much less formal format than the traditional report, or where the main output at least is a much more accessible product, supported by separate documents published by the committee which contain much of the (important and often necessary) analysis which underpins its findings.

**210. We want our work to be accessible and to have a wide reach across a diverse range of audiences. To this end, reports should be 'digital first' and, where possible, be complemented (and perhaps eventually supplanted in some cases) by other digital formats which, chosen and designed with their needs in mind, bring our work to life for the wider public. Such outputs should be made under an order of the committee wherever possible. To enable committees to develop a 'digital first' approach to reports and produce complimentary digital assets requires greater capacity and resources. Provision should be made to expand the Web and Publications Unit so that they are able to provide the support that committees need to digitally innovate.**

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258 Institute for Government ([SCS0038](#))

259 Health and Social Care Committee Team ([SCA0047](#))

260 Research and Information, Participation - House of Commons ([SCS0045](#))

261 Professor Matthew Flinders ([SCA0053](#))

262 University of Leeds ([SCS0035](#))

263 Institute for Government ([SCS0038](#))

**Box 43: New online formats for reports**

If we want to engage and communicate effectively with the public, the material we produce needs to be tailored to their needs. With this in mind, committees are now using a variety of non-report outputs to explain their work and the findings which result from it.

The Energy and Climate Change Committee published the first ‘digital-first’ report in 2015. “Fuelling the debate: committee successes and future challenges” was hosted on its own website, thereby enabling the incorporation of video clips and infographics and necessitating the use of web-friendly copy.<sup>264</sup>

Committees now regularly produce digital reports using Shorthand, customised to reflect the House of Commons’ branding, which permits the use of high-quality visuals and web-friendly copy. Social Shorthands might be based on a report summary, set out a committee’s main recommendations or the ‘5 things learnt through this inquiry’. They are published alongside the main report and are not privileged, although of course are derived from committee-agreed content or messaging. Examples include:

The Environmental Audit Committee on Fixing fashion;<sup>265</sup>

The Foreign Affairs Committee on Relations with China;<sup>266</sup> and

The Public Administration and Constitutional Affairs Committee on No confidence motions.<sup>267</sup>

Some committees are also choosing to publish an overview of their report in a special html format, which allows for the use of charts, graphics and videos and a more eye-catching layout. Examples include:

The Transport Committee on Mobility as a service;<sup>268</sup> and

The Housing, Communities and Local Government Committee on High streets and town centres in 2030.<sup>269</sup>

264 [fuellingthedebate.parliament.uk](https://fuellingthedebate.parliament.uk)

265 [houseofcommons.shorthandstories.com/sustainabilityinthefashionindustry](https://houseofcommons.shorthandstories.com/sustainabilityinthefashionindustry)

266 [houseofcommons.shorthandstories.com/foreign-affairs-committee-china-uk-foreign-policy](https://houseofcommons.shorthandstories.com/foreign-affairs-committee-china-uk-foreign-policy)

267 [houseofcommons.shorthandstories.com/pacac-no-confidence-motions-FTP](https://houseofcommons.shorthandstories.com/pacac-no-confidence-motions-FTP)

268 [publications.parliament.uk/pa/cm201719/cmselect/cmtrans/590/report-overview.html](https://publications.parliament.uk/pa/cm201719/cmselect/cmtrans/590/report-overview.html)

269 [publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/1010/report-summary.html](https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/1010/report-summary.html)

211. Committees are also increasingly conscious of ensuring that the format of a report suits the needs of the particular group or groups concerned by its findings. The Petitions Committee took specific steps to ensure their recent report, *Online abuse and the experience of disabled people*, was accessible to their target audience. They published large print and easy read hard copies which were sent to all those who contributed to the inquiry, as well as producing an audio version and Shorthand.<sup>270</sup> We heard other examples of committees using easy read in their other outputs, for example, calls for evidence and write ups of focus groups, which Mencap said was “invaluable and allow[ed] [many people] to participate”.<sup>271</sup> In addition, some oral evidence sessions have been made accessible; for example, the Education Committee’s session with young people with special educational needs and disabilities was interpreted by BSL interpreters, live subtitled and some of the young people communicated using a palantypist.<sup>272</sup>

212. We do acknowledge, however, that it takes time and resources to prepare these outputs in addition to the standard report and that report publication timeframes and resource limitations do not always make this easy. However, when planned from the outset of the inquiry, as we considered in chapter 2, these additional outputs might be more easily achieved.

## Publication

213. We were told that the more notice committees could give their stakeholders of a forthcoming report publication, the better. By giving more notice of publication, committees can increase the impact of their reports by working with outside organisations to give them added publicity. Kayley Hignell of Citizens’ Advice explained how this would help her organisation to promote and disseminate its findings:

Any notice you can provide to organisations such as ours [...] allows us to amplify it and put it into our press grid and social media grids, to get what we are doing into our newsletters, to our advisers, to frontline staff and sometimes to the general public. At the moment, sometimes there is very limited notice on when something will be published.<sup>273</sup>

She suggested that three to seven days’ notice would be ideal, and Mark Lloyd of the Local Government Association explained that seven days’ notice would fit with his organisation’s weekly press grid and be “perfect for chiming with our forward programme”.<sup>274</sup> Speaking from her perspective as a journalist, Carole Walker, former political correspondent at the BBC, described sometimes having to “quickly read, in the next hour, [...] three reports” before the embargo was lifted the following day.<sup>275</sup> Standing Order No. 134 provides that embargoed reports should be sent out seventy-two hours in advance of publication. ***We recommend that Standing Order No. 134 be amended to give committees complete discretion and flexibility over the timing and distribution of their embargoed reports before publication.***

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270 Petitions Committee inquiry, [Online abuse and the experience of disabled people](#)

271 Royal Mencap Society ([SCA0065](#))

272 Education Committee ([SCA0063](#))

273 [Q61](#)

274 [Q67](#)

275 [Q91](#)

## Online presence

### *The website*

214. As part of a larger project to redesign the parliament website, the Parliamentary Digital Service is currently developing a new set of committee webpages for Commons and Lords select committees. The new webpages will be more accessible, mobile responsive and easier for our wide-ranging audiences to understand and navigate and, subject to any unforeseen complications, will be operational by the end of 2019. We hope that this reassures the critics of the current website who described the difficulties they had in keeping track of new inquiries<sup>276</sup> and searching for and locating evidence and reports.<sup>277</sup> The Hansard Society, which was particularly forceful in its criticism, said that the website did not give enough prominence to committees and their work, drawing a comparison with other legislatures which “do much more to augment the online presence of their committees and give them a distinct identity within the parliamentary setting”.<sup>278</sup> We agree.

215. Particular efforts are being made to make the committee webpages more accessible to the public. Further iterations aim to make it easier for the public to search for the issues which interest them, rather than, as is currently the case, first having to identify the relevant inquiries. We liked Nesta’s suggestion for increasing accessibility yet further with a “searchable mechanism for exploring recommendations [...] and a ‘traffic light’ system indicating what the recommendation is, who it was aimed at, and whether [it] [was] responded to”.<sup>279</sup>

216. We also note the point made by Nesta that the new website should be designed to accommodate, or at least facilitate, the use of different digital engagement tools, as discussed in chapter 3.<sup>280</sup> This would help to integrate digital engagement into an inquiry and make it easier for people to follow and find all relevant information. The new website should also be able to accommodate the standardised form for written submissions that we recommended in paragraph 107. It should also make it easier for members of the public to find and follow correspondence of the sort mentioned in paragraph 139 above, perhaps through a system of tags.

217. As the Hansard Society pointed out, the website is our “window on the world”.<sup>281</sup> **Our website is Parliament’s main means of communicating with the public. For many, it will be their first and only point of access to our work. We are pleased that efforts to replace our existing website are underway. However, it is critical that this work is completed at the earliest opportunity. The new site must be easy to navigate for those who have no prior knowledge of the workings of Parliament. It should be easy for the public to find out about how the issues that interest and concern them are being debated and investigated by Parliament and its committees. The depth and breadth of select committee activity should be showcased, and engagement by the public in their work through the website should be made easier.**

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276 [Q34](#)

277 [Q93](#); Hansard Society ([SCA0067](#))

278 Hansard Society ([SCA0067](#))

279 Nesta ([SCA0071](#))

280 Nesta ([SCA0071](#))

281 Hansard Society ([SCA0067](#))

## Social media

218. Thanks to the Web and Publications Unit (WPU), committees are now skilled and prolific users of social media. Every committee has its own Twitter account and regularly tweets about its work, publicising and live-tweeting and live-streaming oral evidence sessions, inquiry launches and reports. Committees' use of Twitter is sophisticated, innovative and live to emerging trends. Using clips of evidence sessions, specially made short films, graphics and animations, they inform the public about their work, stimulate interest and encourage responses. Committees' tweets generally attract 60,000–90,000 'engagements' (retweets, likes and clicks) per month, with a record high reached in March 2019. The Health and Social Care Committee team said that on several occasions their live tweeting of evidence sessions had generated more interest than the publication of some of their reports.<sup>282</sup>

219. Committees also use Twitter as a way of encouraging the public to feed into their work, sourcing questions from them to put to ministers and experts in oral evidence sessions (for example, #AskSamGyimah and #AskPickles<sup>283</sup>), consulting them on topics for new inquiries (see, for example, the My Science inquiry discussed on page X) and holding digital debates.<sup>284</sup> Ruth Chambers of Green Alliance described a recent example:

The EFRA Committee had all the DEFRA ministers before it to talk about departmental business—very important, but quite a dry and dusty subject for the public. How do you get the public interested in that? What they did was to use Twitter and a new hashtag called #askDEFRAministers. It got a very large response and a very large number of questions—probably too many; more than they were expecting—but it allowed them to act as a bridge between the public and ministers in a way that perhaps Committees are not that used to doing.<sup>285</sup>

220. We were given some constructive suggestions as to how we could improve our use of Twitter: making it “more systematic” and more “regular”, encouraging greater consistency of use between committees and using it to proactively seek out new networks and sector groups.<sup>286</sup> Speaking from her journalist's perspective, Esther Webber of The Times described finding the “proliferation” of committee Twitter accounts “overwhelming” and asked whether they could be streamlined in any way.<sup>287</sup> A similar request was made by students at Warlingham Academy (consulted by the Outreach Team on our behalf), who suggested having an “*overall [account] which gives info on interesting inquiries and updates and educates about impact of select committees*”. Efforts to streamline and regularise committees' use of Twitter are underway and we note that the recently established @commonsliaison account is going some way to performing this function by tweeting a weekly summary of committees' activities.

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282 Health and Social Care Committee Team ([SCA0047](#))

283 The Committee responded to the contributors by publishing a timestamped link to the relevant section of the oral evidence session with the answer to their question, see [Secretary of State answers the public's #AskPickles questions](#), 22 January 2014

284 Petitions Committee ([SCS0039](#))

285 [Q60](#)

286 Institute for Government ([SCS0038](#))

287 [Q93](#)



221. The Hansard Society questioned whether Twitter was in fact enabling committees to extend their reach beyond the Westminster political bubble and stakeholder groups.<sup>288</sup> They suggested that we were “mis-prioritising” Twitter over Facebook, which their research had shown was much more popular among the general public. We do, however, make wide use of the House of Commons Facebook page, both as a means of publicising our work and encouraging engagement. The Petitions Committee described how they had used the platform to host a discussion thread to consult on the draft recommendations for its *Online abuse and the experiences of disabled people* report. Committees have also used Facebook as a mechanism to survey specific groups of the public as part of the inquiry evidence gathering process. They have also experimented with other channels, such as Instagram<sup>289</sup> and YouTube,<sup>290</sup> and the WPU will continue to explore how committees can further diversify their use of online platforms and networks. The WPU has also been experimenting with using ‘social listening software’ to help committees gauge the public mood on an issue and join existing conversations. This could, resources permitting, even be used to choose the topics of inquiries in the future.

### Photography in committee rooms

222. Photography in committee rooms is forbidden unless permission is obtained in advance, and if a photo is taken without permission and disseminated on social media, the Serjeant at Arms will require its removal. In line with the greater variety in their activities, their wide use of social media and efforts to engage the public in their work, there are often occasions when committees want to take photos in committee rooms and fall foul of this rule. ***The current rules on photography no longer reflect modern practice and hamper committees’ attempts to engage the public in their work and set it in its proper context. We recommend that the Administration Committee review and update the rules to allow committees discretion about the use of photography.***

### Ongoing campaigning and communications

223. We heard there was “huge opportunity” for committees to develop a wider communications strategy<sup>291</sup> and promote their work when it becomes topical and insert it into public debate.<sup>292</sup> We were struck by the comment made by Ed Cox of the RSA that committees appeared to be limited to “doing a ministerial grilling, publishing a report and getting on the “Today” programme”.<sup>293</sup>

224. As we hope this report demonstrates, committees’ work is more rounded than this and, although not referred to as such, we do plan communications around inquiries, for example, planning media and social media activity and the timing and style of reports. Many committees do seek to be agents of change as well as post-hoc scrutineers. However, there is undoubtedly scope for committees to expand this approach and put in place a wider communications strategy which would entail looking for opportunities to promote their work long after an inquiry has ended. For example, committees could opine on or respond to relevant events, reiterate their recommendations and claim policy developments as resulting from their work.

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288 Hansard Society ([SCA0067](#))

289 [www.instagram.com/ukparliament](https://www.instagram.com/ukparliament)

290 [www.youtube.com/UKParliament](https://www.youtube.com/UKParliament)

291 [Q48](#)

292 [Q83](#)

293 [Q48](#)



225. With such a strategy in place and taking the approach discussed in chapter 2 of planning, prioritising and following-up their work, committees would be operating more like campaigning organisations, which continually look for opportunities to highlight issues and further their cause in a range of different ways in Parliament, the media and beyond. Some committees are in fact already operating in this way. The Digital, Culture, Media and Sport Committee adopted a “campaigning role” in the course of its Fake News and Disinformation inquiry, “push[ing] at the boundaries of select committee rules and past practice” and undertaking many “firsts” in the process, including a public, live broadcast oral evidence session held abroad; the first live twitter streaming of an oral evidence session and the first ‘international grand committee’.<sup>294</sup> Similarly, the Work and Pensions Committee’s ongoing work on universal credit was credited with “keep[ing] the problems with the system in the public eye”.<sup>295</sup>

226. Adopting this approach across all committees would clearly require us to be more strategic and call for additional member and staff time.<sup>296</sup> Space for this type of communications activity could be factored into a committee’s forward work programme and would have to be balanced against the other work undertaken, but it will almost certainly entail increased resources for the central communications functions of the Committee Office.

227. Despite the commitment and professionalism of some excellent media officers, committees are not having the media impact of which they are capable. They are also not generally pursuing the wider campaigning role which is open to them. This is because of resources. Most committees share a single media officer with a number of other committees. This means that hardworking media officers are spread too thinly, having to work much longer hours than those for which they are contracted and that opportunities for media impact and profile are missed. The House Service should aim to provide all departmental select committees with a dedicated media officer within the next 18 months. If that cannot be achieved within current capacity, then a bid for greater resources should be made to the House of Commons Commission. There is little point undertaking first rate scrutiny if we lack the resources to tell the world about it.

## The impact and accessibility of the language of scrutiny

228. We heard that, although familiar and well-used by all of us, the language used in Parliament appears rather alien to members of the public. Our use of terms such as ‘evidence’, ‘witnesses’, ‘inquiry’, ‘select committee’ and ‘terms of reference’ was described as “confusing”,<sup>297</sup> and “legalistic and off-putting”<sup>298</sup> and as suggesting a “very specific mode of (elite) engagement”.<sup>299</sup> Consequently, as Professor Emma Crewe and Dr Ayesha Siddiqi observed, “it is only lawyers who appear to be totally at ease in the court-like atmosphere and language [...] of formal committee sessions”.<sup>300</sup> We were therefore not surprised to hear that the Hansard Society’s research into the public’s attitudes to Parliament had shown that language was a barrier to their engagement.<sup>301</sup> Indeed, the consultations with hard-

294 Mrs Josephine Willows ([SCA0057](#))

295 [Q84](#)

296 Tom Tugendhat MP ([SCA0050](#))

297 Research and Information, Participation - House of Commons ([SCS0045](#))

298 Hansard Society ([SCA0067](#))

299 Professor Matthew Flinders ([SCA0053](#))

300 Global Research Network on Parliaments and People ([SCA0055](#))

301 Hansard Society ([SCA0067](#))

to-reach groups across the country, which were conducted for us by the Parliamentary Outreach Team, yielded similar results. When asked what select committees could do to encourage more people to engage with their work, answers included “use accessible language” and “simplify the language”. Website user testing for the Web and Publications Unit also revealed the fact that the language we use is a barrier.

229. The Hansard Society recommended a wide-ranging review of parliamentary language, particularly in relation to select committees.<sup>302</sup> We see no need to wait for a language review. *Committees should feel emboldened to adapt their language as they see fit, keeping the needs of their audience in mind, and the use of technical terms in the Standing Orders should be no impediment to this.* By way of example, we could invite people to give us their “views, concerns and experiences” on a topic and, instead of “witnesses”, we could refer to “guests” or “participants”. We could also start by referring to just “committees” in our communications, leaving out the term “select” which is confusing to the public.

## Conclusion

230. Committees’ outputs have grown exponentially in recent years. From Shorthands to talking head video clips and animations, committees are telling the public about their work in a wide range of eye-catching ways, as well as turning to online tools to increase public participation. We are grateful to committee staff, particularly the Web and Publications Unit, for encouraging innovation and for their enthusiasm for helping us to reach a wider audience. **The formal structures and rules of the House should not be an inhibition on experiment except where absolutely necessary. We encourage committees to continue to innovate and be radical about how they engage with the world beyond Westminster and Whitehall. We look forward to continuing this approach and embedding it within a wider communications strategy. The formal report may not always be the best or most effective output from an inquiry in the future—what matters is what works, and different outputs will be appropriate to different purposes and audiences. As committees increasingly engage throughout an inquiry with their different interlocutors and stakeholders they must be able to communicate the progress of an inquiry effectively as it goes along. The dialogue which is an increasing feature of their work should be a continuous and two-way dialogue.** In ten years’ time, when we celebrate the fiftieth anniversary of the departmental committees, it may well be that the conventional report is an exception rather than a rule.

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302 Hansard Society ([SCA0067](#))

## 7 Chairs and Members

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### Introduction

231. The success of a select committee depends on the Members who serve on it, and on the leadership of the chair. Chairs and Members may take different approaches to their roles, but without them the committee is nothing. Commitment, an ability to leave tribal Party politics at the door and constructive, evidence-led joint working are what makes select committees work at their best. The fact that committees are composed of elected representatives from across the range of opinion in the House is their unique and most important characteristic, which is the foundation of the authority they enjoy.

### Elected chairs and members

#### *Background*

232. The way in which chairs and members of select committees are chosen has at times during their history been a matter of some controversy. At the outset of the departmental select committee system in 1979, membership was largely a matter for the party whips. At the beginning of a new parliament, motions for the entire membership of each committee were tabled by the chairman of the Committee of Selection. In practice the Committee nominated members based on lists supplied by the whips. The mechanisms by which these lists were produced was not transparent, and varied by party. The motions were in theory all amendable and debatable, but in practice debate was rare. Chairs were elected from amongst the membership of the committee, usually to a set plan agreed by the Usual Channels.

233. The selection of chairs and members of the majority of committees changed in 2010 as a result of the recommendations of the Wright Committee. The Committee had successfully argued in favour of direct election of the majority of select committee chairs, and thereafter the agreement by the House of the remainder of committee members on the basis of lists agreed within parties by “transparent and democratic means”. The changes were to apply to the departmental select committees, together with the Public Accounts Committee, the Environmental Audit Committee, and the Public Administration Select Committee.

234. Over time, the election of select committee chairs has been extended. Not only does it apply to those committees as recommended by the Wright Committee, but now extends to the Exiting the European Union Committee; the Petitions Committee; the Public Administration and Constitutional Affairs Committee; the Committee of Public Accounts; the Procedure Committee; and the Committee on Standards. In addition, the Chair of the Backbench Business Committee is elected each Session in accordance with Standing Order No. 122D.

## Impact of elections

### Chairs

235. These elections have been a success on several counts. First, elections for chairs have generally been contested. Although the numbers of those contested fell in 2017, compared to 2015, this is explained by the short length of the 2015 Parliament.

236. Second, there is evidence that gender diversity amongst chairs has been improved as a result of the introduction of elections. Evidence from Dr Goodwin and Dr Bates noted that “since the introduction of chair elections the likelihood of a select committee chair being female has increased”.<sup>303</sup> However, they point out that there has been a persistence of the idea of “male and female portfolios”, demonstrated by the fact that there has still been no female chair candidate for the Defence, Northern Ireland or Foreign Affairs committees and only one for the Treasury Committee. In the same period 11 women stood for the chairs of the disproportionately female Education, Health, and Work and Pensions committees.

237. Third, there is strong anecdotal evidence to suggest that elections have led to more confident committees, with an increasing willingness to innovate and push the boundaries. Credibility and legitimacy are difficult to measure, but we recognise it when we assess the decisions we make and our experiences as elected chairs. It is important that party whips do not seek to circumvent this by discouraging Members from putting themselves forward for election so that they can restrict the choice available.

238. Not everyone agrees that elected chairs are more independently-minded. Dr Bates and Dr Goodwin said that there was weak evidence for this.<sup>304</sup> However, we agree with the Institute for Government, that “it would enhance the credibility of the committee system to adopt whole House elections for all committee chairs”.<sup>305</sup>

239. ***We recommend that the relevant changes to Standing Order No. 122B be made to extend chair elections to all select committees.***

### Members

240. As for the intra-party election of members of select committees, we also believe this has been a step forward for the House. It is fair to acknowledge that some committees’ places are not as sought after as others and that when Members indicate their wish to come off a committee the whips are not always able to accommodate this quickly due to a lack of interest in the vacancy. However, as chairs we are aware that those members who do wish to be on and engaged in committee work make a real difference to a committee. The fault is not so much with Members, who may have requested to their whip to be removed from a committee they feel they cannot prioritise, but with a system that cannot let a member leave a committee unless a replacement can be found. ***We suggest that the Procedure Committee consider different options available for allowing Members to leave select committees part way through a Parliament.***

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303 Dr Mark Goodwin ([SCS0014](#))

304 Dr Mark Goodwin ([SCS0014](#))

305 Institute for Government ([SCS0038](#))

**Box 54: Elections to select committee chairs**

In 2010, of the 24 committee chair positions covered, no ballot was necessary for 8 committees for which a single nomination was been received. A total of 590 ballot papers were submitted.

In 2015, of the 26 chair positions covered by the provisions for elections, 15 positions were contested. 6 of these had four or more candidates stand for election. A total of 621 ballot papers were submitted.

In 2017, in total, 54 nominations were received for 27 select committees. Eleven chair positions were contested through elections. No election was necessary for seventeen committees for which a single nomination was received. In total, 587 ballots were cast.

## Membership

### *Eligibility*

241. There are very few rules set by the House over who is eligible to sit on, and chair, committees. There are term limits for chairs (SO No. 22 states that no select committee may have as its chair any Member who has served as a chair of that committee for the previous two Parliaments or a period of eight years, whichever is the greater—currently extended temporarily to ten years and under review by the Procedure Committee). The party balance for both chairs and members of committees is set at the start of the Parliament. The Chair of the Public Accounts Committee must, by Standing Order, come from the Official Opposition. The other allocations are through the Usual Channels. That balance should also account for the overall numbers elected as independent Members at the start of a Parliament.

242. It is generally held that for the larger parties, front bench spokespeople should not hold positions on select committees. The House's Standing Orders defines those who are eligible to sit on the Backbench Business Committee by exclusion:

No Member who is a Minister of the Crown or parliamentary private secretary or principal opposition front-bench spokesperson shall be eligible to be the chair or a member of the committee: the Speaker's decision shall be final on such matters.

243. The Government's Ministerial Code does not forbid PPSs from being members of the departmental select committee however it states that PPSs should “withdraw from any involvement with inquiries into their appointed Minister's department”.<sup>306</sup> The interpretation of the Ministerial Code, and whether it has been broken, is a matter for the Prime Minister.

244. In this Parliament, there have been several instances of PPSs sitting on select committees including, in some cases, those scrutinising the government department of their appointing minister. Whilst we recognise that it can be difficult to fill places on all committees, and that this can be a particular issue for those committees that seek

membership from particular nations of the UK, it is far from ideal. Where vacancies are unfilled according to party quotas, there is a case for allowing applications from independent Members.

245. The Institute for Government has suggested that the eligibility of Members to serve on committees might be clarified by a resolution of the House. ***We suggest that eligibility to sit on select committees should be determined by extending the application of the provision of those eligible to sit on the Backbench Business Committee to all select committees.*** We are unconvinced in this context that reserving a place for a Minister on each of the Public Accounts Committee and the Environmental Audit Committee is any longer a necessity, nearly forty years after the Exchequer & Audit Department was removed from Treasury control and the National Audit Office created.

## Gender balance

246. At present, there is just one restriction on the gender balance of select committees: the European Statutory Instruments Committee, has a requirement of gender balance in its Standing Orders. Of the Committee's 16 members, at least seven must be women and at least seven must be men.<sup>307</sup>

247. Generally, the proportion of places held by women on select committees has been higher than the proportion of women in the House. Female MPs now occupy 12 of the 36 chairs which is proportionate to their strength in the House as a whole. However, Goodwin and Bates explained that, "select committee membership still has serious problems with gender diversity".<sup>308</sup> Some committees have not benefited from the rising proportion of female members in Parliament and remain male dominated.

248. Gender balance on select committees matters. Select committees are a highly visible part of parliamentary life. Moreover, we heard in evidence that female witnesses describe feeling uncomfortable giving evidence to committees comprised solely or mainly of men.<sup>309</sup> Professor Emma Crewe and Dr Ayesha Siddiqi noted that "Having only one woman on the International Development Committee will shock overseas witnesses or at the least fail to inspire confidence".<sup>310</sup> We agree with them that political parties need to ensure that reasonable diversity, at least on grounds of gender and ethnicity, is achieved on all select committees.

249. Whilst it was generally thought that there should be greater efforts to increase the gender balance of committees, there was some warning against greater use of quotas. The Institute for Government explained, "while greater gender balance among committee members would be welcome, achieving this by mandating more balanced committees might have unintended consequences. For example, as women comprise just under a third of all Members in the Commons, and as ministers cannot sit on committees (except ex-officio in some particular cases such as the Environmental Audit Committee), it is possible that mandating greater gender balance on committees could limit women MPs' ability to seek ministerial office".<sup>311</sup>

307 Temporary Standing Order, European Statutory Instruments Committee

308 Dr Mark Goodwin ([SCS0014](#))

309 Dr Danielle Beswick ([SCS0036](#))

310 Global Research Network on Parliaments and People ([SCA0055](#))

311 Institute for Government ([SCS0038](#))



250. We believe that gender representation on committees is important enough to require positive action. We suggest that the Procedure Committee should report on how quotas might be used so as to require a minimum of three Members of every select committee to be male, and a minimum of three female following the initial ballot.

### **Speed of nomination**

251. The length of time taken to establish select committees has been a matter of concern for some time. It is noteworthy that early proposals to change the system for nomination of members were driven as much by frustrations with the length of time it took for committees to be established. Dr White told us that “I think the original rationale for not electing them was that it was really important they be set up quickly after an election, and there wasn’t time to wait for elections. They were among the last to be set up; the European Scrutiny Committee, for example—which, as Ruth has said, had an important role at that moment—was one of the last to be set up, and then of course that delayed the Liaison Committee”.<sup>312</sup> Indeed, due to the timing of the 2017 election and the tardiness in making nominations, the first meetings of the Joint Committee on Human Rights and of the European Scrutiny Committee did not take place until 1 November 2017. The first formal meeting of the Liaison Committee, and the election of our Chair, could therefore not take place until 17 November, nearly 7 months after our last meeting of the 2015–17 Parliament.

252. We repeat here the recommendation of the Wright Committee but extend this from the principal committees to all committees: “that select committees should be nominated within no more than six weeks of the Queen’s Speech”. We further recommend that the Liaison Committee should be enabled to sit with an interim chair pending the formal constitution of all committees once the majority have been elected. It is not acceptable that scrutiny of the Prime Minister should be unduly delayed.

## **Members’ attendance**

### **Background**

253. Membership of a select committee implicitly involves a commitment to play a full part in its work and to contribute to the committee’s effectiveness. Part of that commitment involves attending committee meetings. We discuss below the present expectations as to Members’ attendance, and also how Members with good reasons for absence should be recorded so as to minimise any unfair criticism they may attract for reduced attendance.

### **The ‘60 per cent’ rule**

254. A resolution of the House of 4 March 2010 relating to Members’ attendance records, following the recommendations of the Wright Committee of 2008–10, directed that:

... where the attendance of any member of a select committee in any Session is below 60 percent. of the Committee’s formal meetings, at the end of that Session the Speaker may invite the Chairman of the Committee of Selection



to propose to the House that any such Member should be discharged and that an election to fill that vacancy should be held within two weeks of the beginning of the next Session.

255. In 2012 the Liaison Committee, noting both the lack of clarity about the process and the fact that there might on occasion be good reasons for low attendance, such as other parliamentary commitments or personal circumstances, recommended how the 60% attendance requirement should be implemented in practice:

Each chair should discuss with the Chair of the Liaison Committee any examples of poor attendance in his or her committee and any extenuating circumstances. Such a discussion would cover personal circumstances or meetings clashing with other commitments. It would also include cases where members have asked to come off a committee because they are, for instance, now a PPS, but the party has not designated a replacement. It would then be open to either the chair of the committee or the Chair of the Liaison Committee to notify the Speaker and the Chair of the Committee of Selection that the rule ought to be invoked in that case. It may not be necessary for the formal process to be invoked. In any event, both we and the Committee of Selection are likely to pay attention to attendance records and some turnover of membership is likely.<sup>313</sup>

256. While the 60% rule still serves a role by setting a minimum expected level of attendance, it is a crude yardstick and does not allow flexibility for the different ways that committees work. For example, the Committee of Public Accounts has a higher membership (16) than most committees, and meets at least twice a week. It also has a system of ‘lead Members’, whereby two or three committee Members lead on a particular inquiry and ask the majority of questions. The counterpart to this approach is that there is less for the other Member to contribute, and the Chair of the PAC told us:

The 60% attendance rule is useful to encourage Members to attend meetings but it is more important for the PAC that the Members in the evidence session are well-briefed and engaged in the subject matter.<sup>314</sup>

257. There is no record of a Member having been removed from a select committee based on a failure to meet the 60% attendance threshold. However, **the 60% rule has continuing value as a declaration of the general expectation of the House as to Members’ attendance at select committees, and we continue to endorse the view of the Liaison Committee in 2012 as to how it should work in practice, with the chair in question consulting with the Chair of the Liaison Committee and taking all factors into account before deciding whether to take further action.**

## **Parental leave**

258. On 28 January 2019 the House of Commons approved proposals from the Procedure Committee and introduced a proxy voting system for Members absent from the House by reason of childbirth or care of an infant or newly adopted child (“parental leave”).

313 [Liaison Committee, Second Report of 2012–13, Select Committee effectiveness, resources and powers, para 30](#)

314 [Meg Hillier \(SCA0080\)](#)

259. By its introduction of a scheme for proxy voting for parental leave, the House has given implicit recognition to the concept of recognised absence from proceedings for such leave. The House's published proceedings do not include an attendance list, and so the scheme does not directly provide for recording absence from proceedings—dealing instead only with exercise of a vote. Select committees, however, publish attendance lists for each meeting in their Formal Minutes, and also produce running tables of Members' Sessional attendance.

260. However, there is not at present any formal means of recording the absence of Members of select committees during the period of such parental leave. Members absent from the House on parental leave and with an authorised proxy vote may therefore be unfairly criticised for a perceived poor select committee attendance record.

261. It would be possible for committees to recognise, in both their Formal Minutes and their attendance tables, the period for which a Member has a proxy vote under the House's scheme. For the Formal Minutes of meetings during that period, text could be included under the current list of 'Members present' saying:

“[Member's name] was on parental leave under the terms of the Resolution and Order of the House of 28 January 2019 and the Speaker's certificate of [xx month 20xx].”

This entry would be repeated for any meetings taking place during the period covered by the Speaker's Certificate. Strictly speaking, the scheme and the Certificate do not prevent attendance in the House (and may be suspended by the Member); so if the Member in question in fact attended a relevant committee meeting the entry would not be included in that meeting's minutes.

262. A similar statement could appear on any published attendance table; this would indicate the full date range for the period of the Certificate.

***263. We recommend that committees should from now on record in both their Formal Minutes and their attendance tables, in the manner set out in this Report, the periods for which any Member of the committee has a proxy vote under the House's scheme agreed on 28 January 2019.***

264. Parental leave is likely to leave committees with a membership gap for an extended period. As well as the loss of expertise from the loss of the Member, it may upset the political balance on the committee, particularly in a Parliament where party strengths on committees are closely balanced. There is therefore a case for the House temporarily substituting select committee Members absent on parental leave under the House's proxy voting scheme. Such leave will generally be predictable, giving the Selection Committee time to seek a Member willing to serve temporarily. ***We recommend that the Selection Committee propose temporary substitutes for select committee Members on parental leave, replacing them with the original Members when they return from that leave.***

### **Other causes of long term and recurrent absence**

265. In addition to parental leave, there are a number of other long term or recurrent reasons why Members may be unable to attend select committees, and for which it would not be fair for them to be criticised. These include such things as: long-term illnesses, family illnesses or caring responsibilities; other parliamentary commitments such as membership of other select committees meeting at the same time, or commitments in the chamber or at public bill, delegated legislation or other parliamentary committees; or with international parliamentary assemblies; or having indicated an intention to leave the committee without having been discharged by the House.

266. Recording such absences is not possible in the same way as with parental leave, because there is no clear House scheme or principle for committees to follow. Formal Minutes cannot record absences for particular reasons unless authorised by the House. If the House were in the future to recognise other categories of absence, then in principle it would be straightforward to extend the approach outlined above to these other situations.

267. However it would be possible now for the duration of, and reason for, long term or recurrent absences to be recorded on the committee's published attendance tables. This would have to be on the basis that the Member concerned was content for the cause to be stated, and the committee chair was satisfied that it was a proper long term or recurring reason for absence. Such a record would also allow future queries about Members' attendance to be answered.

268. In order to cover Members who did not wish to divulge, perhaps for personal reasons, the cause of their absence, the attendance table could also state in general terms that there are legitimate and unavoidable reasons for Members' absence from committee meetings.

269. *We recommend that committees record long term or recurrent reasons for absence, which the chair is satisfied are legitimate and which the member concerned is content to divulge, on published committee attendance tables.*

270. *Committees should also add at the bottom of their attendance tables the following text:*

*Note: attendance rates at any particular committee will reflect other parliamentary commitments by Members, including membership of other select committees meeting at the same time or commitments in the Chamber or at public bill, delegated legislation or other parliamentary committees. Attendance rates can also be affected by such things as long-term illnesses, family illnesses or caring responsibilities. In some cases, a Member may have indicated an intention to leave the committee but has not yet been discharged by the House.*

### *Delays in replacing committee Members*

271. It can sometimes be the case that Members ask to leave a committee but there is a delay before a replacement is elected by that party. It is possible for the Selection Committee to table a Motion to discharge a Member without naming a replacement, however. We welcome the Selection Committee's resolution at the beginning of this Parliament that "if no replacement is identified for a Member wishing to resign from a select committee within six weeks of the receipt by the Chair of the Selection Committee of a letter from the Member, the Committee shall table a motion to discharge the resigning Member, and shall table a motion to appoint a replacement once he or she has been elected by the political party concerned".<sup>315</sup> If no replacement is found within this timeframe from the political party concerned, it should be open for an independent Member to apply for the role in order to reduce the risk of committees being inquorate. This could also apply where there is a vacancy on a committee owing to the death of a Member or because they have left the House for another reason, that their party is unable to fill.

272. This Parliament has seen a number of Members elected as members of committees removed from their posts against their will after resigning their party whip. Chairs and members are elected to serve a full term and often bring long standing expertise to their roles. Given the importance of a cross party approach that values independence of thinking, we do not think that removal or resignation of the party whip should allow party whips to remove members if they retain the confidence of colleagues. Parties should certainly not seek to replace members who have left a party when there are already vacancies or other members wishing to resign on a committee.

### **Conclusion**

273. Members are the most crucial resource for select committees, and their time is the most pressing constraint. Elections of committee chairs have emboldened us and made us more representative. Further reforms, including substitute members of those on baby leave, gender quotas for membership, effective procedures for dealing with absent members and clearer rules on eligibility and grounds for removal will further increase our standing with the public and within the House. But the resource of Members' time and attention is not infinite. **The wider recommendations of this report are seeking to ensure that the time of Members is most effectively applied where it will have the most influence, and committees need to be self-critical in ensuring that this aim is always kept in mind.**

## 8 The role of the Liaison Committee

### Introduction

274. An informal Chairman's Liaison Committee was established in May 1967.<sup>316</sup> However, the Procedure Committee of 1976–78 recommended formalisation through a new Standing Order. This new Standing Order was approved by the House on 31 January 1980 and gave the Committee power to make recommendations on staff and other facilities and advise on the choice of reports for debate, among other tasks. Over time, the Committee has taken on new tasks. Most notably, since 2002 the Liaison Committee has held regular evidence sessions with the Prime Minister.<sup>317</sup>

### Prime Minister sessions

275. Our regular meetings with the Prime Minister are crucial to effective parliamentary scrutiny of the executive. We are the only Committee which has taken evidence from a Prime Minister during modern times. The forum is one where detailed and sustained questioning takes place, in contrast to the fractious and febrile atmosphere and one-off questions which often characterise the Chamber.

276. The sessions with the Prime Minister now take place three times a year. Although there is no hard and fast requirement on the Prime Minister to attend, it would be difficult for any future Prime Minister to avoid. We heard some suggestions that it would be preferable to write the frequency of our hearings with the Prime Minister into Standing Orders, requiring a minimum number of appearances.<sup>318</sup> So far in 2019, we have seen the Prime Minister just once. In 2018 Theresa May appeared three times, but she appeared just once in 2016 and in 2017 as a result of delays to setting up the Committee. We also heard that our hearings were considered at their most effective when the number of participants, and the number of topics, were limited in order to allow more detailed questioning and follow-up on initial responses.

**277. Specifying the number of oral evidence sessions with the Prime Minister in Standing Orders would not be a proportionate step. There should remain some flexibility in timing to allow us to respond to events. However, the presumption must be that the Prime Minister will make three dates a year available in good time for us to make the necessary arrangements. Where we suggest a particular timing, the Prime Minister should consider their response in the context of the value of public and parliamentary scrutiny and should try to accommodate requests to attend on or close to these dates. In particular, any new Prime Minister should appear before the Liaison Committee at the earliest opportunity after they take up office.**

316 The detailed history of this Committee is set out in the report of the Select Committee on Procedure, First report, 17 July 1978, HC 588–1 1977–78, para 6.5

317 Dr Mark Bennister ([SCS0025](#))

318 Dr Mark Bennister ([SCS0025](#))

## The role of the Liaison Committee

278. Some told us their view was that the Liaison Committee should do more to co-ordinate and oversee the work of committees, and take on a wider role in matters of public policy itself. The Institute for Government explained:

There is potential for the Liaison Committee to play a much greater role in cross-cutting policy issues, as well as in identifying gaps in scrutiny and reducing duplication on high profile issues.<sup>319</sup>

### Cross-cutting work

279. **We do not think that all calls for more cross-cutting work should necessarily be met with additional roles and responsibilities for the Liaison Committee itself. In the majority of cases, joint working between existing committees is the best way to add value.** As the BEIS Committee told us, the Liaison Committee is too big, with its 36 members, to operate as an effective select committee.<sup>320</sup> Our members, with our responsibilities as chairs, would find it challenging to devote time to an additional scrutiny role. Nevertheless, there are some potential ways for the Liaison Committee to develop its role.

280. The Liaison Committee is restricted by its Standing Order. Our remit allows us to consider “matters relating to select committees” only, except in our evidence sessions with the Prime Minister when we may question the incumbent on issues of public policy. This narrow role for the Committee has the effect of preventing us from using our knowledge and experience to conduct crucial cross-cutting work, although on two occasions the Committee has taken evidence from others: Sir John Chilcot on 2 November 2016 following up the lessons to be learned from the report of his inquiry into the decision to go to war in Iraq in 2003;<sup>321</sup> and from the C&AG, the Chancellor of the Duchy of Lancaster, the Chief Executive of the Civil Service and the Government Chief Commercial Officer on the collapse of Carillion.<sup>322</sup>

281. We believe that these two examples usefully illustrate the advantages of the Liaison Committee occasionally taking evidence from ministers and officials on matters that cut across the work of a number of select committees. We believe that we can be trusted to ensure that extending our standing orders to widen our ability to hear from witnesses would not result in a ballooning of our role as some might fear—the chairs of the relevant committees would not allow that to happen. The ability to hold a one-off evidence session on a topic of immense public concern which spans the interests of a number of select committees could be of great value to Parliament and the public, and would (as in the case of Carillion) often represent the most efficient use of both ministers’ and committees’ time. ***Standing Order No. 145 should be amended to extend our ability to take evidence on matters of public policy from others than just the Prime Minister.***

319 Institute for Government ([SCS0038](#))

320 Business, Energy and Industrial Strategy Committee ([SCS0041](#))

321 Oral evidence taken on 2 November 2016, [HC \(2016–17\) 689](#)

322 Oral evidence taken on 7 February 2018, [HC \(2017–19\) 770](#)



282. Even when working within our currently restricted remit the absence of a power for this committee, unlike all others, to appoint specialist advisers to help with our work on select committee best practice and innovation has proved occasionally frustrating. This minor anomaly should be removed. ***We recommend that the Liaison Committee be given the power to appoint specialist advisers.***

### ***A co-ordinating role?***

283. This Committee does not, and should not, exercise any form of control over the activities of individual committees. However, it should be the forum in which cross-over is discussed and co-ordination through informal means achieved.

284. For example, we received evidence that there had been possibly unhelpful duplication of work between committees on matters relating to leaving the EU. The Institute for Government wrote that “The need for such a role has been amply demonstrated by Brexit, which was the subject of 13% of all inquiries announced by Commons committees in the year following the 2017 election”.<sup>323</sup> Academics from UK in a Changing Europe noted that the Liaison Committee would be the “obvious venue” in which to work out how committees can complement each other, reduce duplication and ensure that key issues are not missed”.<sup>324</sup> We agree. **Although it is for individual committees to decide their own work programme, conversations between Chairs sharing knowledge, plans and approaches will help them make informed choices and trade-offs between future work. The Liaison Committee, as the place where all chairs come together, can host and facilitate the knowledge sharing of plans for future inquiries so that decisions can be made about whether joint inquiries or guesting arrangements would be more appropriate.**

### ***Sector, thematic, or locality reviews***

285. We were drawn to suggestions that select committees could work together to consider how policies have affected a particular section of society, across departmental boundaries. For example, Involve told us that there was potential for the Liaison Committee to undertake work to better understand the concerns and priorities of sections of the public, such as young people, or those living in rural areas.<sup>325</sup> Likewise, Dame Una O’Brien noted that:

I would love to see Select Committees choose some localities and look at the combination of policies in a given locality, and reflect that back to Government. If that could be co-ordinated across a number of Committees, it would be an immensely powerful thing. For example, if you choose a city such as Manchester and a couple of rural areas, and ask how these policies come together on the ground in relation to people’s lives, I think it would be innovative and interesting.<sup>326</sup>

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323 Institute for Government ([SC50038](#))

324 UK in a Changing Europe Research Hub ([SCA0048](#))

325 The Involve Foundation ([SCA0070](#))

326 [Q20](#)



286. At the start of each Parliament, the Liaison Committee might usefully decide upon two or three sectors or areas of the UK and invite select committees to work together to consider the impact of government policy across departmental boundaries as part of their work stream. A number of individual or concurrent inquiries might take place, with research evidence gathered or commissioned to support findings.

## Resources for scrutiny

287. Standing Order No. 145 requires us “to give such advice relating to the work of select committees as may be sought by the House of Commons Commission”. In practice, this means advising the Commission, as the ultimate budget setting authority of the House, on the resources required for the select committees to operate effectively.

288. Over the last forty years there has been a very significant increase in those resources. In 1979 the number of staff in the Committee Office was around 30—by 1996–97 it had grown to around 90, by 2005–06 to 175 and it is now approaching 300. There were significant real-terms uplifts in the budget in 2002, 2013 and in the current year. The total budget for the Office now stands at around £16 million a year, of which over 90% is staff costs.<sup>327</sup> That represents less than 5% of the House’s total resource budget and less than 0.002% of total public expenditure, or to put it another way between about two and nine (depending on how you calculate it) minutes of annual public expenditure. Whichever way one looks at it, it is a relatively modest burden on the public purse given the value added by the select committee system.

289. Although scrutiny work is protected within the House’s budget, the Finance Committee has recently told us that it will for the future take a stricter interpretation of the scrutiny exemption, applying it only to demonstrably novel demands agreed by the House (typically to establish a new committee) and that the “flat cash” remit will apply to the scrutiny budget in general. The pressures on staff resources however, continue to grow, and the appetite for work amongst select committees is certainly not diminishing. In particular, we have identified throughout this report the desire and need for greater engagement and more creative communication. There also looks to be a growing demand for the kind of “mini-publics” represented by the Citizens’ Assembly on Social Care, described in chapter 4. There will inevitably be more demand for the particular skills needed to deliver on these aims as well as the more traditional policy analysis skills which have been the focus of most previous increases in resources.

290. We have also laid emphasis throughout this report on the need to share knowledge and experience of best practice between committees. Such work is often the first victim of organisations operating under pressure. While much of the innovation in ways of working by committees comes from particular committees, capturing and generalising those lessons depends on some form of central knowledge exchange system, as does the development of techniques for assessing the impact of different ways of working (or even the traditional ways of working). **It is vital that the Committee Office funds and protects a capacity for research and development in scrutiny, able to work in a way that takes a long view rather than constrained by resources to short term firefighting work.**

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327 This figure does not, of course, represent the full economic cost, as it does not include such centrally-borne costs as rental, energy, IT, security, maintenance and so forth. A number of select committees are also staffed from outside the Committee Office complement.

291. The Procedure Committee's recent report proposes that the Unit be developed into a Commons Budget Office to support committee work in examining the spending plans of Government departments, a core select committee function which it considers is insufficiently exercised at present. Many of the people who submitted their views to this inquiry had other, and often good, ideas for additional work for committees. We see no prospect of a reduction in demand.

292. There is a constant tension between increasing resources for individual committees and providing specialised central resources which can be applied more flexibly. In general, the trend has been towards the latter, and we expect this to continue to be the most efficient way to meet future demand in most cases. The Chair of the Foreign Affairs Committee made the case for an experiment with delegating budgets to individual committees.<sup>328</sup> While this has an attraction in enabling committees to make their own trade-offs between, say, commissioned research, travel, engagement activities and perhaps even the size of their permanent secretariats, it would be a highly complex challenge to devise a system that worked and went beyond the very modest (and generally uncapped) sums of money currently available for discretionary expenditure by individual committees. The benefits and complexities of delegating budgets to committees should be tested by piloting such an approach with three or four committees over a couple of financial years. As a first priority, committees with an international remit should have delegated to them a modest annual budget for travel in a representative capacity to facilitate speedier decision-making and allow greater flexibility.

293. As part of the deal for the increased resources which the House granted in 2002, the Liaison Committee agreed to commission a review of select committee resources using the National Audit Office as an external and impartial moderator. A further one was commissioned and reported in 2007. *Given all the pressures we have identified above, and the expectation that for at least some years to come there will be no further real-terms increase in the scrutiny budget, we believe the time has come to invite the National Audit Office again to undertake a full review of the staffing and wider resourcing model that supports select committees, and we recommend that the Comptroller & Auditor General be asked to initiate one during the current year with the target of reporting before the beginning of the next financial year.* The proposal for an experiment with delegated budgets should be considered as part of that review.

294. We have also noted above (in chapters 3 and 5) the demand for greater inter-parliamentary working, which should be an aim whatever the nature of the UK's future relationship with the EU turns out to be. Successive reports since devolution have lamented the lack of attention given to this aspect the new constitutional settlement.<sup>329</sup> But this idea will continue to languish unfulfilled if some proper resources are not dedicated to it. Neither will it work if it is seen as a purely Westminster-driven initiative. *We recommend that the Clerk of the House negotiate with the chief executives of the devolved legislatures to establish a jointly-owned "shadow" secretariat of a UK-wide co-ordinating body to undertake feasibility studies and prepare options for the establishment of an effective, but not over-formalised, UK interparliamentary body based around the committees of each UK legislature.*

328 Tom Tugendhat MP ([SCA0050](#)), Business, Energy and Industrial Strategy Committee ([SCS0041](#))

329 Silk Commission recommendation 54a

## Process of establishing the Liaison Committee

295. The process of constituting the Liaison Committee at the beginning of the Parliament needs simplifying so that it can be done in a timely fashion. The membership of the Committee is agreed by resolution of the House. The resolution lists the committees of which the chairs shall be ex officio members of the Liaison Committee, and was not agreed in this Parliament until 6 November. This meant that exactly twelve months elapsed between the hearing with the Prime Minister in December 2016 and the next in December 2017. It also means that the various other duties imposed by standing order on the Committee (selecting matters for debate in Westminster Hall and on Estimates Days, allocating national policy statements) and other less formal work cannot be performed. Since changes in composition are relatively infrequent, there is no obvious reason why the list could not be incorporated into Standing Order No. 145 rather than agreed separately as a resolution (and it would also have the small advantage of making the standing order self-explanatory, while at present it is almost wholly opaque). The Committee would then come into existence as soon as a quorum of the chairs in the list took office. In order to maintain the tempo of scrutiny, this could apply as soon as they were elected rather than when their committees were constituted, but the newly-constituted Committee could elect a Chair on a temporary basis until all the vacancies had been filled. ***We invite the Procedure Committee to bring forward further changes to Standing Order No. 145 so that the Liaison Committee can come into existence as and when chairs take office following a general election. We recommend that an interim chair of the Committee could then be elected by chairs once more than half were in place, pending a final decision when the Committee was complete.***

## Our name

296. We are called the Liaison Committee as it was envisaged that this would be the forum for facilitating liaison between select committees. Before the formal establishment of this committee, the task had been conducted by the Chairman's Liaison Committee which was set up in 1967 at the suggestion of the then Leader of the House, but without the authority of the House itself. The 1979 Procedure Committee report which recommended our current departmental select committee system recommended that the task of liaison between committees, and associated tasks, required the creation of a formal committee and that it should be called "the Liaison Committee".

297. Our name is well understood. We are now a much more visible body, not least owing to our role in questioning the Prime Minister, and in that context our title is almost unhelpful in explaining who we are, what we do, and why we are doing it. It is difficult, however, to come up with alternatives. One suggestion that has some appeal is that we might be called a "conference of chairs". Another is that we might be called the "committee of Chairs".

## A champion for the select committee system

298. Finally, we have been struck over the course of this inquiry that whilst the work on individual committees might be well-known to its own stakeholders, we do a less good job of telling the story of select committees across the piece. *We recommend that the Committee Office communications staff develop and pilot a regular publication (perhaps monthly) highlighting in accessible formats the work of select committees collectively, providing a gateway through which the non-specialist and those with a direct but non-sector specific interest in parliamentary scrutiny could be drawn into the outputs of select committees across the whole range of their scrutiny activity.*

299. To the same end, we will be using the individual annual returns from select committees to publish our own annual report which, as well as setting out achievements and challenges, will help tell a narrative across select committee work. This process will also draw out areas where duplication may have been avoided, and co-operation encouraged so we can better show the benefits of joint working and discussion. It will pick out instances of innovation and best practice to ensure lessons are learnt and successes are celebrated. And it will be a resource in years to come, outlining the impact of the select committee system and the benefits of parliamentary accountability.

## 9 Conclusion

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300. We have not spent much time in this report looking backwards over the forty-year history of the departmental select committees. Our purpose has been to chart a way forward for the next phase of development. Over those forty years the scrutiny committees of the House have increased the tempo of their work, broadened the scope of their attention and increased the visibility of their work in ways which may well have been unimaginable to their founding members.

301. However, they still fulfil what we believe were the intentions of those who campaigned for so long to establish a systematic, sustainable and properly resourced scrutiny system for the House. They represent a rational and thoughtful approach to political problems, based so far as is possible on a cool appraisal of the facts and driven by the need to find common ground across their politically diverse memberships in identifying what is best for the electorate.

302. What we have heard in the course of this inquiry persuades us also that they have improved the quality of government by making ministers and officials more accountable for their actions and by requiring them to justify their decisions in public.

303. Their success has, we believe, also put them at the centre of the conversation between the institution which is at the heart of our system of representative democracy and those whom it represents. They have improved the quality of that conversation immeasurably, but there is still room for wider and better engagement.

304. The committees face both inwards to Westminster and Whitehall and outwards to the public—they are a bridge or a conduit between the two. As such they are as much part of that ill-defined organism known as “civil society” as they are a part of Parliament. Much of what we have had to say in this report has been celebrating the success of the select committees in reaching out to and engaging with the world outside Westminster. We hope they will continue to act as enablers who make government accountable not just to small groups of elected representatives but to all those parts of our society who want to hold their temporary rulers to account.

# 1 Annex 1: Role of EU law and policy in the UK in different phases of EU exit

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- 1) This annex seeks to provide an overview of the variable role of EU law and policy in the UK during the different phases of exiting the EU, as background to Chapter 3 of this report (“Select committees and the UK’s future relationship with the European Union”). Revocation is not considered in this annex as it is not an exit scenario: self-evidently, if the UK were to revoke Article 50 and the EU were to accept that decision, EU law and policy would continue to apply to the UK at present.
- 2) There will be some reduction over time in the role of EU law and policy in the UK in all foreseeable Brexit scenarios, other than in the highly theoretical scenario of the UK leaving the EU and negotiating a future relationship which involves it continuing to apply all EU laws and policies which currently apply to it. Despite this anticipated reduction, the UK’s geographic proximity to the EU and the deep regulatory and economic integration which exists between the two territories mean that EU law and policy will continue to play a strategically important role in all exit scenarios, including if there is no deal.
- 3) The precise nature of that role will change dynamically post-exit, depending on a wide range of factors including whether there is a negotiated or a non-negotiated exit, the phase of the exit process, the shape of any future relationship, and domestic policy choices of the UK and the EU. It will be articulated through some combination of: (i) international agreements and domestic provisions providing for continued application of EU law in the UK and/or participation in EU programmes, (ii) domestic policy choices which may provide for a degree of unilateral UK alignment with certain EU rules, and (iii) the impacts of EU law on UK stakeholders outside the scope of any bilateral agreement. Accordingly, the practical impact of how EU law and policy will impact on the UK and Parliament will vary considerably, and is likely to become simpler in some areas and more complex in others.
- 4) In terms of how the role of EU law in the UK will evolve over time post-exit, there are two basic tracks which the UK’s withdrawal could take, each of which contains different possible sequences of events and outcomes:
  - i) a negotiated withdrawal, in which the Withdrawal Agreement and the Political Declaration are ratified, with all of the consequences that entails, including a transition/implementation period, efforts to negotiate a future relationship based on the Political Declaration, and the backstop provisions potentially entering into force to the extent necessary; and
  - ii) a non-negotiated withdrawal (“no-deal”), which, rather than representing a terminus for the process of exiting the EU, would mark a new phase in the process, and which could develop in a number of ways.
- 5) These two tracks are set out in more detail below. It is important to note that, rather than simply superseding and replacing each other, in many cases the arrangements provided for in the different stages of the exit process described below may coexist at different points in time, representing different layers of the UK and the EU’s legal relationship.



## Track 1: Negotiated withdrawal from the European Union

### *(i) The Transition/Implementation period as provided for in the Withdrawal Agreement*

6) The current Withdrawal Agreement makes provision for there to be a transition/implementation period until December 2020.<sup>330</sup> During the transition/implementation period most EU law and policy, including new EU laws that come into force and had to be implemented within the period, would continue to apply and have the same legal effects in the UK as at present,<sup>331</sup> although a number of exceptions to this principle apply.<sup>332</sup> EU laws would also be supervised and enforced by EU institutions as currently.<sup>333</sup> This would happen as a matter of international law, from the EU/UK Withdrawal Agreement and domestic legislation giving effect to it, rather than as a function of EU law, and without formal UK participation in its creation.<sup>334</sup>

7) Whether new laws adopted by the EU during the transition/implementation period applied in the UK would depend on (i) whether that legislation had to be applied during the transition/implementation period, in which case they would, and (ii) if it did not, on whether either the backstop or any emergent future relationship between the UK and the EU provided for ongoing application of EU rules in that area, when the transition/implementation period had ended.

8) The transition/implementation period can be extended once for one or two years.<sup>335</sup> If this occurred, there would be some further reduction in the scope of EU policy that would apply to the UK during this extended period: for example, the UK would by default cease to take part in all budget-funded Union programmes, including its system of agricultural subsidies and its research programme, although it could attempt to negotiate some degree of participation in these programmes (to the extent that EU rules permit it) on a case-by-case basis.

### *(ii) Other specific areas in which EU law will continue to apply directly in the UK as provided for in the Withdrawal Agreement:*

9) In the event of a negotiated withdrawal, in addition to the transition/implementation period, there are a number of other areas provided for in the Withdrawal Agreement in which EU law will continue to apply in the UK after the transition/implementation period:

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330 Part Four, Articles 126 to 132, of the draft Withdrawal Agreement.

331 The combined effect of Articles 127 and 4 of the draft Withdrawal Agreement.

332 Some laws concerning the rights of EU citizens and certain EU justice and home affairs laws which are not already binding on the UK by exit day will not apply during the transition/implementation period. The UK would be excluded from EU information exchanges, procedures and programmes which required access to security-related information (such as elements of the EU Space Programme and eligibility to participate in certain procurement tenders). The UK would no longer be able to act as leading authority for risk assessments, examinations, approvals or authorisations at the level of the Union or at the level of Member States acting jointly for those activities referred to in Annex VII of the draft Withdrawal Agreement.

333 Article 131 of the draft Withdrawal Agreement.

334 Article 128(2) of the draft Withdrawal Agreement.

335 Article 132 of the draft Withdrawal Agreement.



- EU law will apply to protect the rights of EU citizens in the UK.<sup>336</sup>
- EU law will apply in relation to the Separation Issues and the Financial Settlement.
- EU law in relation to goods, turnover taxes, agriculture and fisheries as well as veterinary and phytosanitary rules will apply in the Sovereign Base Areas of Cyprus.

10) These obligations would no longer flow from the EU Treaties, but from the EU/UK Withdrawal Agreement and domestic legislation giving effect to it. However, they would need to produce the same legal effects in UK law as EU law does currently.<sup>337</sup> Extensive arrangements concerning oversight of these provisions and resolution of disputes regarding them are provided for in the Withdrawal Agreement.<sup>338</sup>

***(iii) The Protocol on Ireland and Northern Ireland (the backstop) as provided for in the Withdrawal Agreement***

11) If the transition/implementation period ends and either a future relationship or alternative arrangements are not in place which would remove the need for any physical infrastructure or related checks and controls on cross-border activity between Ireland and Northern Ireland, then the Protocol on Ireland and Northern Ireland in the Withdrawal Agreement (the ‘backstop’) will apply.

12) Under the backstop, the whole UK would form a single customs territory with the EU (except for trade in fisheries and aquaculture products unless an agreement on access to waters and fishing opportunities is applicable between the EU and the UK, ideally to be concluded and ratified before 1 July 2020). The UK would conform to some specific EU legislation on customs and to provide a ‘level playing field’ the UK would commit to non-regression of EU environmental protection, labour and social standards, as applicable at the end of the transition/implementation period, and some alignment with rules on state-owned undertakings in respect of administration of tax, state aid and competition rules. The UK would also have to adhere to the standards set out in various EU equal treatment laws.

13) In addition to these UK-wide obligations, the backstop would require Northern Ireland to apply a range of additional EU legislation, in areas such as VAT and excise duties, product and technical standards for goods, agriculture and the environment, wholesale electricity markets, and the EU’s Customs Code. The May Government made a

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336 In the case of EU citizen rights, Article 158 of the draft Withdrawal Agreement provides for a continued role for the Court of Justice in their interpretation for a period of up to 8 years after the transition/implementation period, with the court’s judgments to be given the same legal effect in UK law as at present. Article 4 also provides that EU citizens may also rely on their rights under the Agreement directly in UK courts where they satisfy conditions for “direct effect” and for inconsistent UK statute to be set aside.

337 See Article 4 of the draft Withdrawal Agreement.

338 Although disputes about these obligations are to be settled using the JC and arbitration procedure, potential sanctions for non-compliance with arbitration panel ruling include lump sum fines or penalty payment and ultimately proportionate suspension of provisions of the draft Withdrawal Agreement or “any other agreement between the EU and the UK”. Also, questions of EU law relevant to the disputes must be referred by the arbitration panel to the Court of Justice to give a ruling to be binding on the panel.

unilateral commitment to ensure “no divergence in law or in practice between the rules in Great Britain and Northern Ireland covered by the Protocol in any scenario in which the backstop took effect”.<sup>339</sup>

14) The backstop would nonetheless entail a significant reduction in the proportion of EU laws that were applicable in the UK, as the rules covered by it “constitute a small fraction of the single market rules that currently apply to the UK”,<sup>340</sup> and exclude EU Single Market law concerning the free movement of persons, services and capital, as well as most non-economic EU law. That said, the mechanisms for the application and enforcement of EU law, where it continued to apply, would, arguably, become more complex.

15) These obligations would no longer flow from the EU Treaties, but from the EU/UK Withdrawal Agreement and domestic legislation giving effect to it. As the Protocol is an integral part of the Agreement, the provisions of the Protocol itself and in particular EU law that it applies to Northern Ireland would need to produce the same legal effects in UK law as EU law does currently.<sup>341</sup>

#### *(iv) The future relationship*

16) It is envisaged by the Withdrawal Agreement that the transition/implementation period will be succeeded by a future relationship, which the UK and the EU commit to negotiate based on the framework set out in the Political Declaration.<sup>342</sup> The relationship would cover the full range of UK-EU relations, including data, fisheries, financial services, workers’ rights, security and trade in goods.

17) The Declaration, which was agreed at negotiators’ level and agreed in principle at political level, establishes that any future relationship must respect certain principles of the EU previously set out in Guidelines from the European Council<sup>343</sup>—notably, “the balance of rights and obligations” as well as “the integrity of the Single Market and the Customs Union and the indivisibility of the four freedoms”.<sup>344</sup> These principles have the effect of making participation in the EU Single Market essentially a binary proposition, which would require continued acceptance of free movement of persons between the UK and the EU, alongside a range of other obligations.

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339 See the [UK Government’s commitments to Northern Ireland and its Integral Place in the United Kingdom](#), 9 January 2019

340 See the Government’s [Explainer for the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union](#), 14 November 2018

341 In respect of EU law applying to Northern Ireland, Article 14 of the Protocol preserves the EU institutions’ supervisory and enforcement role, with the Court of Justice also retaining its jurisdiction to giving preliminary rulings on interpretation. Otherwise dispute settlement procedures envisaged by the draft Withdrawal Agreement would apply, together with the same specific requirements on referral of questions of EU law to the CJEU, fines and penalties and suspension.

342 Political Declaration setting out the framework for the future relationship between the European Union and the United Kingdom ([25 November 2018](#))

343 European Council, (Art. 50) - Guidelines ([23 March 2018](#))

344 Political Declaration, paragraph 4.

### *Future relationship based on the Political Declaration*

18) On the basis of these agreed principles and the UK's intention to end the free movement of persons between the UK and the EU, the Declaration as drafted envisages a future relationship which envisages little ongoing formal integration between the UK and EU legal orders in the context of the future relationship ("the Parties will form separate markets and distinct legal orders"<sup>345</sup>). Instead of forming part of the Single Market, arrangements would be made for bilateral cooperation in a wide range of areas, which would involve a reduction in the role of EU law and policy in the UK (although the precise extent of that role would depend on the design of the new arrangements which were negotiated). One exception is the suggestion that the relationship should "build and improve on the single customs territory provided for in the Withdrawal Agreement which obviates the need for checks on rules of origin".<sup>346</sup>

19) Two further factors might somewhat limit the overall looseness of the legal relationship sketched out in the Declaration. Firstly, such a relationship would not in itself remove the need for the backstop provisions in the Withdrawal Agreement to remain operative. Therefore, even if a low regulatory integration agreement like that envisioned in the Political Declaration were concluded, unless alternative solutions to the backstop were identified that were acceptable to the EU, the provisions of the backstop, outlined above, would remain operative. Thus, there is the possibility that, even if the UK sought to conclude a loose future relationship with the EU, it would effectively remain in a Customs Union with the EU, with Northern Ireland applying (primarily) EU rules relating to goods.<sup>347</sup>

20) Secondly, the Declaration signals that the UK could choose to unilaterally align with some EU rules, noting that this "would be taken into account in the application of related checks and controls".<sup>348</sup> If the Government chose to do this, some EU rules relating to products would effectively continue to apply in the UK as a matter, not of EU law or international law, but of domestic policy, meaning that EU law would remain of substantial relevance in these areas. Where the UK chose to align with EU rules domestically, there would still potentially be some reduction in the relevance of some aspects of EU law in these areas, as, because the UK would no longer be a Member State, the reciprocal, intra-EU arrangements between Member States provided for in EU law (e.g. regarding market access, recognition of regulators and approvals, and access to EU systems and procedures) would no longer apply to the UK.<sup>349</sup>

21) The Declaration also states, specifically in relation to law enforcement and judicial cooperation in criminal matters, that a closer partnership in this area would require commitments from the UK regarding alignment with EU rules.<sup>350</sup>

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345 Political Declaration, paragraph 21.

346 Political Declaration, paragraph 24.

347 See paragraphs 6–12.

348 Political Declaration, Paragraph 28.

349 To provide one example, even if the UK unilaterally chose to remain aligned with EU goods rules, in which case it would copy EU industrial product standards, if it were no longer part of the Single Market and its system for the mutual recognition of national technical standards for goods, future changes to this intra-EU system would not apply directly to the UK (even if the Government wanted them to).

350 Political Declaration, Paragraph 83.

*Future relationship based on an amended Political Declaration providing for a higher degree of ongoing regulatory integration or alignment*

22) The Political Declaration is a flexible document: the EU has frequently reiterated its “openness to rework the Political Declaration in full respect of European Council guidelines”.<sup>351</sup>

23) The UK could, without breaching the principles that have been negotiated in the Declaration, pursue a very close economic relationship with the EU in which Single Market law would continue to apply in the UK in its entirety, and the UK would remain in a Customs Union.

24) Were this to happen, EU law would continue to play a direct and substantial role in the UK, effectively continuing to constitute a significant proportion of the UK legal order. To date, the most specific proposal for such an arrangement has been the “Common Market 2.0”<sup>352</sup> model proposed by a group of MPs, which would involve the UK remaining part of the Single Market by joining the European Free Trade Association (Efta), and remaining in a common customs territory with the EU. This proposal would also see the UK leave a range of areas of EU law including the Common Agricultural Policy and the Common Fisheries Policy, thus entailing some reduction in the extent of EU law that would apply in the UK.

25) To negotiate such a relationship, the Declaration establishes that the UK would have to accept the continued free movement of persons between the EU and the UK (on the basis that the four freedoms of the Single Market are ‘indivisible’). There has not to date been a majority in the House of Commons for such an approach.

**(v) Areas excluded from the future relationship**

26) Where EU law and policy cease to apply directly in the UK under the future relationship, they will nonetheless often remain relevant to UK stakeholders engaged in cross-border activity with the EU. For example:

- EU law would continue to specify the rules applicable to the placing of goods/services on its market by UK operators, as well as to other types of cross-border activity. Geographical proximity and historic patterns of trade mean that these rules will continue to apply to a very substantial, although potentially a reduced, proportion of UK cross-border activity.
- In areas in which the UK wishes for its rules and regulators to be recognised as adequate/equivalent to those of the EU or to retain close cooperation (e.g. data protection, financial services, justice and home affairs), the Government is likely to have to maintain a considerable degree of alignment with EU rules.
- If the Government chooses to seek to minimise friction to UK-EU trade, it may continue to apply some EU rules or elements of them domestically, meaning that they would continue to apply indirectly.

351 Reuters, [EU's Barnier to reaffirm on Monday openness to rework Brexit political declaration](#), 8 February 2019

352 [Common Market 2.0](#).

- The European Union (Withdrawal) Act 2018 (EUWA) ensures that UK and EU rules would remain aligned at the moment of EU exit to the extent that is possible, taking into account the limits on third country participation in reciprocal, intra-EU systems and arrangements.
- As with other third countries, the EU will make decisions that are specifically applicable to the UK through tertiary (and in some cases secondary) legislation.

## Track 2: Non-negotiated withdrawal from the European Union (“No-Deal”)

27) In the event of a “no-deal” exit, new EU laws would cease to constitute the UK’s legal order through obligations flowing from the EU treaties, and in the absence of any international agreements committing the UK to do so. Nonetheless, EU law would continue to play a significant role.

28) Firstly, even if there were no deal, the European Union (Withdrawal) Act 2018 (EUWA) would retain EU law in the UK legal order through the creation of a new category of domestic law (“retained EU law”). Where deficiencies in retained EU law would otherwise arise—for example, where provisions of EU law are reciprocal in character, and unilaterally retaining those provisions in UK law would not preserve their effects because EU Member States would no longer be obliged to reciprocate these provisions for a non-Member State—“corrections” can be made under Section 8 EUWA, which may amount to substantial divergence from EU law (for example, the regulations which abolished mobile roaming charges within the EU have been amended or revoked to reflect the fact that these reciprocal arrangements would no longer function<sup>353</sup>). Nonetheless, EU law would continue to provide the basis, or at least the starting point, of a considerable part of the UK’s legal order at the moment of exit, even if there were no deal. Furthermore, Section 5 (2) EUWA 2018 provides that the principle of supremacy of EU law continues to apply to all pre-exit UK legislation, meaning that any pre-exit UK legislation which is incompatible with retained EU law must be invalidated or disapplied.

29) Secondly, during the initial period of a non-negotiated exit, and in the absence of negotiated bilateral arrangements, the array of unilateral “no-deal” contingency measures that the EU has passed would govern certain types of UK-EU activity, alongside the UK’s own unilateral preparations. Some of these EU measures would require UK stakeholders and the Government to comply with the level-playing field-type requirements contained in them if the Government wished to avail of the (reduced) market access provided for in them, which could be suspended were the UK to be found in breach of these conditions. The EU might adopt further measures in the aftermath of a non-negotiated exit, for example, relating to the Irish border.

30) Thirdly, even if there were a non-negotiated exit, the UK might seek to negotiate new bilateral arrangements with the EU which would mitigate the effects of a non-negotiated exit. The EU has anticipated this, and a recent Communication states that:

“In a no-deal scenario, these temporary contingency measures provide the United Kingdom the space in which to address the three main separation issues, which are a precondition for discussions on the way forward with the United Kingdom. As stated by President Juncker to the European Parliament on 3 April 2019, these issues are (i) that rights of EU27 and UK citizens who have exercised their right to free movement before withdrawal would still need to be upheld and protected, (ii) that the United Kingdom would still have to honour its financial commitments made as a Member State, and (iii) that a solution would still need to be found to preserve peace on the island of Ireland and the integrity of the internal market. The United Kingdom must fully respect the letter and spirit of the Good Friday Agreement.”<sup>354</sup>

31) There is thus the possibility that a non-negotiated exit would evolve into a negotiated exit, with new arrangements which could potentially include some ongoing application of EU law in certain areas. Equally, it is possible that there would be a protracted standoff with the UK declining to meet the preconditions for further negotiations specified by the Commission. In such a scenario, it is a political judgement as to whether, to what extent, and subject to what conditions, the Commission would in time be willing to soften its current position and conclude any new arrangements with the UK.

32) EU law would also, even if there was a non-negotiated exit, continue to limit the extent to which the UK would subsequently be able to conclude bilateral agreements with individual EU Member States in a wide range of policy areas, including trade.

33) Finally, in the event of a non-negotiated exit, EU law and policy would continue to specify the rules governing the placing of goods/services on its market for UK stakeholders and other cross-border activities, in the same manner as it would in the event of a negotiated future relationship for those activities for which new UK-EU arrangements were not agreed, as set out in section (v): “Areas excluded from the future relationship”.

## Relevant developments in EU case law

34) **Post-exit, EU case law may impact retained EU law or EU law that is otherwise relevant to the UK (for example where the UK has an interest in ensuring that UK law is recognised by the EU as being ‘equivalent’ to EU law).**

Source: House of Commons staff

354 European Commission, Communication, Addressing the impact of a withdrawal of the United Kingdom from the Union without an agreement: the Union’s coordinated approach, [COM\(2019\) 195 final](#)



## 2 Annex 2: Standing Order changes

We set out these suggested changes to the House's standing orders, following on from our recommendations in this report, for the convenience and better understanding of readers. We do not regard the form in which they are presented here as necessarily final form in which they might be put to the House for approval.

**In Standing Order No. 152 (Select committees related to government departments)** the following words shall be added at the end of paragraph (1) “; together with matters of public concern falling within the area of competence of those departments and bodies”. [Para 18]

**In Standing Order No. 145 (Liaison Committee)**, paragraph (3) shall be replaced by the following paragraph:

“(3) The committee shall determine the business to be taken in the House on three of the days allotted under paragraph (4) of Standing Order No. 14 (Arrangement of public business) to backbench business.”

**In Standing Order No. 152J (Backbench Business Committee)** the following paragraph shall be added:

“(8) The committee shall report its recommendations as to the allocation of time for consideration by the House of the estimates on any day or half day which may be allotted for that purpose; and upon a motion being made that the House do agree with any such report the question shall be put forthwith and, if that question is agreed to, the recommendations shall have effect as if they were orders of the House:

Proceedings in pursuance of this paragraph, though opposed, may be decided after the expiration of the time for opposed business.”

**In Standing Order No. 54 (Consideration of Estimates)** the following amendments shall be made:

(a) in paragraph (1), the words “paragraph (3) of Standing Order No. 145 (Liaison Committee)” shall be replaced by the words “paragraph (8) of Standing Order No. 152J (Backbench Business Committee)”.

(b) in paragraphs (2) and (3), the word “Liaison” wherever it occurs shall be replaced with the words “Backbench Business”.

[Para 42]

That the following be a Standing Order of the House:

“Pre-appointment hearing reports

(1) This order applies where a committee of the House has made a report on a Minister's preferred candidate for an appointment to a post listed as a significant appointment by the Commissioner for Public Appointments.

(2) The conditions for this order to apply are that—



- (a) a committee has held a pre-appointment hearing with a preferred candidate;
  - (b) the committee has reported that it does not recommend that the Minister proceed with the appointment; and
  - (c) the committee has given the relevant Minister an opportunity to respond in private to its proposed recommendation and any accompanying comments and questions provided to that Minister at least five working days before it made its report.
- (3) If a committee has made a report to which paragraphs (1) and (2) of this order apply, a motion that the House agrees with the Committee in its recommendation may be made.
- (4) The Speaker shall put the questions necessary to dispose of proceedings on any motion made under paragraph (3) of this order, including the questions on any amendments which may have been selected, not later than one and a half hours after the commencement of proceedings on the motion; and a motion made under this order may be proceeded with, though opposed, at any hour.
- (5) If no motion under paragraph (3) of this order has been made and disposed of within five sitting days after the relevant report of the committee was made to the House, the Speaker, on the application of the Chair of the relevant committee made at the commencement of business of any subsequent sitting day, may determine that a debate on the motion shall be held on a subsequent day, naming the day and time at which it will be held.”

[Para 192]

**In Standing Order No. 133 (Power to report opinions and observations)**, the word “leave” shall be replaced by the word “power” and the words “and observations upon any matters referred to it for its consideration” shall be replaced with the words “, observations, communications, findings or correspondence within its terms of reference and to publish these”. [Para 201]

**In Standing Order No. 134 (Select committees (reports))**, the words after “Table” are omitted. [Para 207]

**In Standing Order No. 122B**, there shall be added to the list of committees, in appropriate alphabetical position, the following committees:

- The Administration Committee
- The European Scrutiny Committee
- The Finance Committee
- The Regulatory Reform Committee

[Para 232]

The following amendments shall be made to **Standing Order No. 145 (Liaison Committee)**:

(a) in sub-paragraph (1)(c), the words “report to the House its choice of select committee reports” shall be replaced by “notify the House of the matters it has determined”; and the words “Speaker in pursuance of paragraph (15)” shall be replaced by “Chairman of Ways and Means in pursuance of paragraph (7)”.

(b) in paragraph (2), after the words “Prime Minister” the words “and others” shall be inserted.

(c) after paragraph (4) the following paragraph shall be inserted:

“(4A) The committee shall have power to appoint specialist advisers either to supply information which is not readily available or to elucidate matters of complexity within the committee’s order of reference.”

[Paras 274, 275 and 276]

### 3 Appendix 1: UK Parliament, Behaviour Code

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Whether you are a visitor or working in Parliament at Westminster or elsewhere, there are clear guidelines in place on how you should be treated, and how you should treat others:

- Respect and value everyone—bullying, harassment and sexual misconduct are not tolerated
- Recognise your power, influence or authority and don't abuse them
- Think about how your behaviour affects others and strive to understand their perspective
- Act professionally towards others
- Ensure Parliament meets the highest ethical standards of integrity, courtesy and mutual respect
- Speak up about any unacceptable behaviour you see

Unacceptable behaviour will be dealt with seriously, independently and with effective sanctions

# Conclusions and recommendations

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## The work of committees

1. *We recommend that paragraph (1) of Standing Order No.152 should be amended to read as follows: Select committees shall be appointed to examine the expenditure, administration and policy of the principal government departments and their associated public bodies as set out in paragraph (2) of this order; together with matters of public concern falling within the area of competence of those departments and bodies. (Paragraph 18)*
2. The core tasks had a positive effect on the ability of select committees to plan and be held to account for their work, but the time has come to restructure them. We propose a shorter set of core tasks which include the “how” as well as the “what” of committee work. We believe this approach can help foreground the need for forward planning, public engagement, and innovation. (Paragraph 22)
3. We encourage committees to go further and publish and consult on their strategy at the start of a Parliament. This could include setting out how the public and stakeholders can submit ideas for future inquiries. This would allow committees to hear a wider range of views on not only what they inquire into, but why it matters and how they might go about doing so, from those who are most engaged in or affected by a policy area (Paragraph 25)
4. *We recommend that the Committee Office facilitates, with Research and Information, including the Parliamentary Office of Science and Technology (POST), the creation of documented and published “Areas of Interest” in the same way that government departments now do. (Paragraph 26)*
5. Select committees must make choices about what they do and why. Members’ time and the resources we have to support committees are limited. Thorough planning and time for follow up are likely to deliver greater impact, more time for engagement, and better use of evidence. (Paragraph 30)
6. *We recommend that every government department produces an annual memorandum to the relevant select committee which sets out progress on implementing committee recommendations and other reports notified as being of interest to the relevant committee. This would enable both committees and departments to monitor the quality as well as the timeliness of government responses. Departments should also provide memoranda to cross-cutting committees where their responsibilities apply. (Paragraph 32)*
7. Follow-up should be considered part of the core ways of working of select committees. (Paragraph 35)

8. We believe it remains appropriate to have a deadline for government responses, but how it is met should be a matter of negotiation between ministers and chairs. We intend to monitor the timeliness of these responses over the next twelve months. Where departments are persistently late, or responses are persistently poor quality, we will notify the Leader of the House of our concerns. We believe best practice in this area will not happen of its own accord: the Committee Office should invest resources in the technology and techniques which are shown to work in improving the follow-through of committee recommendations. Together with the Cabinet Office, the Committee Office should be developing official-level dialogue about how both sides of the bargain could be strengthened to ensure that committees are not casting their bread on the waters when they make recommendations to government. (Paragraph 36)
9. We hope that as our new joint working practices are embedded, they might be mirrored by similar provisions in the House of Lords, and that their innovative use could provide opportunities for joint working between legislatures. (Paragraph 38)
10. *The current pilot swap arrangements for Estimates Days have given the Committee access to the agenda on three days a session. We believe this pilot arrangement to have been a success and recommend that it should be embedded in Standing Orders, and we await the outcome of the Procedure Committee's evaluation of the pilot, which it instituted in January 2018. Given the somewhat elastic length of a parliamentary session, the number of days given to the Liaison Committee should be at least three a year, rather than three a session.* (Paragraph 42)
11. *We invite the Procedure Committee to come forward with proposals for select committee questions in the Chamber, and to produce a scheme for cross-cutting questions on select committee work to take place at sittings in Westminster Hall.* (Paragraph 45)
12. We would encourage the Procedure Committee, when time allows, to take a long and comprehensive look at the ways in which the select committees reinforce rather than compete with the work of the plenary, and be prepared to make recommendations which would represent a step change in that settlement. (Paragraph 46)
13. *We recommend that the process of Committees accounting for their performance on an annual basis be reintroduced. Departmental select committees, and those with a policy scrutiny remit, should produce a short, visually engaging output each year. This could be a document making use of data visualisations and infographics to set out key achievements and innovations, statistics and notable examples of impact the committee had had, or it could be a video providing information on these points.* (Paragraph 48)

### Select committees and the UK's future relationship with the European Union

14. The high degree of uncertainty regarding the future relations between the UK and the EU points towards flexibility as a key principle for how select committees approach their future tasks. As events unfold, committees may have to adapt to ensure that scrutiny remains proportionate to the state of the UK's relationship with the EU and the rest of the world. Any future relationship negotiations are likely

to be wide-ranging and complex. As such, they are likely to engage the interest of most select committees, requiring expert support deployed as efficiently as possible. (Paragraph 75)

15. We agree that there is scope to adapt committee structures in response to the challenges presented by the evolving UK-EU relationship. While acknowledging that committee structures are linked to decisions about the machinery of government, we also conclude that we must respond to the deep uncertainty which is—and will remain—a factor for some time. (Paragraph 82)
16. One option which we believe requires further investigation is the creation of a single integrated European committee to provide oversight of EU-UK matters. (Paragraph 83)
17. Further work is also required to consider the appropriate model for future treaty scrutiny and the Liaison Committees of both Houses should hold internal discussions to take this forward. Options for consideration include the establishment of a joint “treaties” committee of both Houses. (Paragraph 84)
18. We recommend that the Committee Office give thought to the requirement for expertise and its consequences on models for staffing committees, considering the range and uncertainty of demands. This must reflect not only the demands of EU and international work, but also the expanded workload deriving from any potential return of policy competence from the EU level to the domestic level. To meet the needs of the committees as a whole, it is therefore imperative that any new arrangements are designed to make the most flexible and efficient use of existing resources, so that EU and international legal and policy expertise can be deployed to best effect. (Paragraph 86)
19. We recommend the development of a Framework Agreement between both Houses of Parliament and the Government on providing information on treaty negotiations and conclusion. (Paragraph 89)
20. *Discussions must now take place between the Liaison Committees of both Houses, with input from the Leaders of each House, to determine the next chapter in the House’s oversight of UK-EU relations, whatever form they take and at whatever pace of change.* (Paragraph 90)

### Evidence, engagement and research

21. *Where possible, committees should seek to build in opportunities for stakeholders to engage in their work, such as consulting on inquiry topics. Timescales should be set to enable those with limited resources to respond. This includes allowing sufficient time for them to prepare written submissions or to prepare for an oral evidence session.* (Paragraph 96)
22. *We recommend that by the end of March 2020 the Committee Office should make proposals to the Liaison Committee on how a system for witnesses declaring interests could work and what procedural changes, decisions of the House and guidance would be needed to enable such a process.* (Paragraph 100)

23. Select committees are now operating in a very different media and communications environment, where information is conveyed as much through audio, video and image as the written word. *Whatever its medium or format, information submitted to committees which they then seek to publish by order of the House ought to be recognised as formal evidence. The House must take the necessary steps to bring about this change.* We invite the Procedure Committee to identify and recommend to the House any changes in the House's practices that would be necessary to achieve this. For our part, we commit to establishing a protocol to ensure that such material is used appropriately by select committees seeking to report it, for instance by ensuring that all parties to an audio recording have consented to the reporting of such material. (Paragraph 104)
24. We recognise that we need to make it as easy as possible for members of the public to engage in our work. However, the current requirements for submitting written evidence pose barriers which prevent this from happening. *An online form with a series of text boxes to help structure the submission could encourage contributions from members of the public. We recommend that this should be trialled by the Web and Publications Unit over the next twelve months.* (Paragraph 107)
25. We note how discourteous it can appear to witnesses and how disruptive it can be for them to have to pause an evidence session when the division bell rings. Many witnesses travel long distances to give evidence and the House should consider how its voting procedures could be modified to reduce this disruption, including trialling the use of electronic voting posts in committee rooms. (Paragraph 113)
26. *The UK Parliament's Behaviour Code, which sets out shared behavioural expectations for the parliamentary community, applies just as much to the way we treat witnesses and those attending our public engagement sessions, as it does to our treatment of each other and House staff.* (Paragraph 116)
27. *In order to improve the quality and effectiveness of questioning by select committees, further effort should be made to renew the mentoring and training for select committee members and chairs.* This might include a new "chair's mentoring scheme" run peer-to-peer but facilitated by the House. It might also be worth exploring the possibility of a 360 degree feedback scheme for committees which asks witnesses, special advisers, and key stakeholders, for honest (and anonymised) reflections on an annual basis. Members should agree in advance how they will deal with other communications, including social media, during committee hearings and be mindful of the impact on witnesses if members are not paying attention to their evidence. (Paragraph 117)
28. Those appearing before committees in person should be supported to give the best account they can. This means offering all such people a telephone briefing and, unless committees feel that their status and the topic on which they are giving evidence should preclude it, giving them guidance on the likely questions or topics in advance. There should be no theological anguish amongst committee staff about whether or not this might trespass on the zone of contempt of the House. Chairs should also consider taking steps to put witnesses at ease before a session, greeting witnesses on their arrival, introducing themselves and setting the scene. (Paragraph 121)



29. Committees' needs must be considered in both the design of the temporary House and planning our future return to Parliament. We need flexible spaces which can be easily adapted so we can take evidence in different formats and there must be ready access to reliable, and preferably permanently situated, video-conferencing facilities. (Paragraph 125)
30. Hansard does not currently transcribe informal proceedings, but having a record of such sessions is extremely valuable. *We recommend that Hansard be resourced and therefore enabled to provide this support.* (Paragraph 126)
31. When deciding who to put forward as witnesses, organisations should share and respect our commitment to diversity and consider how a lack of diversity among their representatives might appear to the wider public and reflect on their sector. (Paragraph 129)
32. *We recommend that steps should be taken by the Committee Office to gather wider data on witness diversity and witnesses' feedback on oral evidence sessions, possibly by way of a questionnaire sent to witnesses after a session.* (Paragraph 131)
33. *We recommend that the Committee Office explores the costs and constraints on widening the scope of the "witness expenses" arrangements to embrace a wider range of events both in Westminster and beyond and brings forward costed proposals for enhancing this capacity.* (Paragraph 137)
34. We agree with the SCET that committee members and staff would benefit from receiving training in how to facilitate public engagement events. (Paragraph 140)
35. *We recommend that the Committee Office and Select Committee Engagement Team together find a way to capture, record and evaluate, in a way that can easily shared and accessed by different teams, the range of digital and face-to-face public engagement activities being undertaken by committees and how these can be used more effectively.* (Paragraph 141)
36. Providing feedback to participants after public engagement is very important. (Paragraph 144)
37. Digital engagement is an increasingly useful tool for committees, enabling us to hear directly from large numbers of people and specific sections of the public. *Work should begin between the Parliamentary Digital Service and Web and Publications Unit to trial new digital engagement tools and ensure that the new website can facilitate the use of a range of these.* (Paragraph 146)
38. We note that the research budget could be used to commission analysis from an external organisation of the data gathered from digital engagement and would endorse this approach where taken. (Paragraph 147)
39. *The House should consider how knowledge and learning on citizens' assemblies and other types of deliberative public engagement should best be captured, recorded and shared with a view to undertaking such activities more easily in the future.* (Paragraph 149)

40. In general, what we heard during this inquiry underlined the need for greater research, development and knowledge exchange capacity within the Committee Office, and better connections between the Select Committee Outreach Service and this capacity. (Paragraph 150)
41. We endorse the use of evidence checks by select committees and encourage a wider range of committees to consider their use where appropriate. We would like government to be more open to sharing its own evidence base with select committees. (Paragraph 152)
42. We welcome the positive contribution that the Parliamentary Office of Science and Technology makes to the work of select committees. However, efforts to make best use of the research capacity and knowledge of academic institutions and other research based organisations must continue. *We recommend that POST, the Committee Office, UKRI and the other research councils, along with the major charitable research funding foundations build more systematic and better understood structures within which co-operation between select committees and the wider research community can be more effectively enabled and enhanced.* (Paragraph 157)
43. *We recommend that work with UKRI and other relevant bodies in building connections with the research community through outreach and the use of fellowships, secondments and short-term attachments be taken forward by POST and the Committee Office.* (Paragraph 159)
44. *We recommend that the Committee Office act upon the Association of Charitable Foundation's offer to facilitate better engagement with the charitable research foundations and that this function is also assigned to the Office's central knowledge exchange capacity, working together with POST.* (Paragraph 163)
45. The most effective way for Committees to access research is to find ways to work in partnership with, and gain access to, not only the outputs of our publicly-funded research sector but also to its inputs, helping to influence (but not seeking to control) the priorities of the research funders and the criteria used in awarding grants. The publicly funded research sector should also continue to recognise the value in contributing to public debate and parliamentary scrutiny, and to reward academic institutions which contribute to this goal. (Paragraph 165)
46. *We would encourage the research funders to look at ways of building collaborative and co-operative, thematically coherent research transmission hubs where meta-analyses and syntheses are prepared proactively and are readily accessible. We invite those with an interest in this area, as custodians of very substantial public funds, to consider how such a body could be constituted, operated, and held accountable to Parliament while giving the widest possible benefit of access to the best research knowledge for all interested citizens.* (Paragraph 168)

## Powers, privileges and contempts

47. We invite the Privileges Committee to consider the issue of the extent of the immunity of Members of the House of Lords. (Paragraph 173)
48. We conclude that, should the co-operation of Members of this House in the future arise as an issue, it would be open to any committee to seek an ad hoc order of the House to secure the attendance or documents of any reluctant Member. (Paragraph 174)
49. Events since the letter from the Chair of this Committee was submitted to the Committee of Privileges in June 2018 have only served to further convince us that the option of doing nothing is unacceptable. (Paragraph 186)
50. We further note that recourse to an Address would be available at the initiative of a committee, but the main issue would be the ability of the government to refuse to find time for a motion for an Address to be debated. We believe that, as it is tantamount to a matter of privilege, should any committee feel obliged to have such resort to seeking a motion for an Address, it should become the clear practice of the House that time would be found urgently to debate its motion. (Paragraph 189)
51. We urge government to be more forthcoming in releasing papers that set out the evidence on which decisions are made, even if this involves redacting sections which are formal advice to ministers. There is no excuse for withholding evidence gathered at public expense which should rightly be in the public domain so that it can be subject to scrutiny. (Paragraph 190)
52. We agree with the general conclusions of both the 1999 and 2013 joint committees on parliamentary privilege that the Parliamentary Papers Act 1840 needs revision. So far as select committees are concerned, the mischief of the 1840 Act is obscurity and ambiguity. These factors are an unnecessary inhibition on select committees taking advantage of the breadth of modern means of communications both to gather evidence and to publish their findings in different ways which will engage different audiences. (Paragraph 193)
53. No doubt more work may be required to achieve a simple, clear statement of the statutory protection that select committees (and other parliamentary proceedings) need to enjoy in order to be able to perform their functions in as up-to-date a way as possible. But, once again, no action has been taken on recommendations from joint committees of both Houses for two decades. We believe that the matter of the review of the 1840 Act should now be taken forward, either by a reference to the Committee of Privileges or through further work by ourselves. (Paragraph 195)
54. *We support the recommendation of the Digital, Culture, Media and Sport and Public Administration and Constitutional Affairs committees for a new standing order of the House to provide for committees to have a right to initiate a short debate in cases where Ministers propose to override a negative report of a committee following a pre-appointment hearing.* (Paragraph 198)

## Communicating our work

55. In its 2012 report, our predecessor committee encouraged committees to keep their reports short and to avoid too many recommendations, and we endorse and restate this approach. (Paragraph 205)
56. We agree that there is a need for different kinds of ‘communication’ from committees which, while formally agreed and reported to the House, are less formal than a report, with its rather cumbersome procedural apparatus, but which carry more weight and status than a letter and can be specifically addressed to the world. (Paragraph 207)
57. We want our work to be accessible and to have a wide reach across a diverse range of audiences. *To this end, reports should be ‘digital first’ and, where possible, be complemented (and perhaps eventually supplanted in some cases) by other digital formats which, chosen and designed with their needs in mind, bring our work to life for the wider public. Such outputs should be made under an order of the committee wherever possible. To enable committees to develop a ‘digital first’ approach to reports and produce complimentary digital assets requires greater capacity and resources. Provision should be made to expand the Web and Publications Unit so that they are able to provide the support that committees need to digitally innovate.* (Paragraph 210)
58. *We recommend that Standing Order No. 134 be amended to give committees complete discretion and flexibility over the timing and distribution of their embargoed reports before publication.* (Paragraph 213)
59. Our website is Parliament’s main means of communicating with the public. For many, it will be their first and only point of access to our work. We are pleased that efforts to replace our existing website are underway. However, it is critical that this work is completed at the earliest opportunity. The new site must be easy to navigate for those who have no prior knowledge of the workings of Parliament. It should be easy for the public to find out about how the issues that interest and concern them are being debated and investigated by Parliament and its committees. The depth and breadth of select committee activity should be showcased, and engagement by the public in their work through the website should be made easier. (Paragraph 217)
60. *The current rules on photography no longer reflect modern practice and hamper committees’ attempts to engage the public in their work and set it in its proper context. We recommend that the Administration Committee review and update the rules to allow committees discretion about the use of photography.* (Paragraph 222)
61. *Committees should feel emboldened to adapt their language as they see fit, keeping the needs of their audience in mind, and the use of technical terms in the Standing Orders should be no impediment to this.* By way of example, we could invite people to give us their “views, concerns and experiences” on a topic and, instead of “witnesses”, we could refer to “guests” or “participants”. We could also start by referring to just “committees” in our communications, leaving out the term “select” which is confusing to the public. (Paragraph 229)

62. The formal structures and rules of the House should not be an inhibition on experiment except where absolutely necessary. We encourage committees to continue to innovate and be radical about how they engage with the world beyond Westminster and Whitehall. We look forward to continuing this approach and embedding it within a wider communications strategy. The formal report may not always be the best or most effective output from an inquiry in the future—what matters is what works, and different outputs will be appropriate to different purposes and audiences. As committees increasingly engage throughout an inquiry with their different interlocutors and stakeholders they must be able to communicate the progress of an inquiry effectively as it goes along. The dialogue which is an increasing feature of their work should be a continuous and two-way dialogue. (Paragraph 230)

### Chairs and Members

63. *We recommend that the relevant changes to Standing Order No. 122B be made to extend chair elections to all select committees.* (Paragraph 239)
64. *We suggest that the Procedure Committee consider different options available for allowing Members to leave select committees part way through a Parliament.* (Paragraph 240)
65. *We suggest that eligibility to sit on select committees should be determined by extending the application of the provision of those eligible to sit on the Backbench Business Committee to all select committees.* (Paragraph 245)
66. We believe that gender representation on committees is important enough to require positive action. *We suggest that the Procedure Committee should report on how quotas might be used so as to require a minimum of three Members of every select committee to be male, and a minimum of three female following the initial ballot.* (Paragraph 250)
67. We repeat here the recommendation of the Wright Committee but extend this from the principal committees to all committees: “that select committees should be nominated within no more than six weeks of the Queen’s Speech”. *We further recommend that the Liaison Committee should be enabled to sit with an interim chair pending the formal constitution of all committees once the majority have been elected.* It is not acceptable that scrutiny of the Prime Minister should be unduly delayed. (Paragraph 252)
68. The 60% rule has continuing value as a declaration of the general expectation of the House as to Members’ attendance at select committees, and we continue to endorse the view of the Liaison Committee in 2012 as to how it should work in practice, with the chair in question consulting with the Chair of the Liaison Committee and taking all factors into account before deciding whether to take further action. (Paragraph 257)
69. *We recommend that committees should from now on record in both their Formal Minutes and their attendance tables, in the manner set out in this Report, the periods for which any Member of the committee has a proxy vote under the House’s scheme agreed on 28 January 2019.* (Paragraph 263)

70. *We recommend that the Selection Committee propose temporary substitutes for select committee Members on parental leave, replacing them with the original Members when they return from that leave. (Paragraph 264)*
71. *We recommend that committees record long term or recurrent reasons for absence, which the chair is satisfied are legitimate and which the member concerned is content to divulge, on published committee attendance tables. (Paragraph 269)*
72. *Committees should also add at the bottom of their attendance tables the following text:*  
  
*Note: attendance rates at any particular committee will reflect other parliamentary commitments by Members, including membership of other select committees meeting at the same time or commitments in the Chamber or at public bill, delegated legislation or other parliamentary committees. Attendance rates can also be affected by such things as long-term illnesses, family illnesses or caring responsibilities. In some cases, a Member may have indicated an intention to leave the committee but has not yet been discharged by the House. (Paragraph 270)*
73. The wider recommendations of this report are seeking to ensure that the time of Members is most effectively applied where it will have the most influence, and committees need to be self-critical in ensuring that this aim is always kept in mind. (Paragraph 273)

### The role of the Liaison Committee

74. Specifying the number of oral evidence sessions with the Prime Minister in Standing Orders would not be a proportionate step. There should remain some flexibility in timing to allow us to respond to events. However, the presumption must be that the Prime Minister will make three dates a year available in good time for us to make the necessary arrangements. Where we suggest a particular timing, the Prime Minister should consider their response in the context of the value of public and parliamentary scrutiny and should try to accommodate requests to attend on or close to these dates. In particular, any new Prime Minister should appear before the Liaison Committee at the earliest opportunity after they take up office. (Paragraph 277)
75. We do not think that all calls for more cross-cutting work should necessarily be met with additional roles and responsibilities for the Liaison Committee itself. In the majority of cases, joint working between existing committees is the best way to add value. (Paragraph 279)
76. *Standing Order No. 145 should be amended to extend our ability to take evidence on matters of public policy from others than just the Prime Minister. (Paragraph 281)*
77. *We recommend that the Liaison Committee be given the power to appoint specialist advisers. (Paragraph 282)*



78. Although it is for individual committees to decide their own work programme, conversations between Chairs sharing knowledge, plans and approaches will help them make informed choices and trade-offs between future work. The Liaison Committee, as the place where all chairs come together, can host and facilitate the knowledge sharing of plans for future inquiries so that decisions can be made about whether joint inquiries or guesting arrangements would be more appropriate. (Paragraph 284)
79. At the start of each Parliament, the Liaison Committee might usefully decide upon two or three sectors or areas of the UK and invite select committees to work together to consider the impact of government policy across departmental boundaries as part of their work stream. A number of individual or concurrent inquiries might take place, with research evidence gathered or commissioned to support findings. (Paragraph 286)
80. It is vital that the Committee Office funds and protects a capacity for research and development in scrutiny, able to work in a way that takes a long view rather than constrained by resources to short term firefighting work. (Paragraph 290)
81. *Given all the pressures we have identified above, and the expectation that for at least some years to come there will be no further real-terms increase in the scrutiny budget, we believe the time has come to invite the National Audit Office again to undertake a full review of the staffing and wider resourcing model that supports select committees, and we recommend that the Comptroller & Auditor General be asked to initiate one during the current year with the target of reporting before the beginning of the next financial year.* (Paragraph 293)
82. *We recommend that the Clerk of the House negotiate with the chief executives of the devolved legislatures to establish a jointly-owned “shadow” secretariat of a UK-wide co-ordinating body to undertake feasibility studies and prepare options for the establishment of an effective, but not over-formalised, UK interparliamentary body based around the committees of each UK legislature.* (Paragraph 294)
83. *We invite the Procedure Committee to bring forward further changes to Standing Order No. 145 so that the Liaison Committee can come into existence as and when chairs take office following a general election. We recommend that an interim chair of the Committee could then be elected by chairs once more than half were in place, pending a final decision when the Committee was complete.* (Paragraph 295)
84. *We recommend that the Committee Office communications staff develop and pilot a regular publication (perhaps monthly) highlighting in accessible formats the work of select committees collectively, providing a gateway through which the non-specialist and those with a direct but non-sector specific interest in parliamentary scrutiny could be drawn into the outputs of select committees across the whole range of their scrutiny activity.* (Paragraph 298)



## Formal minutes

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**Monday 9 September 2019**

Members present:

Dr Sarah Wollaston, in the Chair

Chris Bryant	Norman Lamb
Yvette Cooper	Dr Julian Lewis
Mary Creagh	Mr Charles Walker
Kate Green	Pete Wishart
Harriet Harman	

Draft report (*The effectiveness and influence of the select committee system*), proposed by the Chair, brought up and read.

*Ordered*, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 298 read and agreed to.

Annex 1 and Annex 2 agreed to.

A Paper was appended to the Report as Appendix 1.

*Resolved*, That the Report be the Fourth Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

[Adjourned to a day and time to be fixed by the Chair.]

## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Monday 29 April 2019

**Dame Una O'Brien DCB**, former Permanent Secretary, **Sir Richard Mottram GCB**, former Permanent Secretary, and **Rt Hon. Charles Clarke**, former Secretary of State; **Professor Meg Russell**, Director, The Constitution Unit, University College London, **Dr Hannah White**, Deputy Director, Institute for Government, **Dr Ruth Fox**, Director, Hansard Society; and **Professor Tony Wright**, Emeritus Professor of Government and Public Policy, University College London

[Q1–44](#)

### Wednesday 8 May 2019

**Ruth Chambers**, Senior Parliamentary Affairs Associate, Green Alliance, **Kayley Hignell**, Head of Policy (Families, Welfare and Work), Citizens Advice, **Mark Lloyd**, Chief Executive, Local Government Association, and **Ed Cox**, Director of Public Services and Communities, RSA; **Professor Adam Cygan**, Leicester Law School, University of Leicester, **Dr Catherine Haddon**, Senior Fellow, Institute for Government, **Dr Holger Hestermeyer**, Shell Reader in International Dispute Resolution, King's College London, and **Dr Jack Simson Caird**, Senior Research Fellow in Parliaments and the Rule of Law, Bingham Centre for the Rule of Law

[Q45–81](#)

### Monday 13 May 2019

**Esther Webber**, Political Reporter, The Times, and **Carole Walker**, former Political correspondent, BBC; **Rt Hon Andrea Leadsom MP**, Leader of the House of Commons

[Q82–122](#)

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

SCA numbers are generated by the evidence processing system and so may not be complete.

- 1 AsSIST-UK ([SCA0061](#))
- 2 Association of Charitable Foundations ([SCA0066](#))
- 3 Belfast High School politics students ([SCS0003](#))
- 4 Dr Mark Bennister ([SCS0025](#))
- 5 Dr Danielle Beswick ([SCA0069](#))
- 6 Dr Danielle Beswick ([SCS0036](#))
- 7 Dr Jack Simson Caird, The Bingham Centre for the Rule of Law ([SCA0068](#))
- 8 Dr Catherine Bochel ([SCS0019](#))
- 9 Professor Hugh Bochel ([SCS0018](#))
- 10 British Academy of Management ([SCA0082](#))
- 11 Business, Energy and Industrial Strategy Committee, House of Commons ([SCS0041](#))
- 12 Mr Tom Caygill ([SCS0022](#))
- 13 Scott Colvin ([SCS0012](#))
- 14 Constitution Unit, UCL ([SCA0056](#))
- 15 Dr Andrew Defty ([SCS0020](#))
- 16 Damian Collins MP, Chair, Digital, Culture, Media and Sport Committee, House of Commons ([SCS0044](#))
- 17 Edge Hill University politics students and staff ([SCS0029](#))
- 18 Education Committee, House of Commons ([SCA0063](#))
- 19 Dr Stephen Elstub and Jayne Carrick ([SCS0027](#))
- 20 Dr Stephen Elstub and Jayne Carrick ([SCS0028](#))
- 21 Professor Matthew Flinders ([SCA0053](#))
- 22 Full Fact ([SCS0037](#))
- 23 Dr Marc Geddes ([SCS0023](#))
- 24 Global Research Network on Parliaments and People ([SCA0055](#))
- 25 Dr Mark Goodwin and Dr Stephen Bates ([SCS0014](#))
- 26 Dr Mark Goodwin and Dr Stephen Bates ([SCS0015](#))
- 27 Professor David Gough ([SCS0032](#))
- 28 Alex Hai ([SCS0026](#))
- 29 Hansard Society ([SCA0067](#))
- 30 Health and Social Care Committee Team, House of Commons ([SCA0047](#))
- 31 Ms Meg Hillier MP, Chair, Public Accounts Committee, House of Commons ([SCA0080](#))
- 32 Arabella Lang, Parliament and Treaties Hub, House of Commons ([SCS0004](#)) and ([SCA0083](#))

- 33 Science and Technology Committee, House of Commons ([SCA0046](#))
- 34 Human Rights (Joint Committee on) ([SCA0074](#))
- 35 Institute for Government ([SCS0038](#))
- 36 International Development Committee, House of Commons ([SCA0051](#))
- 37 The Involve Foundation ([SCA0070](#))
- 38 Wendy Jacob ([SCS0006](#))
- 39 Lady Iveta Kurpniece, ([SCS0009](#))
- 40 The Law Society of Scotland ([SCA0054](#))
- 41 Professor Kate Pahl and Emily Goodier, Manchester Metropolitan University ([SCS0021](#))
- 42 Professor Shane Martin ([SCA0073](#))
- 43 Mr Oliver Mills ([SCS0013](#))
- 44 The National Children's Bureau ([SCA0075](#))
- 45 Nesta ([SCA0071](#))
- 46 Dr Kamal Patel ([SCS0033](#))
- 47 Petitions Committee, House of Commons ([SCS0039](#))
- 48 Robin Potter ([SCS0007](#))
- 49 Dr Craig Prescott ([SCA0078](#))
- 50 Dr Rachel Ramsey ([SCA0081](#))
- 51 Remote Warfare Programme, Oxford Research Group ([SCA0064](#))
- 52 Participation and Research and Information Teams, House of Commons ([SCS0045](#))
- 53 Royal Mencap Society ([SCA0065](#))
- 54 Saferworld & Oxfam ([SCA0072](#))
- 55 Save the Children ([SCA0076](#))
- 56 Scottish Policy and Research Exchange ([SCA0077](#))
- 57 Sense about Science ([SCS0030](#))
- 58 Rosalind Stewart, Southbank International School ([SCS0024](#))
- 59 Mr Donald Stickland ([SCS0034](#))
- 60 Anonymous submission ([SCS0005](#))
- 61 Transforming Evidence ([SCS0017](#))
- 62 Professor Antony Travers ([SCS0040](#))
- 63 Dr Adam Tucker ([SCS0031](#))
- 64 Tom Tugendhat MP ([SCA0050](#))
- 65 UCL ([SCS0008](#))
- 66 UCL STEaPP ([SCS0042](#))
- 67 UK in a Changing Europe—Parties, Parliament and the Brexit Process Project ([SCA0049](#))
- 68 UK in a Changing Europe Research Hub ([SCA0048](#))
- 69 UK Research and Innovation ([SCA0052](#))

- 70 Universities Policy Engagement Network (UPEN) ([SCA0060](#))
- 71 Professor Cristina Leston-Bandeira, University of Leeds ([SCA0058](#))
- 72 Professor Cristina Leston-Bandeira, Ms Nicole Nisbett and Mr Alex Prior, University of Leeds ([SCS0035](#))
- 73 Web and Publications Unit ([SCS0043](#))
- 74 Professor Emeritus Christine Whitehead ([SCA0079](#))
- 75 Mrs Josephine Willows ([SCA0057](#))
- 76 Dr Benjamin Yong, Professor Christina Leston-Bandeira and Dr Greg Davies ([SCS0001](#))

## List of Reports from the Committee during the current Parliament

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All publications from the Committee are available on the [publications page](#) of the Committee's website. The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

First Report	Changing committee practice and procedure: enhancing effective working	HC 922
Second Report	Witness gender diversity	HC 1033
Third Report	Pre-Appointment Hearings	HC 2307