House of Commons
Liaison Committee

Select committee effectiveness, resources and powers

Second Report of Session 2012–13

Volume I: Report, together with formal minutes, oral and written evidence

Additional written evidence is contained in Volume II, available on the Committee website at www.parliament.uk/liaisoncom

Ordered by the House of Commons to be printed 25 October 2012
**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**

Rt Hon Sir Alan Beith MP (*Liberal Democrat, Berwick-upon-Tweed*) (Chair)

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

- Administration – Rt Hon Sir Alan Haselhurst MP (*Conservative, Saffron Walden*)
- Backbench Business – Natascha Engel MP (*Labour, North East Derbyshire*)
- Business, Innovation and Skills – Mr Adrian Bailey MP (*Labour/Co-op, West Bromwich West*)
- Communities and Local Government – Mr Clive Betts MP (*Labour, Sheffield South East*)
- Culture, Media and Sport – Mr John Whittingdale MP (*Conservative, Maldon*)
- Defence – Rt Hon James Arbuthnot MP (*Conservative, North East Hampshire*)
- Education – Mr Graham Stuart MP (*Conservative, Beverley and Holderness*)
- Energy and Climate Change – Mr Tim Yeo MP (*Conservative, South Suffolk*)
- Environmental Audit – Joan Walley MP (*Labour, Stoke-on-Trent North*)
- Environment, Food and Rural Affairs – Miss Anne McIntosh MP (*Conservative, Thirsk and Malton*)
- European Scrutiny – Mr William Cash MP (*Conservative, Stone*)
- Finance and Services – John Thurso MP (*Liberal Democrat, Caithness, Sutherland and Easter Ross*)
- Foreign Affairs – Richard Ottaway MP (*Conservative, Croydon South*)
- Health – Rt Hon Stephen Dorrell MP (*Conservative, Charnwood*)
- Home Affairs – Rt Hon Keith Vaz MP (*Labour, Leicester East*)
- Human Rights (Joint Committee) – Dr Hywel Francis MP (*Labour, Aberavon*)
- International Development – Rt Hon Sir Malcolm Bruce MP (*Liberal Democrat, Gordon*)
- Justice – Rt Hon Sir Alan Beith MP (*Liberal Democrat, Berwick-upon-Tweed*)
- Northern Ireland Affairs – Mr Laurence Robertson MP (*Conservative, Tewkesbury*)
- Political and Constitutional Reform – Mr Graham Allen MP (*Labour, Nottingham North*)
- Procedure – Mr Charles Walker MP (*Conservative, Broxbourne*)
- Public Accounts – Rt Hon Margaret Hodge MP (*Labour, Barking*)
- Public Administration – Mr Bernard Jenkin MP (*Conservative, Harwich and North Essex*)
- Regulatory Reform – Mr Robert Syms MP (*Conservative, Poole*)
- Science and Technology – Andrew Miller MP (*Labour, Ellesmere Port and Neston*)
- Scottish Affairs – Mr Ian Davidson MP (*Labour/Co-op, Glasgow South West*)
- Selection – Geoffrey Clifton-Brown MP (*Conservative, The Cotswolds*)
- Standards and Privileges – Rt Hon Kevin Barron MP (*Labour, Rother Valley*)
- Statutory Instruments – Mr George Mudie MP (*Labour, Leeds East*)
- Transport – Mrs Louise Ellman MP (*Labour/Co-op, Liverpool Riverside*)
- Treasury – Mr Andrew Tyrie MP (*Conservative, Chichester*)
- Welsh Affairs – David T C Davies MP (*Conservative, Monmouth*)
- Work and Pensions – Dame Anne Begg MP (*Labour, Aberdeen South*)
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

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at http://www.parliament.uk/business/committees/committees-a-z/commons-select/liaison-committee/

Committee staff

The current staff of the Committee are Andrew Kennon (Clerk), Philippa Helme (Second Clerk), Mark Hutton (Clerk to the National Policy Statements Sub-Committee), Kevin Candy (Senior Committee Assistant) and Susan Ramsay (Committee Assistant).

Contacts

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Summary

In this report we review the role, resources and tasks of the select committees appointed by the House of Commons to scrutinise the Government.

Our view is that the primary role of select committees is to influence Government, but it is sometimes in the public interest for their scrutiny to extend to other organisations. They also act as a forum for debate and put issues on the agenda. We review the “core tasks” — the common objectives for departmental select committees agreed in 2002 — and propose some changes to reflect new priorities and developments in Government.

We review committee activity since the 2010 General Election, and the impact of the 2010 "Wright reforms". We examine how effective committees have been in addressing the range of their responsibilities and highlight examples of good practice and innovation.

While there is a consensus that committees have been successful in influencing Government, our inquiry found a number of areas where they could do better. Committees need to be clearer about their objectives, both for individual inquiries and for the longer term. In scrutinising departmental performance, committees should be forward-looking, holding post mortems of past events only if there are lessons for the future. Committees should give more attention to the cost of policies and how departments ensure they offer good value for money.

We recommend that committees experiment with different approaches, such as appointing rapporteurs to lead inquiries, using specialist advisers to question witnesses on technical subjects, and commissioning external research. And we encourage committees to broaden their range of witnesses.

We encourage committees to keep reports reasonably short and focused and recommend a change in the format of reports to distinguish more clearly between conclusions and recommendations. And we recommend that more attention be given to following up recommendations in earlier reports, to ensure they have impact.

We attach particular importance to improving the effective communication of committees’ work. Increasing media diversity means that committees have to be clear about what they want to achieve and their target audience. We want to see committee teams making much more imaginative use of the parliament website, and facility for richer audio-visual content.

We agree with our witnesses that more effort needs to be put into the induction and continuing professional development of committee members. We encourage committees to make use of trainers to develop their questioning skills, and set out guidelines for committee chairs. We acknowledge the risk to committee reputation if witnesses are not treated with courtesy.

We note that cooperation from Government is crucial to effective scrutiny and highlight a number of complaints from committees, about late or inadequate responses to reports, about delays or obstruction in the supply of information, and constraints over the choice of departmental witnesses. We call for a new compact between Parliament and Government,
recognising both the constraints of the civil service but also the legitimate wish of Parliament for more effective accountability.

We consider whether the staffing and other resources available to committees is adequate given committees’ increasing activity and changing expectations. We want to see more stability in committee staffing, and greater involvement by chairs in staff appraisal and appointments. We would like to see more inward secondments to the Committee Office, and recommend that it should be possible for committee clerks to be directly appointed by open competition. We recommend a modest increase in media support, and — for the longer term — argue for funding for additional staff in chairs’ offices. We recognise that now is not a good time to argue for increased resources but the long term goal should be to build up the capacity of committees to hold Government to account.

We consider the powers available to select committees and note the uncertainty about their enforceability. We conclude that the disadvantages of enshrining parliamentary privilege in statute would outweigh the benefits.

Finally we set out our vision for the future. With the cooperation of Government and the support of the public, we think this is achievable by 2020.

In this report, conclusions are printed in bold and recommendations are printed in bold italics.
1 Introduction

1. It is now two years since select committees were re-established in the current Parliament and it is a good time to take stock of where we are, assess what we have achieved and identify what we should do better. Select committees have been around for centuries, but our current system of departmentally-focused select committees dates from 1979, a radical reform for which we must pay tribute to Norman St John Stevas, Mrs Thatcher’s first Leader of the House of Commons, who died earlier this year. In the current Parliament, committees have been strengthened by a number of “Wright reforms” — reforms agreed in 2010 following the 2009 report of the Reform of the House of Commons Committee, chaired by Tony Wright1: direct election of most chairs by the whole House of Commons, open elections of committee members within each Party (instead of nomination by the Whips), and a clear expectation of good attendance, underpinned by a “60% rule” (with members not attending at least 60% of meetings in a Session at risk of removal). Select committees are now a firmly established feature of our parliamentary democracy, with a high profile in the media and — at least relatively — good standing in the eye of the public.

2. The 2009 Wright Committee acknowledged the importance of select committees but also noted the demands they placed on Members’ time:

Select committees have rightly won respect for the work they do and they are being asked to take on an increasing number of tasks on behalf of the House. As a result committee members find it increasingly difficult to devote time to select committee work as well as all their other duties. We consider that the Liaison Committee should re-examine the current role of select committees, their resources and their tasks, and in particular how to deal with the increasing demands of time made of Members as their role grows.2

In its response, our predecessor Liaison Committee undertook to consider the issues raised by the recommendation and report further in due course.3 In February 2010, the House approved the recommendation and welcomed “the Liaison Committee’s proposal to carry out a review of the role, resources and tasks of select committees.”4

3. This call for a review was echoed in a report by the Hansard Society on Select Committee Tasks and Modes of Operations in 2011. It found that select committees were “now the principal mechanism through which the House of Commons hold the executive to account” and that recent reforms had “increased their status and sharpened their operation”; but it thought that “more could be achieved” and recommended that the Liaison Committee undertake a “proper review of its tasks and resources”.5

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1 Reform of the House of Commons Select Committee, First Report of Session 2008–09, Rebuilding the House, HC 1117.
2 Ibid, para 93.
5 Alex Brazier and Ruth Fox, Reviewing Select Committee Tasks and Modes of Operation, Parliamentary Affairs, Vol 64 No 2, April 2011.
4. We agreed on the need for a review: we felt there was much we could be proud of, but also areas where we needed to do better. Increased activity levels and growing demands on elected Chairs have brought into question whether committees are adequately resourced, and whether those resources are used to best effect. We wanted committees to become fully operational, and to see the impact of the Wright reforms, before reaching conclusions on our role and resources. Events during 2011, particularly the Culture, Media and Sport Committee’s inquiry into Phone Hacking, also brought into question the powers that are available to us: particularly our power to ensure the attendance of witnesses and the truth of evidence.

5. In December 2011 we therefore announced an inquiry into select committee powers and effectiveness and issued a call for evidence, inviting views, in particular, on the following questions:

- Are select committees effective in achieving better government? What can they do to be more effective?
- Are the core tasks set by the House for select committees in 2002 still realistic given the limitations on Members’ time?
- Do select committees have the powers and resources they need to carry out their scrutiny function effectively?
- Are members of select committees given the training and support they need to operate effectively?
- How might select committees get better coverage for those aspects of their work which are important but not attractive to the media?
- How can select committees get the public engaged more actively in their work?
- Should select committees have an increased legislative role?
- How can select committees scrutinise cross-cutting issues more effectively?

6. We received 37 written memoranda: 24 from other committees and committee chairs, 10 from external witnesses, and three from within the House of Commons Service. We held an evidence session in February 2012 with a panel of distinguished external observers. In addition, we had a number of informal meetings. The Institute for Government hosted a seminar for us with participants from the civil service and arm’s length bodies (to learn how we can be more effective in influencing Government). We met Rt Hon Jack Straw MP (to gain the perspective of a former Minister), and separately representatives of the Parliamentary Lobby (to understand better how to get our message heard in the media).

7. It has been customary for the Liaison Committee in previous Parliaments to produce an annual report summarising the activities of committees and highlighting common themes and concerns. This year, we 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. These memoranda are all published on our website, alongside the written evidence received from other witnesses.
8. Within the Liaison Committee we have reflected collectively on committee effectiveness in general, and also on the effectiveness of the Liaison Committee itself. We set up a working group of committee chairs to look into committee resources and staffing and appointed a rapporteur (the Hon Bernard Jenkin MP) to consider committee powers.

9. Our inquiry has also been informed by research by the UCL Constitution Unit into the impact of seven committees from 1997 to 2010\(^6\) and by the Hansard Society’s review of select committees’ operations.\(^7\)

10. We are grateful to all those who have contributed to our inquiry, and look forward to their continued engagement in discussion of the recommendations we make in this report.

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7 Parliamentary Affairs, Vol 64 No 2, April 2011.
2 Select committees’ role and core tasks

The purpose of scrutiny

11. Select committees are each given a task by the House of Commons (the “order of reference” set down in the Standing Orders or founding resolution of the House) but they are free to interpret it as they wish. Some committees (the Administration Committee and the Committee on Standards and Privileges, for example) have an internal focus; but most are tasked with scrutiny of Government or of forms of Government legislation. It is the scrutiny committees which are the focus of this inquiry.

12. While there is no clear and agreed statement of what scrutiny is for, the purpose of the scrutiny committees is often described as being to “hold Ministers to account”. Certainly an important element of our work is to require Ministers and civil servants to explain and justify their actions and policies, to subject them to robust challenge; and to expose Government — both ministerial decision-making and departmental administration — to the public gaze (though some elements of scrutiny — where matters of national security are involved, for example — have to be in private). Some would argue that scrutiny, and the openness it brings, are an end in itself; others that its ultimate purpose is to improve Government. The political reality is that, individually, Members’ agendas will differ: some will be keener to improve the Government’s performance, others to expose its weaknesses. But, collectively, select committees should influence policy and have an impact on Government departments and the agencies to which their functions may be devolved. This is our first objective. The extent of this influence and impact is the primary measure of the effectiveness of select committees.

13. But committees are not only concerned with influencing Government. Many reports contain recommendations targeted at bodies outside Government: the European Commission, for example, professional bodies and occasionally private sector companies. And, 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. The inquiries by the Transport Committee into the cost of motor insurance, and the Treasury Committee into retail banking are examples. While committees’ primary purpose is to scrutinise Government, it is sometimes in the public interest for them to extend their scrutiny to other organisations.

14. A further important function of committees is to act as a forum for discussion and informed debate, raising issues in the public consciousness and giving a public platform to experts and affected individuals. The Environmental Audit Committee reported, for

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8  See Q 1
example, that “as much as holding Government to account, we have also raised the profile of vital global issues”. Scrutiny committees are not just involved in scrutinising others but have an active role to play themselves in putting issues on the agenda and acting as a forum for public debate.

15. Some witnesses considered that it was a further function of committees to help Parliament engage with the public. Professor Matthew Flinders saw committees as having a dual role: first to hold the executive to account, and secondly to promote public understanding of politics. Many committees reported that they saw public engagement activity as an important part of the work.

Core tasks

16. In 2002 the House of Commons agreed the recommendation of the Modernisation Committee that a set of common objectives should be set for select committees. The Liaison Committee at the time subsequently agreed a set of “core tasks” which are set out in Table 1 below. These core tasks were not designed to be prescriptive but to serve as a reminder to the departmental select committees of the broad range of their responsibilities, to guard against them focusing on policy to the exclusion of other matters, and to ensure that they support the House in its legislative role and in its control of public money. The list of tasks is a little daunting, and some — the Wright Committee included — have questioned whether they are realistic given the pressures on Members’ time. Some committees reported that the full range of the core tasks were not relevant to their brief; but the evidence from their activity reports suggests that most took effort to cover, if not all, at least most of the core tasks over the course of the parliamentary Session. Much of the background scrutiny can be done by committee staff, or by the House of Commons Scrutiny Unit, with only significant issues requiring the attention of the committee itself. We believe it continues to be useful to define core tasks for committees, to guide committees in deciding their programme, but not to constrain their freedom to decide their own priorities.

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10 Ev w20
11 Ev 14, para 10
12 Eg Education, Ev w13; EFRA, Ev w23
15 Eg Foreign Affairs Committee, Ev w32
TABLE 1 — CURRENT CORE TASKS

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17. Ten years on, it is not surprising that the core tasks are a little out of date. The Government has now abandoned Public Service Agreements, for example. And they make no reference to some tasks which committees are now expected to do: to examine petitions received by the House, for example, and scrutinise draft orders under the Public Bodies Act.

18. The Better Government Initiative (which involves a number of retired senior civil servants) argued that the core tasks should be made “simpler, more vivid and more specific” and should encourage committees to focus on Departments’ delivery of public services:

the quantity and quality of their outputs and outcomes, their funding, value for money and the department’s information for monitoring current performance and for making longer term decisions, notably about efficiency gains, including new methods of delivery, and new investments.16
19. The current core tasks envisage that the scrutiny of expenditure, administration and policy are separate activities. Arguably, this no longer makes sense. Given competition for scarce resources, it is increasingly important that committees assess policy decisions alongside their financial implications, and vice versa. And departmental financial management and performance in delivery are intertwined. Moreover, now that Chairs and members of committees have an elected mandate from the House, select committees are increasingly proactive in their efforts to influence the strategic direction of government and its departments.

20. We set out in Table 2 below revised core tasks, which we encourage committees to take into account when planning their programmes. They will not all be relevant to every committee; and some committees — those with a large amount of legislation, for example — will not have the time to cover everything.

**TABLE 2: REVISED SELECT COMMITTEE CORE TASKS FOR DEPARTMENTAL SELECT COMMITTEES**

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3 Committee activity 2010–12

Volume of activity

21. Overall, House of Commons select committees held 2,327 formal meetings during the long 2010–12 Session. Of these, 1,463 were evidence sessions. Committees published 575 reports and undertook 216 visits, 160 of them within the United Kingdom. These totals mask considerable variation amongst committees. As usual, the Committee on Public Accounts held the most meetings (108) and published the most reports (103). For departmental select committees, the number of formal meetings ranged from 102 (Treasury) to 42 (Northern Ireland Affairs) and the number of reports from 30 to 3 (also Treasury and Northern Ireland Affairs, respectively). Some committees had slightly fewer formal meetings, but a large number of informal meetings (notably, the Foreign Affairs Committee held 114 informal meetings, in addition to 67 formal meetings). The number of visits ranged from 18 (Scottish Affairs — all of them within Scotland) to 0 (Committees on Arms Export Controls). Activity of itself is not a measure of effectiveness, and different subject areas require different levels, and different forms, of scrutiny; but the overall high level of committee activity this Parliament is a positive indicator of the commitment made by committees to the tasks they have been set by the House of Commons.

Member engagement

22. Despite the high level of committee activity, overall Member attendance has been reasonable. Average committee attendance for the departmental select committees in 2010–12 was 73%. This figure is affected negatively by the time taken to replace certain members who wanted, or were required, to leave the committee: until replaced they are counted as non-attending. The attendance rate for active members of committees — which is not recorded — would therefore be higher.

23. Turnover of Committee membership on the departmental select committees was 38% during the session 2010–12, and over 50% for some committees. A significant number of energetic committee members have left to take up ministerial posts, Parliamentary Private Secretary positions, or Opposition front bench posts. The reality is that most new Members of Parliament continue to see the front bench, even in Opposition, as a more desirable career path than scrutiny. Some turnover of membership is inevitable, but a percentage change of this level is regrettable and inevitably has a negative impact on committee cohesion and effectiveness.

Application of the 60% rule

24. In November 2009, the Wright Committee recommended that “there should be clear consequences for unreasonable absence from select committees”. This was a corollary to

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17 See Sessional Return 2010–12, HC 1, Session 2012–13, p 159. The figure for reports does not include Special Reports.
18 Select Committee on Reform of the House of Commons, First Report of Session 2008–09, Rebuilding the House, HC 1117, para 55.
the Committee’s recommendation that the average size of committee should be reduced, thus creating the need to “incentivise attendance and participation among that smaller group of Members”.

25. In January 2010, the Liaison Committee, in its report on the Wright Committee recommendations, fleshed out this suggestion recommending (in its eighth recommendation):

To fit in with the proposed new system of elections, any member of a select committee whose cumulative attendance during a Session is below 60% should be automatically discharged at the end of that Session on the basis of a report made by the Clerk of Committees to the Speaker. The Speaker would have discretion to waive the application of the rule in cases such as ill-health, etc. New elections should be held to fill the vacancies so created within two weeks of the opening of the next session.

26. On 4 March 2010, a little over a month before the dissolution of the Parliament, the House debated the Wright Committee recommendations. To the motion “That this House takes note of recommendation 6 of the First Report of the Select Committee on the Reform of the House of Commons ... and endorses the principle that parties should elect members of select committees in a secret ballot by whichever transparent and democratic method they choose” Mr Alan Williams, then chair of the Liaison Committee, and 14 other committee chairs tabled an amendment:

and further notes and endorses recommendation 8 in the First Report from the Liaison Committee of this Session, HC 272, and directs that where the attendance of any member of a select committee in any Session is below 60 per cent. 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.

27. There are a number of problematic issues about how this resolution should be implemented. In particular, its policy aim is to remove from committees members with poor attendance records without making any provision for exception on reasonable grounds in some cases. The House’s resolution is rather ambiguous about whether the Speaker’s role is to enforce the rule or to accept grounds for mitigation. Left with these uncertainties in the system set up at the end of the last Parliament, the Liaison Committee had to decide how to implement the resolution in practice.

28. Statistics on individual members’ attendance at committee meetings have been published for many years in the (annual) sessional return. (The percentage attendance is calculated from the time that the member was appointed to the Committee.) Overall, the figures show relatively few members who fall below the 60% attendance threshold at present. Committees engaged in scrutiny of Government have a better record of

19 Ibid, para 54.
attendance than some internal committees. Anecdotal evidence suggests that in some cases a low attendance record can be attributed to one of these factors:

a) A committee’s regular meeting time clashes with another parliamentary commitment for an individual member — for example, members are often placed by the Whips on long-running public bill committees or on delegated legislation committees which clash with their select committee;

b) Personal or family illness has limited a member’s attendance.

29. If there are cases where a member’s attendance falls below 60%, it may be that the individual member will indicate he or she wishes to leave the Committee and ask his or her party to find a replacement. In one case, an Opposition front bench member has remained a nominal member of a select committee for more than two years, but rightly he never attends. Our Committee has asked the Procedure Committee to consider whether members wishing to leave a committee could be counted as discharged, even if it means that the lack of an applicant leaves a vacancy on the committee. We reiterate the concern we expressed in the last Parliament about the size of select committees and support the Wright Committee’s recommendation that the size of departmental committees should not normally be more than 11 members.21

30. We decided that 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. We have informed the Speaker and the Committee of Selection how we are handling this matter.

Coverage of the core tasks

31. The reports from individual committees demonstrate that they have given time and attention to the range of their responsibilities, as set out in the core tasks.

Scrutiny of Government policy and new policy areas

32. Scrutiny of Government policy remains the major focus of committee activity. High profile examples include the Science and Technology Committee’s inquiry into the Government’s alcohol guidelines22, the Communities and Local Government Committee’s inquiry into the Government’s policy on localism23, the Education Committee’s inquiry

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23 Communities and Local Government Committee, Third Report of Session 2010–12, Localism, HC 547; and Ev w8–9.
into the proposals for an English Baccalaureate\textsuperscript{24}, and the Energy and Climate Change Committee’s inquiry into Electricity Market Reform\textsuperscript{25}. Several Committees have focused on major Government White Papers: for example, the Business, Innovation and Skills Committee reported on the 2011 Higher Education White Paper\textsuperscript{26}, the Defence Committee on the Strategic Defence and Security Review\textsuperscript{27}, and the Health Committee on the \textit{Liberating the NHS} White Paper\textsuperscript{28}. Other committees have highlighted policy areas which the Government was not addressing: for example, the Justice Committee’s inquiry into the presumption of death.\textsuperscript{29}

\textbf{Scrutiny of European matters}

33. In addition to the work done by the European Scrutiny Committee, a number of departmental select committees have been also been active in scrutinising European matters. The work of the Environment, Food and Rural Affairs Committee has been dominated by inquiries into the European Commission’s proposals to reform of the Common Agricultural Policy and Common Fisheries Policy.\textsuperscript{30} The Energy and Climate Change Committee has reported on the EU Emissions Trading System.\textsuperscript{31} The International Development Committee has undertaken an inquiry into EU Development Assistance.\textsuperscript{32} Some committees (Education and Home Affairs, for example) responded to the European Scrutiny Committee’s specific request for an opinion on EU proposals.\textsuperscript{33}

34. Over the last year, we, the Liaison Committee, have been in dialogue with the Minister for Europe, David Lidington MP, who has been keen to invigorate the UK Parliament’s engagement in European matters. Our principal interest has been to ensure that departmental select committees are informed of developing policy within the European Commission so that we are able to influence it, before it is too far advanced to change. Committees which have visited Brussels have found UKRep staff very helpful in explaining where EU policy proposals have got to, and would like to access this knowledge when they are back in the UK. Indications are that the Government is open to this.

35. We understand that at the Scottish Parliament committees have appointed one of their Members to act as a “European reporter” monitoring developments in the European

\textsuperscript{24} Education Committee, Fifth Report of Session 2010–12, \textit{The English Baccalaureate} HC 851-I; and Ev w12.
\textsuperscript{30} Ev w22–23
\textsuperscript{31} Ev w16–17
\textsuperscript{32} Ev w36, para 16
\textsuperscript{33} Ev w13
Union in their subject area. Westminster committees have, to date, made little use of rapporteurs, but this is a possibility which committees might wish to explore.

36. We welcome the European Scrutiny Committee’s current inquiry into the European scrutiny system in the House of Commons and will be submitting evidence to it shortly, from the perspective of the departmental select committees. We also welcome the interest being taken by the Hansard Society in this area.

**Pre-legislative scrutiny**

37. So far this Parliament, the Government has published 18 bills (or other legislative provisions) in draft. Nine of these have been scrutinised, or are being scrutinised, by the relevant select committee; another (the draft Local Audit Bill) is currently being scrutinised by an ad hoc Commons select committee comprising members of the Public Accounts, Communities and Local Government, Health and Home Affairs Committees. Six draft bills have been considered by ad hoc joint committees established for this purpose, and the draft clauses contained in the Parliamentary Privilege Green Paper and the draft Care and Support Bill are also expected to be scrutinised in this manner.

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<thead>
<tr>
<th>Draft Bill</th>
<th>Publication date</th>
<th>Department</th>
<th>Scrutinising Committee</th>
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<tr>
<td>Draft Financial Services Bill</td>
<td>June 2010</td>
<td>HM Treasury</td>
<td>Ad hoc Joint Committee</td>
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<td>Draft Detention of Terrorists Suspects (Temporary Extension) Bills</td>
<td>February 2011</td>
<td>Home Office</td>
<td>Ad hoc Joint Committee</td>
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<td>Draft Defamation Bill</td>
<td>March 2011</td>
<td>Ministry of Justice</td>
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<td>Draft Groceries Code Adjudicator Bill</td>
<td>May 2011</td>
<td>DBIS</td>
<td>Business, Innovation and Skills Committee34</td>
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<tr>
<td>Draft House of Lords Reform Bill</td>
<td>May 2011</td>
<td>Cabinet Office</td>
<td>Ad hoc Joint Committee</td>
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<td>Individual Electoral Registration Bill</td>
<td>June 2011</td>
<td>Cabinet Office</td>
<td>Political and Constitutional Reform Committee35</td>
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36  Ibid.
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<th>Department</th>
<th>Scrutinising Committee</th>
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<td>Draft Enhanced Terrorism Prevention and Investigation Measures Bill</td>
<td>September 2011</td>
<td>Home Office</td>
<td>Ad hoc Joint Committee</td>
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<td>Draft Civil Aviation Bill</td>
<td>November 2011</td>
<td>Transport</td>
<td>Transport Committee²³</td>
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<td>Draft Recall of MPs Bill</td>
<td>December 2011</td>
<td>Cabinet Office</td>
<td>Political and Constitutional Reform Committee²⁸</td>
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<tr>
<td>Parliamentary Privilege — draft clauses</td>
<td>April 2012</td>
<td></td>
<td>(Ad hoc Joint Committee proposed)</td>
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<tr>
<td><strong>Session 2012–13</strong></td>
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<tr>
<td>Draft Energy Bill</td>
<td>May 2012</td>
<td>DECC</td>
<td>Energy and Climate Change Committee¹⁰</td>
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<tr>
<td>Draft Communications Data Bill</td>
<td>June 2012</td>
<td>Home Office</td>
<td>Ad hoc Joint Committee and Intelligence and Security Committee</td>
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<tr>
<td>Draft Care and Support Bill</td>
<td>July 2012</td>
<td>Health</td>
<td>(Ad hoc Joint Committee proposed)</td>
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<tr>
<td>Draft legislation on family justice [Draft Children and Families Bill]</td>
<td>September 2012</td>
<td>Education</td>
<td>Justice Committee</td>
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<tr>
<td>Draft Legislation on Reform of provision for children and young people with Special Educational Needs</td>
<td>September 2012</td>
<td>Education</td>
<td>Education Committee</td>
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<tr>
<td>Draft Local Audit Bill</td>
<td>6 July 2012</td>
<td>DCLG</td>
<td>Ad hoc Commons Committee</td>
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<td>Draft Water Bill</td>
<td>10 July 2012</td>
<td>DEFRA</td>
<td>Environment, Food and Rural Affairs Committee</td>
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38. We regret that more bills have not been published in draft, though the numbers are often low in the first session of a Parliament, and that the Government has not been able to provide us with more notice of their publication. On occasions — as with the draft Energy

³⁸ Political and Constitutional Affairs Committee, First Report of Session 2012–13, Recall of MPs, HC 373.
Bill and the draft Civil Aviation Bill — the time available for pre-legislative scrutiny has been unreasonably short.\(^40\) In another case — the draft Grocery Code Adjudicator Bill — the committee altered its programme of work to carry out swift scrutiny to fit the Government’s timetable, only for the Bill’s introduction to be delayed to the following Session.\(^31\)

39. We also regret that the Government has on occasion sought to establish a joint committee even when the relevant departmental select committee wished to scrutinise the draft bill. We appreciate that the House of Lords may also have a legitimate interest in pre-legislative scrutiny, and that members of that House may bring valuable expertise to this work; but — as we have made clear in correspondence with the Leader of the House of Commons — we feel strongly that there should be no departure from the principle that Commons select committees should have a first right of refusal. We have no doubt that it sometimes suits the Government for draft bills to be scrutinised by a joint committee which is nominated by the party whips, rather than by a departmental select committee whose members and chair are elected. If a joint committee is established to scrutinise a draft bill, we think it is important that the relevant departmental select committee should have the opportunity to nominate some of its own members to serve on the joint committee.

**Scrutiny of bills and secondary legislation**

40. Detailed scrutiny of bills is done by ad hoc public bill committees, rather than by select committees, though select committees do frequently report to the House on bills or aspects of bills in order to inform debate in the House and in public bill committee. The Political and Constitutional Reform Committee, for example, reported on the Parliamentary Voting System and Constituencies Bill and the Fixed-Term Parliaments Bill, and the Scottish Affairs Committee reported on the Scotland and Postal Services Bills.\(^42\) In addition, some members of select committees have been appointed to serve on the public bill committee for a bill in their subject area. Several of the Education Committee, for example, served on the Public Bill Committee on the Education Bill in 2011, and several of the Defence Committee served on the Select Committee on the Armed Forces Bill.\(^43\) We are not in favour of select committees taking on responsibility for Committee stage scrutiny of bills (as is done in some other Parliaments), as this would take so much of their time; but we do think that there is scope for select committees to do more to inform debates on legislation. The relevant departmental select committee is much better equipped than a public bill committee to assess the cost of legislation, and the knock-on effects on departmental strategy and resources, and on other policies.

40  Ev w47
41  Ev w5
42  Ev w40–41; Ev w46
43  Ev w13 and Ev w10
**Scrutiny of departmental performance**

41. Most committees now have annual evidence sessions with Secretaries of State and/or Accounting Officers which include coverage of financial issues and performance. Many committees also routinely correspond with departments questioning financial decisions and their impacts. The Defence Committee, for example, highlighted its regular scrutiny of the department’s Report and Accounts and of the Estimates and reported that “this apparently dry and routine work has produced some interesting results”; but it also noted that the Ministry of Defence was persistently failing to adhere to the Government’s Accounting Rules and to provide the full cost of military operations.44 The Communities and Local Government Committee complained of the difficulty of comparing performance data before and after the 2010 Election.45

42. In doing this work, committees have been greatly assisted by the House of Commons Scrutiny Unit (a section within the Committee Office bringing together a number of staff with financial and legal expertise, as a shared resource for committees), and also by the National Audit Office (NAO).46 In addition to its support for the Committee on Public Accounts, the NAO has given significant assistance to the Environmental Audit Committee and provided several departmental select committees with a commentary on the departmental annual report, as well as background briefings on particular inquiries.47 We encourage other committees to make use of the support of the Scrutiny Unit and to discuss with the National Audit Office how its programme of work might help support the work of the committee.

43. With our encouragement, the Scrutiny Unit has worked with Treasury officials to improve the comprehensibility, consistency and simplicity of financial information routinely produced by Government. For instance, the “alignment project” has resulted in much greater consistency in financial information between Government publications, more logical and easier to understand financial information, and comprehensive Annual Reports and Accounts which cover not just the activities of the central departments, but also those which are delivered through arm’s length bodies. While some committees have had cause to complain about the quality of the estimates memoranda received from their department48, there has been an overall improvement, so that they explain better how and why Government plans to spend money.

44. While these developments are welcome, this is an area where there is scope for committees to do more, and we return to this in the next chapter.

**Scrutiny of arm’s length bodies**

45. Departmental select committees are tasked by the House to scrutinise their department’s “associated public bodies” as well as the department itself, and many of them

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44 Ev w10
45 Ev w9, paras 17–18
46 Eg Ev w13, w17
47 Ev w 20 [EAC]; Ev w55 [W&P]
have conducted inquiries, or held scrutiny sessions, with the agencies or non-departmental public bodies in their area. For example, the Education Committee has reported on the role and performance of Ofsted, and the Welsh Affairs Committee reported on S4C (the Welsh language broadcaster). 49

**Scrutiny of public appointments**

46. Several committees highlighted the work they had done to scrutinise public appointments. For example, the Public Administration Select Committee described a case where the Government’s preferred candidate withdrew following the pre-appointment hearing, and two cases in which members of the Committee took part in the selection panel. 50 Altogether, select committees have held 41 pre-appointment or pre-commencement hearings this Parliament. Some committees have expressed dissatisfaction with the information provided by the department or with the Government’s response to their recommendation. 51 We published a report on *Public Appointments and Select Committees* in 2011, making modest proposals to strengthen the accountability of ministerial appointments and to clarify the role of select committees and the expectations on departments when pre-appointment hearings take place. 52 We reported again in September 2012 to highlight the inadequacy of the Government’s response to our proposals. 53 We await the Government’s further response.

**Post-legislative scrutiny**

47. The Government is now committed to evaluating legislation and to publishing post-legislative assessments three to five years after enactment. 54 These assessments are sent to the relevant departmental select committee which can decide whether or not to conduct post-legislative scrutiny. Because of other demands on their time, only a few committees have yet done this: examples include the Culture, Media and Sport Committee’s inquiry into the Gambling Act, the Justice Committee’s recent inquiry into the Freedom of Information Act and the Public Administration Select Committee’s current inquiry into the Charities Act. 55 Rather more often, committees have evaluated past legislation as part of a wider inquiry into departmental policy. Post-legislative scrutiny is likely to be a greater demand on committee time in future.

**Contribution to debate in the House**

48. Under the Standing Orders, 20 Thursdays each Session are specifically set aside for debates in Westminster Hall on select committee reports, chosen at the discretion of the
Liaison Committee.\textsuperscript{56} These debates are welcome to committees as an opportunity to air the report and question the Minister on the Government’s response; but they are often not very well attended and the debates take place on a non-substantive motion (an adjournment motion) so there is no opportunity to seek the House’s endorsement of the report or to express a view on any aspect of the report. To make best use of the time available, we have begun scheduling two separate debates on some of these days, allowing a committee to hold debates on two of its reports or sharing the three hour slot with another committee. \textbf{We believe that the value of these debates would be greatly enhanced if they were considered on a substantive motion. We note that this is possible under the Standing Orders — substantive motions have recently been used for debates on e-petitions in Westminster Hall — though any division would need to be taken on the floor of the House. Where the committee concerned thinks this is appropriate, and subject to the agreement of the Chairman of Ways and Means, we intend to use this approach in future.}

49. Select committees now have the additional opportunity to apply to the Backbench Business Committee for a debate in the Chamber during backbench time. These debates (unlike Westminster Hall debates) can be on substantive motion, allowing the committee to get the support of the House for a report or a particular recommendation. Through this route, for example, the Foreign Affairs Committee won the support of the House for a motion expressing concern about the funding of the BBC World Service in May 2011, the Transport Committee had a debate on a substantive motion on the cost of motor insurance, and the Business, Innovation and Skills Committee won the support of the House for a motion critical of the department’s proposals for reform of the pub industry in January 2012.\textsuperscript{57}

50. Another welcome development this Parliament is the opportunity for select committees to obtain a short slot in the Chamber in primetime after Questions to present the publication of a report to the House (or — one recent occasion — to launch a select committee inquiry). This procedure — so far taken up by the Public Accounts, Public Administration and Transport Committees — allows the chair to outline the report (or the inquiry) briefly and to answer questions from other members. However, a number of restrictions apply. First, unlike a minister making a statement to the House, select committee chairs are not allowed to make a statement and then take questions, but have to make a speech and take questions in the form of interventions. This can make for a clumsy presentation and undermines the authority of the subject matter. Secondly, the report must be published on the day of the presentation slot. This makes the procedure unattractive, since it significantly complicates the business of launching a select committee report. We were in correspondence with the former Leader of the House on this and had reached agreement on all elements of a draft Standing Order proposed by him, which mirrored the format of a ministerial statement, save his insistence that committee reports could be presented only on the day of publication and that these statements could be made only on days allocated to backbench business. The Procedure Committee is currently examining this issue. \textit{The timing rule should be relaxed to provide that a statement on a select committee report should be within a reasonable period of the publication of the report.}

\textsuperscript{56} Standing Order No. 10 (15).

\textsuperscript{57} Ev w32; Ev w49, Ev w5–6
say, within 10 sitting days (so that reports launched when the House is not sitting are not precluded). Finally, we recommend that it should be for the Speaker, in consultation with the Chair of the Liaison Committee, to decide whether a select committee report is sufficiently topical and significant to merit a statement on the floor of the House on any sitting day. It would remain the responsibility of the Backbench Business Committee to decide what select committee reports merit debate in backbench time.

51. In addition to debates in Westminster Hall, or in the Chamber in time allocated by the Backbench Business Committee, committees can also apply to the Liaison Committee for debates in the House on Estimates Days, which occur twice a year. On these occasions, the debates must be relevant to the department’s Estimate (its spending proposals for the year), although this is often interpreted quite generously. As a result, Estimates Day debates have tended to focus on recent committee reports, but it is quite possible instead for a committee to propose a debate on the spending plans included in the Estimate itself, for instance if a committee were concerned at levels of, or changes in, funding allocated for particular purposes. This would require the Government to respond. **We will continue to give priority for Estimates Day debates to committee reports which focus on departmental expenditure and performance.**

52. Committees may also be “tagged” on the Order Paper as relevant to other debates — on stages of bills, on Government motions, or on Opposition Day debates, for example. There were 84 of these tags in 2010–12.

**Different approaches**

53. The memoranda from committees also highlight a range of different approaches to the work of scrutiny, in addition to the traditional format of inquiry and evidence taking.

**Different formats of inquiry**

54. Not all inquiries involve oral evidence: a lot of scrutiny work is based on written evidence alone. This allows committees to cover more ground, and to prioritise committee member time on matters where oral evidence is most useful; but there can be a risk that members are disengaged from the inquiry, or that the inquiry becomes staff-led. More typically, an inquiry might involve a single “one-off” evidence session, perhaps with the department or an arm’s length body, with written evidence gathered in advance. There is no set format for inquiries, but committees are tending to have shorter inquiries with just one or two evidence sessions rather than the lengthy inquiries of previous years and to intersperse their longer inquiries with “one-off” evidence sessions. The Northern Ireland Affairs Committee, for example, pointed to the effectiveness of its “short, sharp inquiry” into Air Passenger Duty. The Scottish Affairs Committee, similarly, emphasised the value of quick inquiries in response to urgent events, such as the implications of the reform of the student visa system for Scotland and on the impact of the January 2012 storms on power distribution in the Highlands and Islands.
Committee is holding a series of inquiries without oral evidence on the work of the UK Statistics Authority and the government statistical service.

55. Several committees referred to the benefits of holding informal seminars, particularly at the beginning of inquiries. The Environment, Food and Rural Affairs Committee reported that “discussing the issues surrounding an inquiry topic with stakeholders at the beginning of the process help us to draft better terms of reference and identify potential sources of evidence, which frequently add an interesting and informative counterpoint to our ‘usual suspects’”.60 The Defence Committee pointed to the value of exchanging ideas with defence experts, on a confidential basis.61

**Joint working**

56. While there was a perception among our witnesses that committees are not very joined-up in the way they work, committees’ memoranda show a number of examples of joint working. The Business, Innovation and Skills, Defence, Foreign Affairs and International Affairs Committee have continued to meet jointly on a regular basis as the Committees on Arms Export Controls.62 The Welsh Affairs Committee held a joint pre-appointment hearing with the Culture, Media and Sport Committee for the new Chair of S4C, and also a joint meeting with the National Assembly for Wales Enterprise and Business Committee to look at transport in Wales.63 The Energy and Climate Change Committee and the Environmental Audit Committee produced a joint report on Solar Power Feed-in Tariffs.64 The Environment, Food and Rural Affairs Committee and the Business, Innovation and Skills Committee cooperated in scrutinising the draft Groceries Code Adjudicator Bill (with BIS’s report reflecting evidence taken by EFRA).65

**Public engagement**

57. Several committees emphasised the importance they attached to engaging with the public and mentioned some interesting approaches which have succeeded in broadening the committee’s audience and evidence-base. The most spectacular innovation was perhaps the Education Committee’s use of the Parliamentary Twitter account, under an “#AskGove” hashtag, to elicit 5,000 questions from the public to the Secretary of State for Education in January 2012. The Education Committee also ran a successful online consultation on youth services in partnership with the student website The Student Room.66 The Chair of the Transport Committee launched an inquiry on YouTube.67 The Justice Committee held a webforum on the role of probation officers, and the Health Committee has recently held one to gather testimony from women affected by PIP breast implants.68

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60 Ev w23
61 Ev w11
62 Ev w3
63 Ev w53, para 12
64 Ev w15
65 Ev w22
66 Ev w13
67 Ev w49
68 Ev w38; Ev w34, para 8
The Chair of the Health Committee also took part in a broadcast on Radio 4’s *You and Yours*, as part of its social care inquiry.

58. Many committees stressed the value of getting out of Westminster, to talk to those directly affected about the issue under inquiry. 18 evidence sessions were held out of Westminster during 2010–12. For example, the Environment, Food and Rural Affairs Committee took evidence from local fishermen in Hastings on reform of the Common Fisheries Policy; and the Education Committee took evidence in York from headteachers. Other committees have preferred to hold informal public meetings. For example, the Work and Pensions Committee held an open meeting in Burnley on the migration from incapacity benefit to Employment and Support Allowance, and another in Neath Port Talbot on the introduction of Personal Independence Payments to replace Disability Living Allowance. The International Development Committee held a meeting with members of the Afghan diaspora in Hammersmith.

59. As well as informing committees’ inquiries, visits also provide an opportunity to engage the public in parliamentary activity and to explain the role of select committees. The Business, Innovation and Skills Committee, for example, followed an evidence session in Sheffield with an informal meeting with local sixth form politics students to discuss the work of committees and the wider world of politics. The Scottish Affairs Committee took part in a public seminar in Sterling, and the Welsh Affairs Committee held events at the National Museum in Cardiff and at Venue Cymru in Llandudno, as part of the first Parliament Week in November 2011. Committees have been greatly assisted in this work by the Regional Officers of the Parliamentary Outreach service.

**Concerns**

60. Committees’ memoranda also record a number of concerns: about the co-operation they receive from Government, about the limitations to their powers, and about the resources that are available to support them. We address these concerns — which committees see as a barrier to their effectiveness — in chapters 5 to 7 below.
4 Increasing committee impact

The impact of committees

61. The consensus of those who gave us evidence is that committees are successful in influencing Government. That is not just the view of committees and external commentators, but is also supported by academic research. The Constitution Unit at University College London reviewed the impact of seven committees during the period 1997–2010, based on quantitative analysis of the success rate of their recommendations and qualitative analysis of their influence on Government through interviews with Ministers and civil servants. Their overall conclusion was that committees were indeed influential on government, though they identified some areas where they could do better. They found that:

They [select committees] are largely taken seriously in Whitehall, many of their recommendations go on to be implemented (though sometimes not until years later), and they have an important preventative effect in encouraging more careful consideration of policy within government departments.

The UCL study also found that some committees can have significant influence outside government, including on industry. This influence comes in particular through ‘exposure’.

62. However, the UCL research found there was “room for improvement”, mentioning in particular:

- committees’ frequent failure to follow up their recommendations;
- committees’ relative inability to commission their own research
- poor attendance and attention to detail by some committee members
- failure by some in Government to take committees sufficiently seriously
- committees’ relations with the media: “media attention may benefit committees’ status and influence, but being too media-driven can become a problem”.

These criticisms were echoed in evidence to this inquiry.

63. While we welcome the wide consensus that select committees have a significant, positive impact, we take very seriously the critical feedback received. We examine below the areas in which our witnesses thought we could do better, and make a number of recommendations to committees.

75 BIS, Defence, Foreign Affairs, Health, Home Affairs, PASC and Treasury.
78 Ibid, para 8.
Strategic planning

64. Some of our witnesses suggested that individual committees ought to be clearer about their objectives, both for the longer term and for specific inquiries. In its 2011 review of Select Committee Tasks and Modes of Operations the Hansard Society recommended that each committee should publish and consult on a strategic plan, and report on its achievements against that plan. We note from the memoranda received from committees that many of them have held, or are in the process of holding, meetings to review their objectives, in discussion with their advisers and, often, outside experts. We welcome this. It is important that committees should have a clear understanding amongst themselves about what they are seeking to achieve, and that they consider their objectives for the whole Parliament, rather than focusing only on the inquiry immediately ahead. It may not be possible to do this at the beginning of the Parliament: the Chair may well have a clear agenda but this may not be shared by all other members of the committee: it takes time for committees to gel and for new members to appreciate the value of a consensual approach. But, now, two years into the Parliament, is a very good time for committees to take stock and agree their objectives for the remainder of the Parliament.

65. It is not our role to prescribe to other committees how they should interpret their role, or how they should spend their time; but as a model of “best practice”, we recommend that committees:

a) have a candid discussion amongst themselves about how they see their purpose, and what they wish to achieve over the length of the Parliament;

b) identify what are the most important functions of their department’s responsibilities and design a programme of scrutiny to assess whether the department’s objectives have been fulfilled;

c) clearly record their conclusions and remind themselves of them when considering proposals for inquiry and programme planning;

d) review this at least annually, with an “awayday” or at least a longer, less formal discussion than is possible at a regular deliberative meeting; and

e) canvass opinion among the key players in their subject area about their performance.

66. Whether it is sensible to publish a strategic plan is more debatable. Committee members may be more cautious about signing up to a strategy which is to be made public and may see it as offering a hostage to fortune, or as setting themselves up to fail: committee plans will inevitably have to change to respond to events and new priorities. On the other hand, publishing objectives would ensure that the committee thought carefully about them, would demonstrate that they were thinking beyond the short-term and would give the public and expert observers such as the Hansard Society a yardstick against which to assess our effectiveness. Committees might usefully consult their department and interested stakeholder bodies on their draft objectives, and perhaps use them to secure undertakings in return. Certainly committees will not be able to achieve their objectives
without the full co-operation of the department and of the principal third party bodies on which they rely for independent evidence. We expect Government departments to be transparent about their objectives, and we ought to practise what we preach. We commend to other committees the practice of publishing strategic objectives, and of consulting their department and other stakeholders on them.

67. With this in mind, we have drawn up our own objectives, as a Liaison Committee, for the remainder of the Parliament, in the knowledge that circumstances and priorities can change. We set these out in Annex A to this report, as a draft for others’ views.

Planning inquiries

68. Several of our witnesses pointed to the importance of committees carefully considering, and planning, their inquiries, to make sure that they fitted with, or at least did not impede, the committee’s longer-term objectives. The joint memorandum from the Hansard Society, Institute for Government and Constitution Unit argued that:

    Clear objectives should be set for each inquiry, for example, through publication of a statement about what a committee would like to achieve, separate from the issue and questions paper that is normally published at the start of an inquiry.

It also underlined the benefits of giving witnesses a sufficiently long deadline to produce evidence: short deadlines reduced the prospects of broadening the evidence base.  

69. There is a tendency for committees to launch inquiries without a great deal of forethought. Evidence points to the benefit in committees doing some exploratory work before inquiries are announced. We were told that timing of inquiries is important: inquiries have most impact if they are at the right stage of government decision-making. And a shared understanding of what the committee wishes to achieve in an inquiry would provide a useful and more strategic basis for media and communications planning and support. We recommend that, before they launch an inquiry, committees agree a comprehensive minute setting out what they hope to achieve, and the likelihood of success.

Scrutiny of departmental performance

70. Our discussion with civil servants at the Institute for Government gave us much food for thought. They thought committees spent too much time on post mortems of individual projects or policies which went wrong, and missed the opportunity to hold ministers and officials to account for the overall performance and strategy of the department. We agree that committees should be proactive and forward-looking — and devote less effort to raking over the coals of past events unless there are lessons to be learnt and changes to be recommended.

71. The Better Government Initiative argued that departmental select committees should take evidence more often from Permanent Secretaries as Accounting Officers, holding
them to account for spending decisions and for programme and project management. They thought departmental select committees—

should expect Permanent Secretaries, as now with the PAC, to give evidence about current performance and planned programmes and projects backed by the Government. They should take responsibility for the quality of the advice given by their departments on the key approaches considered and assumptions used in the appraisals, any inadequacies in the evidence relied on, perhaps due to an absence of evaluations of past projects or of pilots of new ones. While we would not suggest SCs become embroiled in second guessing management decisions, they should be able to satisfy themselves that proper processes are in place for appraising policies and investments and expect to be informed where there are significant departures from established procedures.\(^\text{81}\)

They thought this would lead to departments giving greater attention to the quality of project and option appraisal and to Permanent Secretaries taking greater interest in their department having the necessary processes and skills in place.\(^\text{82}\)

72. With competition for scarce resources becoming ever greater, it is important for committees to assess policy decisions alongside their financial implications, and vice versa. Committees need not just consider the merits of policy and the means of delivery, but whether the amount of public money allocated and spent represent the best use of scarce public funds, and whether better outcomes could potentially be delivered through different spending patterns. This argues for “mainstreaming” financial scrutiny in order that the financial aspects of a policy are considered alongside the policies and outcomes. We recommend that in future inquiries, as a matter of routine, committees include consideration of the financial aspects and implications of the policies being examined. This could include for instance, what the justification for spending public money is, what evidence there is that it will offer, or is offering, good value for money to the taxpayer, what alternatives have been considered and whether they would be likely to be more effective, and the outcomes expected to be added to or improved upon by the spending.

73. In practice, departments are routinely making financial decisions throughout the year. Those who make the decisions are accountable to Parliament and the public for the use of public funds. While the Public Accounts Committee has the lead role in post-hoc analysis of how public money has been spent, departmental select committees also have a role in ensuring that departments evaluate options robustly on the basis of sound evidence, weigh up options soundly and operate as fairly and openly as possible, keeping spending under review to ensure it delivers the outcomes desired. We encourage committees to hold evidence sessions at least annually with ministers and departmental accounting officers, and include within these sessions consideration of how departments evaluate and take decisions on spending, and how they assess the effectiveness of the spending they undertake.

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81  Ev w 76
82  Ibid.
74. While successive Governments have taken steps to open up the Whitehall machine, whether through the Freedom of Information Act, or the transparency agenda, more can still be done. Bare facts often require explanation and the Government appears sometimes reluctant to explain not just the “what”, but the “why”. More also needs to be done by Government to link spending to performance. In 2009, our predecessor Committee recommended that departments publish “Mid-Year Reports”, linking spending and performance. Steps are now under way to deliver this on a pilot basis in 2012, with full implementation expected in 2013. We encourage committees to review departments’ Mid-Year Reports when published, using them to identify relevant issues and questions relating to finance and performance.

Evidence sessions

75. Taking evidence is a fundamental feature of select committee activity. Our strength lies in ensuring that our conclusions are evidence-based, in giving a platform to experts and to those with personal experience, and in challenging those with responsibility. But they can be a bit dull, and they are not always the best way of extracting information — particularly from government witnesses.

76. Several of those we met during our inquiry questioned the effectiveness of our tradition of going round the table, with each member asking questions in turn. We were told that the knowledge that a member would only have five or ten minutes before having to hand over to a colleague encouraged witnesses to flannel, knowing that they would soon be off the hook. It was suggested that chairs should allow successful questioners longer to develop their line of inquiry, or even for committees to delegate questioning to one or two members at each evidence session: they would then know it would be worthwhile putting time into preparation. There is, of course, a downside in this approach (committee members may not be very keen to sit through meetings at which they have no, or little, opportunity to contribute) but it could work, if the arrangement was reciprocal. And it would recognise the reality that committee members do not always have time to prepare well for every evidence session. We recommend that committees experiment with different approaches, such as appointing a rapporteur to lead on a particular inquiry, or choosing “lead questioners” for an evidence session.

77. Another important area is the diversity of witnesses. Witnesses before committees are by no means just “the great and the good”. Some committees have been particularly successful in involving a diverse range of witnesses and representatives of groups who are usually disengaged from the political and parliamentary process. But some inquiries and subject areas lend themselves more to this than others; and there can be a tendency, particularly if time is short, to call in “the usual suspects”. This is boring and, in limiting the breadth of the evidence base, detracts from the quality of committees’ conclusions. Committee inquiries provide an important opportunity to engage underrepresented groups in the parliamentary process, and to contribute in a significant and concrete way to the aims of the House of Commons Diversity and Inclusion Scheme. We recommend that committees make every effort to broaden their range of witnesses, and to take into

account the principles of diversity and inclusion in planning their inquiries and committee programme.

Commissioned research

78. Several of our witnesses argued for committees to make greater use of commissioned research. This was seen as a key contributor to an effective report — not just by academic observers (whom one would expect to be in favour of research) but also by the civil servants we talked to. The joint memorandum from the Hansard Society, Institute for Government, and Constitution Unit and others said that committees “can be at their most effective when they conduct original research, providing a new, clear evidence base for their recommendations (as, for example, the Business, Innovation and Skills Committee did in surveying pub tenants for its Pub Companies report).” There seems to be low awareness that committees already have the facility to commission research, and the Committee Office’s budget for this purpose is often underspent. A discouraging factor is that commissioning research is time-consuming (work has to be planned, put out to tender and then carried out) and this does not always fit with the immediacy of committees’ requirement. However, some committees have commissioned research. In 2010–12, the Transport Committee commissioned research on the HighSpeed2 link. More recently, the Public Administration Select Committee has commissioned a market research company to conduct polling on public attitudes to national security issues. Others have commissioned research on a pro bono basis. For example, the Political and Constitutional Affairs Committee has made an agreement with the Centre for Political and Constitutional Studies at King’s College London to do research on codifying the constitution, supported by the Nuffield Foundation and Joseph Rowntree Charitable Trust. Committees should bear in mind the option of commissioning research when planning their long-term strategies, and, if necessary, the House authorities should increase the money available for this purpose.

Reports

79. The Constitution Unit’s report Selective Influence found room for improvement in the way committee reports are drafted:

There is some lack of clarity in how select committees express their conclusion and recommendations. It is sometimes unclear whether a paragraph included in the ‘conclusions and recommendations’ section of the report is actually a recommendation or not, and therefore whether it demands a government response. Such unclear wording obviously risks letting government off the hook.

They pointed out that some reports contained a great many recommendations and considered that report would lose impact if the number got too large. They suggested that

84 Ev 11, para 8
85 Ev w49
86 Ev w41
87 Selective Influence, p 94.
88 Selective Influence, p 25.
80. In the longer term we would like to see the format of committee reports modernised, and made more accessible to the increasing number of readers who access them electronically.

**Follow-up**

81. Evidence to our inquiry was critical of the lack of follow-up of committee reports. Our witnesses said that committees tended to move on too quickly to the next inquiry, and did not put enough effort into making sure that recommendations are implemented. The joint memorandum for the Institute for Government, Hansard Society and Constitution Unit argued that:

> Improving follow-up is a key area where committees could improve performance. They are often most successful in areas where they are most persistent. However, there is a strong tendency to move on quickly to new subjects, without always making the most of previous inquiries; a more rigorous approach is needed. Some committees do systematically log and track implementation of past commitments but the practice is patchy and unsystematic.  

Several committees (International Development, for example, and the Public Administration Select Committee) have been following up earlier inquiries, but we accept that this is not systematic. Following up old inquiries (particularly ones from previous Parliaments which current committee members may not have been involved in) can be unexciting; but we are guilty of a tendency to “fire and forget”. If we are to be successful in influencing change in Government policy, we need to do more than just present a cogent argument and hope that Government will listen. We need to make sure that the message has been heard by the right people in Government and then need to chivvy to make sure that they do what we want. There are a range of tools at committees’ disposal: we can get leverage through the support of stakeholder bodies and coverage of the media; we can seek debates in the House or ask Parliamentary Questions, requiring Ministers to explain how the Government is responding; and we can issue follow-up reports.

82. We also accept the need for longer-term follow up, to track whether accepted recommendations actually have been implemented. Departments need to know that committees will revisit subjects of inquiry, and monitor progress. Given the pressures on
committee time, much of this can be done as a paper-based exercise: a full follow-up inquiry would only be appropriate for major reports, with continuing relevance.

83. **We recommend that each committee should appoint a member of staff, or an adviser, or an outside body, who will monitor follow-up to recommendations in respect of each report. The committee should report to the House at least once in each parliamentary Session upon how many of its recommendations the Government has acted, and what follow-up is proposed on outstanding recommendations.**

### Joint inquiries

84. Some of our witnesses argued for more joined-up working between committees, with inquiries on themes which cross departmental boundaries.\(^90\) This was also a recommendation made in the report of the Speaker’s Advisory Council on Public Engagement, which argued that such inquiries would be more relevant and interesting to the public.\(^91\) There have been some positive examples of joint activity since the beginning of the Parliament, as illustrated in paragraph 56 above. However, but practical difficulties of timetabling etc, and differences in committee culture, discourage this; and there is a risk that departmental select committees can have something of the silo mentality which we criticise in Government departments. The Joint Committee on the National Security Strategy, on which the chairs of several departmental select committees sit, is an attempt to overcome that problem, but it is a very large committee which therefore cannot operated in the way that a departmental committee can. The Chair of the Transport Committee has suggested that the sensible approach is "to take a more relaxed view of committees ranging across departmental boundaries where it is sensible to do so for effective scrutiny, but involving the chairs of affected committees more proactively in discussions about plans for the inquiry".\(^92\) **It is sensible for departmental select committees to be able to cross departmental boundaries when this is in the interest of effective scrutiny of matters which go beyond a single department, but they should do so in ways which respect the role of other departmental select committees and in full consultation with the chairs of those committees.**

### Communication

85. Much of our informal discussion during the inquiry focussed on how to improve the communication of committees’ work. Our work is pointless if it is not effectively communicated, but we do not always put sufficient thought into whom we need to communicate with, and why, and sufficient effort into doing it. On the other hand, at a time of limited resource — and increasing media diversity — we need to be hard-headed about what is effective. **When considering how to make an impact with the media, committees have a wider range of choices than ever before, and this means we need to give more thought to what we really want to achieve and target resources effectively.**

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\(^90\) Ev 11, para 10  
\(^91\) www.parliament.uk/business/commons/the-speaker/parliament-and-the-public/speakers-advisory-council-on-public-engagement  
\(^92\) Ev w68
86. Effective communication is essential in order to get the evidence we need. Different inquiries need to engage different audiences: some inquiries will be of interest primarily to specialists and experts in the field; some need to draw on the experience of people who are not easily reached through the mainstream news media. To access new audiences, we need to exploit new media as well as traditional mainstream news. Social media may have a role here, as well as in increasing our direct impact amongst more ‘niche’ stakeholder groups. Where committees have used the Parliament website to hold e-forums, success has been varied; some have found it more productive to work with third party hosts with established communities (as in the Education Committee’s successful partnership with the website Student Room93). Committees — particularly through individual Members — are making increasing use of social media to engage interest in their work and to encourage people to give evidence (as in the Education Committee’s #askGove session94). Broadcast media can be useful in engaging a wider audience: committees have regularly worked with Radio 4’s You and Yours, for example, providing committee content with chair interviews and phone-ins. Where appropriate, launch events can be helpful to attract more attention for a report.

87. Once a report is agreed, it is important that it is communicated to its target audience, but committees do not always stop to think clearly about who that is or why — or what specific objective the media coverage should help to achieve. The Committee Office’s small team of media officers works hard to secure coverage through print, broadcast and online media, including both mainstream and specialist publications (and it is important to remember that traditional media outlets still deliver the largest audiences). The committee heard evidence which suggested that in some areas, coverage may be reaching saturation point — on Radio 4’s Today, for example — particularly at certain times of year. Committees need to work harder to avoid clashes, and to exploit slower news periods: in recent years, 20 to 50 reports have been published during the summer recess, and this has consistently worked well. Some issues will resonate with a wider audience in local and regional media, improving public understanding of committee work as something which has direct relevance and impact outside the ‘Westminster bubble’: some chairs have used the BBC’s General News Service — where large numbers of interviews are organised back-to-back with local radio around the country — with great success. Much committee work is faithfully covered by specialist trade press; however, in some areas such as science and law, specialist bloggers are increasingly influential, providing authoritative reporting, comment and analysis comparable to — and often of higher quality than — traditional specialist media. More could be done to engage their interest in committee work.

88. Media interest is not limited to the publication of reports. An evidence session — or a visit — can be used for the basis of a story, and to attract interest in the committee’s inquiry. And committee chairs are acquiring a growing personal profile, which can be maintained by, for example, releasing comments in response to events, or securing spots for planned articles.

89. The parliamentary website is a crucial communications tool for committees and we would like to see committee teams putting more effort into exploiting it. The evidence we
received from Parliament’s Web and Internet Service pointed to a number of areas where more could be done. While we recognise the need for committee webpages to conform to some common standards, we believe there is scope for adapting them more to the needs of particular committees and their different audiences. All committee pages would benefit from richer audio-visual content: not just better photos and embedded evidence sessions, but, for example, chair interviews on current issues, calls for evidence, short films about aspects of an inquiry, and report launches. And this content needs to be readily ‘pushed’ to other sites, as well as attracting traffic to committee pages.

90. The discussion we had with members of the Parliamentary Lobby gave us a better understanding of the time pressures under which journalists and broadcasters operate, and the huge amount of material which they have to sift. Committees are more likely to be covered if they help by providing advance warning, giving pointers to newsworthy evidence, and avoid taking evidence at the same time as Statements in the House. The bunching of committees meeting on Tuesday morning inevitably limits their chances of coverage.

91. It was suggested in our inquiry that the House could usefully increase journalists’ understanding of Parliament by providing training (perhaps by providing input into National Council for the Training of Journalists courses for graduate trainees). An important aspect is to make sure that they are able to distinguish between Select committees, appointed by the House to examine matters impartially, and All Party Parliamentary Groups, which — though they may support worthy causes — are essentially campaigning groups of Members who have joined the group to pursue a shared objective or area of interest. Now that select committees are elected by the House and taking a higher profile, we urge editors and broadcasters to introduce reports of parliamentary committees in such a way as to indicate their official status, with words such as “the House of Commons Education Committee” or “the Parliamentary Education Committee”, rather than somewhat absurdly saying a report has been produced by “a group of MPs” (which the broadcasters seem to use regularly) suggesting that such a group is self-selecting at random and has no official status (rather like referring to the BBC as “a group of broadcasters”).

92. The support of professional media officers has been crucial in increasing committees’ media profile, and we argue in chapter 6 below for a modest increase in their number. We also welcome efforts being made to increase the media awareness of other committee staff through a programme of talks by Lobby representatives, visits to the broadcasting studios in 4 Millbank, and attachments to work alongside the media officers.

93. One factor which reduces the chances of media coverage is the fact that many committees choose to meet on a Tuesday morning. This puts considerable pressure on facilities, and increases the competition for rooms with full broadcasting capability. It remains to be seen whether the change in Tuesday sitting hours, which came into effect in October, has an impact on committees’ choice of sitting times.
Professional development

94. The most important resource available to committees are the skills of their members. Witnesses to our inquiry argued that the House of Commons should put more effort into the induction and continuing professional development of committee members — committee chairs included. Evidence pointed particularly to the need to develop Members’ questioning skills.

95. There seems to be a growing acceptance among Members that they need training or professional development, just like other professionals. However, there was poor take-up of training offered to new Members at the beginning of the Parliament, and designing training in a form that is attractive to busy Members is difficult. And there is a risk that those most in need of training do not seek it.

96. New members of committees are given a small induction pack with background information about the committee’s work and subject area and a short Guide for Select Committee Members, setting out, among other things, the requirement to maintain the confidentiality of committee proceedings, the rules on the declaration of interests and a warning about the risk of removal of those attending fewer than 60% of meetings. But new committee members — and particularly those joining later in the Parliament — are largely left to pick up from the Chair or from other Members what are the expectations upon them, in terms of attendance and committee etiquette. We recommend that the introductory briefings offered to new committee members be given more formality, and include a meeting with the chair or another experienced committee member. When there is significant turnover following a reshuffle, for example, a programme of collective briefings for new committee members should be arranged.

97. Committees frequently have factual briefings or seminars on matters in their subject area, sometimes with their own advisers or committee staff, sometimes with external experts or bodies such as the National Audit Office. Occasionally they have awaydays to look more broadly at their method of operation. A few committees — for example, the Environmental Audit Committee — have made specific use of trainers to help them develop their questioning or media-handling skills. We understand that the National Assembly for Wales and the Scottish Parliament have made rather more systematic use of trainers, in particular bringing in a senior Scottish advocate to facilitate training for committees. Most committee evidence sessions do not require forensic questioning techniques, but asking questions succinctly and clearly, and in a manner which does not discourage the witnesses, is an essential skill, and most of us would benefit from occasional expert feedback on how we go about it. We are assured that funding will be made available for such training at Westminster if there is demand for it. We recommend that committees consider the benefits of using professional trainers to help them refresh and develop their questioning skills.

98. New chairs should also be offered training in chairmanship and media-handling skills, and mentoring by an experienced chair. Experienced Members of Parliament may feel that they have acquired these skills already, but there is always scope for improvement and it is
good to show other members that even chairs recognise the importance of continuous development. Established chairs too may benefit from refresher training.

99. At present there is no clear statement of what the role of the committee chair involves. We note that the National Assembly for Wales has adopted a “job description” for chairs (which we reproduce in Annex B), and the Scottish Parliament has guidance for committee conveners which performs a similar function.97 We do not wish to go so far as to prescribe a generic job description for chairs, as each committee is different, but we set out in Table 4 below some broad expectations as a guide to chairs, and to prospective chairs, and for the information of others.

**TABLE 4: GUIDELINES FOR COMMITTEES CHAIRS**

<table>
<thead>
<tr>
<th>Committee chairs are expected to —</th>
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<tbody>
<tr>
<td>• Encourage the committee to adopt a consensual and cross-party approach and to engage actively in its work</td>
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<tr>
<td>• Encourage the committee to develop a clear understanding of its objectives and shared expectations of behaviour</td>
</tr>
<tr>
<td>• Acquire and maintain a strong knowledge of the committee’s subject area, in order to operate effectively in committee and in the media</td>
</tr>
<tr>
<td>• Influence the committee in its decision-making, ensuring that it follows the rules and practices agreed by the House, works within its order of reference, and is mindful of the core tasks</td>
</tr>
<tr>
<td>• Give strategic direction to the clerk in the management of the committee programme and the staff team, ensuring that the committee is appropriately resourced and supported</td>
</tr>
<tr>
<td>• Act impartially in the chair, treating members of the committee with equal respect, ensuring that all have a fair opportunity to express their views and question witnesses</td>
</tr>
<tr>
<td>• Enhance the reputation of the House of Commons by ensuring that committees treat witnesses, members of the public and staff with respect and courtesy</td>
</tr>
<tr>
<td>• Act as an ambassador for the committee, accessible to ministers, overseas visitors, stakeholder bodies and the media</td>
</tr>
<tr>
<td>• Show commitment to professional development, continuously developing chairmanship, questioning, speaking and media skills</td>
</tr>
<tr>
<td>• Take interest in the welfare and development of the committee staff team and assist with the recruitment and appraisal of staff and advisers</td>
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</tbody>
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97  www.scottish.parliament.uk/parliamentarybusiness/20955.aspx
100. We recommend that chairs discuss with their committee how they see their role, and seek their endorsement for it. At this stage in the Parliament, there may be benefit in chairs asking their committees for individual feedback on their chairmanship, as an aid to the chair’s professional development and to encourage committee engagement.

Committee behaviour

101. A sensitive area raised during our inquiry is the impact of the behaviour of some committee members on the overall reputation of select committees. Several witnesses pointed out what a bad impression it gives to witnesses and the public when committee members do not stay the course for evidence sessions or appear to be more interested in their correspondence than the evidence.98

102. An area of particular importance — and one in which committees have occasionally been criticised — is the treatment of witnesses. The great majority of witnesses are very willing participants, eager to get their views across to the committee; but the media focus is on the minority of cases where the witness may be given a hard time by the committee. It can be legitimate and necessary for committees to subject witnesses to tough questioning (and the public expects us to do so); but they should always be treated with respect and courtesy, and given a fair hearing — and it damages the reputation of select committees when they are not. Members of Parliament are used to an environment in which we are quite rude to each other without taking personal offence; witnesses may not be. It was clear from our meeting at the Institute for Government that some civil servants have felt unfairly treated by select committees, unable to defend themselves because of the confidentiality of advice to Ministers. The result is defensiveness and non-cooperation, so — from the Committee’s perspective — it is counterproductive.

103. It is inevitable, and right, that committees will from time to time wish to criticise individuals or to highlight others’ criticism of them. These criticisms should be based on evidence and the individuals should be made aware of them prior to publication. In exceptional circumstances the committee may feel it appropriate to seek further comment from the individual concerned.

104. The core tasks set out what committees should do; they do not give committees any guidance on how they should go about their work. Some of our practices — our formal procedures — are determined by the rules of the House, as set out in the Standing Orders, or by its established custom and practice. In other respects, an understanding of best practice has been established over the years, with this Committee playing an important role in allowing chairs to share experience and agree common approaches. In some areas, this Committee has agreed written guidance (notably, our guidelines on overseas travel and our guidance on pre-appointment hearings); in others it is left to committee clerks to share best practice and recommend it to their committees. While committees need to maintain their freedom to respond to their particular circumstances, we believe there is a case for setting some principles of good practice. It is our intention to prepare a set of guidelines for this purpose.

98 Eg Q 20
5 The co-operation of Government

Departments’ record of co-operation

105. More effective scrutiny also requires the co-operation of Government. The memoranda from committees demonstrate varying degrees of co-operation from departments at present. Some enjoy a positive and co-operative relationship with their department; others record a number of problems. Some common themes emerge.

Government responses

106. Several committees complain about the timeliness of Government responses to reports. The Government’s guidance to departments (“the Osmotherly Rules”) states that departments should aim to respond to reports within two months\textsuperscript{99}, but responses are quite frequently late. A bad example was set by the Cabinet Office which took nine months to respond to our report on Public Appointments and Select Committees.\textsuperscript{100} The Environmental Audit Committee reported that the Government took six months to respond to its report on the Budget 2011 and Environmental Taxes.\textsuperscript{101} Worst of all, the Communities and Local Government Committee reported that the Government had still not reported, two years on, to the report of its predecessor on Preventing Violent Extremism.\textsuperscript{102}

107. Other committees — and some outside observers — complain about the content of responses. The Defence Committee said that “departmental replies to reports are usually very defensive, often late, and show little appetite for dialogue with the Committee”.\textsuperscript{103} The Public Administration Select Committee has complained that the government response to its second report on strategic thinking actually misrepresents the report.\textsuperscript{104} The Regulatory Policy Institute’s Better Government Programme described government responses as “models of evasion”\textsuperscript{105}.

108. An increasing number of committees are taking action when a response is unsatisfactory, by publishing a substantive critical report with the response, or by calling the Minister in for a further evidence session to explain it. We, the Liaison Committee, have recently issued a second report highlighting the inadequacy of the Government’s response to our report on Public Appointments and Select Committees.\textsuperscript{106} The Joint

\textsuperscript{99} Cabinet Office Guidance on departmental evidence and response to select committees, July 2005, paragraph 108.


\textsuperscript{101} Ev w21

\textsuperscript{102} Ev w8, para 6

\textsuperscript{103} Ev w11


\textsuperscript{105} Ev w58, para 1

Committee on the National Security Strategy has done similarly. If a government response is inadequate, a committee can and should draw attention to this when it reports and publishes the response.

109. It was suggested to us that we should introduce a template for government responses, requiring the department to state clearly whether it accepts, rejects, or is still considering each recommendation. Some departments already adopt this format. We are disinclined to impose a strict format for responses as what is appropriate may differ from report to report, and the department’s response to the overall argument set out in the report may be as important as its response. However we stand ready to work with the Cabinet Office on new guidelines for departments on producing government responses to reports.

Information

110. Several committees mention that scheduling their work was made difficult by delays in the production of papers by the department or lack of advance notice of decision-making by Government. The Business, Innovation and Skills Committee, for example, reported that its inquiries were hampered by delays in the publication of a number of policy documents. The Public Administration Select Committee (PASC) complained that the Department for Culture, Media and Sport and the Department for International Development had been late in supplying evidence on their departmental change programmes; and on another occasion, the Government had chosen to publish its IT Strategy White Paper on the same day as the Minister was giving evidence on the matter to PASC, which limited PASC’s ability to scrutinise the policy being announced. The Chair of the Energy and Climate Change Committee noted that, while DECC told his committee informally about forthcoming business, it would be helpful to have a more formal arrangement for receiving planning information, on a confidential basis.

111. In other cases, committees’ work has been impeded by the Department’s unwillingness to provide information. The Defence Committee reported it had been driven by the MoD’s reluctance to provide information about the history of the UK’s involvement in Helmand to call in retired Ministers and military personnel, “all of whom proved more helpful than their successors”. The International Development Committee said that it had been frustrated by DfID’s refusal to share advice to ministers on the closure of the bilateral Burundi programme on the ground that it would not be provided if requested under the Freedom of Information Act.
**Witnesses**

112. Other committees have had difficulties in securing the attendance of particular officials. In some cases, the responsible official has moved on to another job, or has retired. The Defence Committee reported an instance in which it was told by the department that the witness it had asked for was not the appropriate person only to be told by his replacement and the Minister at the evidence session that they were surprised he was not there.115

113. The Government’s Osmotherly rules state that:

Where a Select Committee indicates that it wishes to take evidence from a particular named official, including special advisers, the presumption should be that Ministers will agree to meet such a request. However, the final decision on who is best able to represent the Minister rests with the Minister concerned and it remains the right of a Minister to suggest an alternative civil servant to that named by the Committee if he or she feels that the former is better placed to represent them. In the unlikely event of there being no agreement about which official should most appropriately give evidence, it is open to the Minister to offer to appear personally before the Committee.116

We do not accept that the Osmotherly rules should have any bearing on whom a select committee should choose to summon as a witness. The Osmotherly rules are merely internal for Government. They have never been accepted by Parliament. Where the inquiry relates to departmental delivery rather than ministerial decision-making, it is vital that committees should be able to question the responsible official directly — even if they have moved on to another job. It does of course remain the case that an official can decline to answer for matters of policy, on the basis that it is for the minister to answer for the policy, but officials owe a direct obligation to Parliament to report on matters of fact and implementation. This does not alter the doctrine of ministerial accountability in any way. Ministers should never require an official to withhold information from a select committee. It cannot be a breach of the principle of ministerial responsibility for an official to give a truthful answer to a select committee question. No official should seek to protect his or her minister by refusing to do so.

**A new compact?**

114. The joint memorandum from the Hansard Society, Constitution Unit and Institute for Government observed that

The greater assertiveness of select committees in the current Parliament … has challenged previous understandings and relationships between Westminster and Whitehall…. The Liaison Committee should seek a new understanding, even a

115  Ev w11
116  Departmental Evidence and Response to Select Committees, Cabinet Office, July 2005, para 44.
We agree that there is a need for a changed approach. The old doctrine of ministerial accountability (by which ministers alone are accountable to Parliament for the conduct of their department) is being stretched to implausibility by the complexity of modern government and by the increasing devolution of responsibility to civil servants and to arm’s length bodies. It is important that Parliament should be able to hold to account those who are in reality responsible. However, we accept that it may not always be possible to distinguish clearly between responsibility for policy making and responsibility for delivery. These are not simple matters. The way ministerial accountability operates has on occasion been unacceptable, with ministers blaming officials for failures in their departments or in agencies for which they are responsible, but also with officials then refusing to answer questions which would indicate where responsibility for failure actually lies.

115. We recommend that the Government engage with us in a review of the relationship between Government and select committees with the aim of producing joint guidelines for departments and committees, which recognise ministerial accountability, the proper role of the Civil Service and the legitimate wish of Parliament for more effective accountability.
Select committee resources and staffing

116. Committees’ effectiveness depends on the support which they receive from their small team of staff and specialist advisers, the Committee Office Scrutiny Unit and other staff within the House Service, and external sources of advice. While committees greatly value the service they receive, there has been concern among some chairs about turnover of staff in the Committee Office, the balance between generalists and specialists among committee staff, and the flexibility of the House Service to respond to the changing requirements of committee members. We have also been concerned to ensure that the current programme of cuts to the overall budget of the House of Commons should not damage our capacity to carry out effective scrutiny.

117. In 2011 we established a working group to consider staffing and resources for committees. The working group began by issuing a questionnaire to chairs and committee staff. It then commissioned a paper on what the needs of committees might be in 2015 and 2020. The next stage was to look at those needs in terms of inputs, outputs and outcomes. A digest of this work is published on the internet with our written evidence.

118. One clear message from this work is that chairs of committees are under considerable pressure to attend events, make speeches and respond to media inquiries above and beyond what used to be expected of a committee chairs. This means that a higher proportion of a chair’s time is spent on work related to the committee, compared with other parliamentary and constituency duties. In many cases part of this extra work is borne by the Member’s personal staff.

119. Looking ahead, we need to plan for greater support for committee chairs. We envisage that this may take different forms according to particular needs:

- In the longer term we would like to see funding for an additional member of staff in a chair’s office to handle the extra committee commitments. Chairs would need to demonstrate a business need and demonstrate that the money was spent for the purpose intended. A possible approach would be for the Commission to allocate a sum for this purpose to our Committee and for us to delegate to our Chair the responsibility for assessing bids and allocating the funding, as he already does with select committee travel.

- As an alternative, some chairs might prefer more direct support from their committee team, particularly in speech-writing and diary management. There has already been an experiment with one person from the committee staff working in the Chair of the Transport Committee’s office some time each week.

- There would be considerable advantages in efficiency and coordination if chairs of committees could co-locate their own office and that of their Commons staff with the staff of their committee.
• Such co-located offices should also have the facility for hosting meetings with advisers and stakeholders, or have access to other private rooms for such meetings.

• Media coverage of committees would also be improved if chairs could have access to reliable technology (such as ISDN lines in constituencies) to allow for reliable quality broadcasts when away from Westminster.

120. A second important area is media support for chairs and committees. Some chairs are completely content with the current level of support from media officers; others would like to see more support. There is also a view that committee staffs should be more media-aware and more directly involved in media and communications work. The media officers have recently suggested new approaches to how committees work with the media, which should help to deliver more results. While the ideal position would be for each committee to have a dedicated media officer, we accept that this is not realistic in the current climate. However, a small increase in funding would help considerably to spread the media officers’ time less thinly. We would also like to see the recruitment of a multimedia journalist to the team to drive improvement in the content of websites. We recommend that the funding of the Committee Office Media and Communications team be increased to allow the employment of one or two additional media officers.

121. The working group has not received evidence that the overall level of current staff resources is insufficient, but there is considerable concern that cost pressures will lead to a reduction in the current level of staff, and chairs have expressed concern about the turnover of staff and the consequent lack of stability in committee teams. In some cases, individual committees have had several change of committee clerk in recent years. In others, virtually all members of the staff team have changed within one year. The Clerk of Committees has told us:

Staff are not moved to and from committees at whim. The major drivers of moves are promotion, secondment or loan to another post and maternity leave. I cannot prevent people taking the steps which lead to these moves; I can only try to fill the ensuing vacancies.¹¹⁹

Additional work arising from such additional committees as the Parliamentary Commission on Banking Standards could have the effect of reducing availability for existing committees. We do not regard this as acceptable. Any substantial extra committee work, beyond the normal work of existing committees including joint committees, which is undertaken at the initiative of Government should be fully funded by a transfer from the Treasury to the House of Commons.

122. We would like to see fewer changes in committee staff teams during a Parliament. We are concerned about recruitment and retention of staff, particularly at the level of second clerk (A2). Five committees have lost their second clerk in the last few months without a full replacement. The House of Commons Commission should be willing to consider reward arrangements and tackle anomalies in the pay policy. We recommend that committee clerks, and in some cases other key staff, should normally remain in post for at least four years.

¹¹⁹ Ev w92, para 9
123. At the outset, we questioned whether all committee clerks should be generalists with procedural experience. Some chairs felt there was little need for procedural experience and others attached importance to specialist knowledge of the subject area. In his memorandum to the working group, the Clerk of Committees explained the career background of the pool of committee clerks and second clerks. We note that in the past few months a Library scientific specialist has become Clerk of the Science and Technology Committee. We welcome the greater flexibility being applied in appointing committee clerks and trust that it will continue.

124. There is an argument for going further and opening selection of specific committee clerk posts to external competition. This would have the benefit of bringing in new talent, potentially people with in-depth subject knowledge and wider experience. It would also test the calibre of career clerks against the market. It has been put to us that there are some risks in this approach: a committee clerk who did not fully understand the requirements of the House might require a high level of initial support, and it might have an impact on the morale and retention of career clerks. A change to specialist committee clerks would reduce the House Service’s traditional flexibility to move staff from one job to another, and between committees and Chamber services, to meet the changing demands of the House, and might therefore increase the staffing requirement. None of these risks seem to us to preclude the use of external competition for some committee clerk positions.

125. We would also like to see greater flexibility in bringing in outside experts to support committees. We welcome the initiatives by the Treasury Committee, for example, to recruit specialists on secondment from other bodies. We believe that this success can be built on, provided sufficient attention is paid to transparency and conflicts of interest. The Scrutiny Unit is ready to assist committees in identifying, recruiting and securing relevant expertise. It is clearly in the interests of committees to draw on staff support from as wide a field as possible. We do not go as far as calling for a separate Committee Service, but we think that it would be worth testing the benefits of open competition of a high profile committee clerk on an experimental basis. **We recommend that, if a committee wishes this and the Liaison Committee agrees, it should be possible to recruit a committee clerk directly to post by open competition, and that there should be greater flexibility in bringing in outside experts to support committees in their work.**

126. At the same time, we would welcome closer working between the House of Commons Library and committee staffs. There is great value in the separate service that the Library gives to Members of Parliament individually, but there is a case for managing the careers of specialists in the Library and the Committee Office in a more joined-up way, to improve retention and career progression, and to ensure that Committees benefit from the best specialist advice that the House Service can offer.

127. The House of Commons Commission has undertaken that scrutiny of Government will not be affected by the current savings programme. We accept that committees will need to show that their resources are being used efficiently. We have supported initiatives to make evidence more readily available on the internet and for greater electronic working within committees. Technology obviously gives select committees the opportunity to...
examine how they work and apply resources as well as possible in support of effective scrutiny.

128. We understand that the Committee Office will be going through a change programme following a review under the auspices of the savings programme. The objectives of this programme include:

- Making oral and written evidence to committees more readily accessible to the public — so it is can be read more quickly and more clearly
- Providing committee members with easier access to committee documents — so they can be read anytime, anywhere
- Making better use of staff resources — by reducing current effort on preparation for printing
- Using IT more effectively
- And through these actions, reducing costs and using resources more effectively.

We welcome this programme as an opportunity to improve and modernise the service the Committee Office gives to committees and to the public. It is important that it should be shaped not just by the need to produce savings but by the longer-term goal of increasing committee effectiveness. Now may not be the best time to argue for increased resources, but it should be the long term goal of the House to build up the capacity of select committees, to improve their effectiveness and status, to increase their powers and influence, and to improve their efficiency by providing chairs and staffs with accommodation and infrastructure to enable them to hold Government to account.
7 Select committee powers

129. During 2011, long-standing uncertainties about the extent and enforceability of select committees’ powers were brought to the fore by a series of unusual inquiries. In March, Irene Rosenfeld, Chief Executive Officer of Kraft Foods, based in the USA, refused to appear before the Business, Innovation and Skills Committee to discuss the takeover of Cadbury. In July, the Culture, Media and Sport (CMS) Committee summoned Rupert Murdoch and others to attend to give oral evidence on News International and Phone-Hacking, giving rise to widespread media discussion about what would happen if they refused. As the witnesses complied with the summons, the question was not put to the test. When the CMS Committee concluded that certain witnesses had misled its predecessor committee, there was uncertainty — within the Committee and in the outside world — about what could be done about it. The CMS Committee reported that:

The integrity and effectiveness of the Select Committee system relies on the truthfulness and completeness of the oral and written evidence submitted. The behaviour of News International and certain witnesses in this affair demonstrated contempt for that system in the most blatant fashion. Important lessons need to be learned accordingly and we draw our Report to the attention of the Liaison Committee which is considering possible reforms to Select Committees.121

On 22 May 2012122, the House of Commons resolved to refer the matter to the Standards and Privileges Committee: while its inquiry continues, it would be premature to come to any conclusion on the lessons to be learned.

130. Other questions about select committee powers, and their appropriate use, were raised by the decision by the Public Accounts Committee to put a witness from HM Revenue and Customs on oath on November 2011. The power to put a witness on oath was not in doubt; the questions were more about the implications of its use. What would happen if a witness was thought to have lied under oath? Would a case be brought before the courts, and would this lead the court to question how the committee had gone about its business — in conflict with the principle of parliamentary privilege as set out in Article IX of the Bill of Rights?

131. In April 2012 the Government published a Green Paper on Parliamentary Privilege for consultation.123 Among other matters, it notes the questions about the enforceability of select committee powers and explores two legislative options: legislating to give the two Houses enforceable powers by codifying their existing powers, perhaps giving the House of Commons a clear power to fine non-members; or creating criminal offences for committing contempts of Parliament, in order to allow Parliament’s powers to be enforced through the courts.

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122 HC Deb, 22 May 2012, col 990 ff.
123 Parliamentary Privilege, Cm 8318, April 2012.
132. The Clerk of the House of Commons, Robert Rogers, has provided us with a comprehensive memorandum explaining the extent of committees’ powers and their limitations, and setting out the pros and cons of possible courses of action. We have published this on our website as an aid to understanding of these complex issues and to inform further debate.¹²⁴ This paper canvasses three options:

a) Do nothing

b) Proceed by standing order or resolution to clarify the powers of select committee

c)Legislate to make select committee powers enforceable through the courts.

133. We are expecting a joint committee of both Houses to be established to consider the options set out in the Parliamentary Privilege Green Paper. We expect to be represented on that joint committee, and do not wish to prejudge its conclusions, but it may be helpful if we give an indication here of our thinking. **We are persuaded that the disadvantages of enshrining parliamentary privilege in statute would outweigh the benefits.** A Privilege Bill might undermine the centuries old principle that Parliament and the courts should operate independently, threatening the fundamental tenets of our constitution as set out in the Bill of Rights. In practical terms, we are concerned that — if the courts were involved in deciding if someone should be punished for refusing to appear before a committee, or lying, or refusing us written information — they would be drawn into questioning how Parliament and its committees operate (“proceedings in Parliament”), and would be unlikely to enforce parliamentary privilege unless Parliament and its committees followed the kind of standards of process and evidence that apply in the courts. This would be both wrong in principle and impractical. MPs would have to be displaced by lawyers trained to conduct impartial cross-examinations. Select committees are not courts of law. Their effectiveness rests upon the direct involvement of their members and upon their ability to act swiftly and informally.

134. There are two points of view on whether it is now necessary to take some action: either

a) doing nothing is no longer an option: it is only a question of time before our powers are challenged; or

b) recent problems have not been severe and either possible solution would bring more disadvantages than advantages.

On balance, **we conclude 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.** We note the Clerk of the House’s view that this might not be fully effective, but this would at least show Parliament’s determination to retain the powers it has within the “exclusive cognizance” of Parliamentary Privilege. Evidence of such determination is altogether lacking at present. We look forward to the Joint Committee’s conclusions.

Our vision for the future

135. The evidence we have received in this inquiry is broadly encouraging: select committees are seen as a key part of the constitutional framework, successful in influencing both Government and external bodies, and a leading forum for public debate; they also greatly extend the engagement of the public with Parliament in a positive way. Committees’ legitimacy in the eyes of the public, their profile in the media, and their self-confidence is growing. But they face some obstacles: departments do not always co-operate fully with committee inquiries and Government imposes constraints on committees’ access to information and witnesses. Committees’ powers to secure the attendance of witnesses and the provision of information are strong, but they are limited with regard to Government, and their enforceability has been brought into doubt. There are things committees could do better themselves: they should be clearer about their objectives, use their time more effectively, and make sure they have the skills to do their work effectively. They need to be more agile in their inquiry process, while retaining their reputation for impartial and evidence-based reporting. The resources committees have at their disposal are necessarily limited, so they need to make sure that they are used to best effect and that they make full use of external support. Committees need to do more to get their message across to the public, particularly through better use of the parliamentary website and new media.

136. We have a clear vision for the future. Our aim is that committees should be respected, listened to and feared by departments and ministers for the quality of their investigations, the rigour of their questioning, the depth of their analysis, and the value of their reports. Their influence will go beyond the subjects they choose to inquire into: departments will be mindful of the reaction of their committee when they make policy decisions and of the high probability of exposure of any administrative shortcomings. Committees will be routinely consulted by ministers and officials but will retain their detachment and ability to offer objective criticism. Their ability to do their job will not be limited by constraints on access to information or the witnesses they wish to hear from, and they will be able to draw on expert advice and research. They will be seen by our stakeholder communities as an important player, influencing Government and public opinion, and as the natural place to go to with concerns and ideas. The role of committees — and the powers which they can draw upon — will be understood by the public, and they will engage with a wide diversity of people in gathering evidence for our inquiries. Their work will be respected for its integrity and relevance to people’s lives, and will contribute to reviving faith in the value of parliamentary democracy.

137. This is not a utopian dream, but a vision which we think is achievable — with the cooperation of Government and the support of the public — by the end of the next Parliament. Our aim is to build a consensus for delivering this vision by 2020.

138. As a first step, we will be seeking the support of the House of Commons by asking the Backbench Business Committee for time for a debate on a motion endorsing the conclusions and recommendations set out in this report.

Overall aim: To increase the effectiveness of select committees in scrutinising Government and the public awareness of this work.

Objectives:

1. To increase the effectiveness of committees by agreeing and disseminating best practice and by introducing a programme of continuous professional development for committee members and chairs.

2. To secure agreement with the Government on common guidelines on pre-appointment hearings, which clarify and strengthen the role of committees.

3. To secure agreement with the Government to new guidelines, to replace the Osmotherly rules, on the provision of information and the attendance of witnesses.

4. To secure a clearer understanding of committee powers.

5. To ensure that current financial constraint does not impact on the ability of select committees to carry out their functions effectively, and to achieve agreement on the future shape of committee support services.

6. To increase the effectiveness of our own evidence sessions with the Prime Minister.
Annex B: National Assembly for Wales — Job Description for Chairs

Extract from Office Holder Remuneration — Report of the Remuneration Board of the National Assembly for Wales, July 2011

Responsibilities of Committee Chairs

— setting the strategic direction of the committee and ensuring the transparent prioritisation of its activity so as to deliver a balanced, comprehensive and effective programme of legislative, policy and financial scrutiny;

— maximising the relevance and influence of the committee whilst maintaining its clear independence from the Welsh Government;

— acting impartially at all times, decisively, fairly and in a manner that maintains the confidence of the committee;

— commanding the confidence of Members, witnesses and the public at large through mastery of the subject matter of the committee’s remit; demonstration of effective legislative, policy and financial scrutiny techniques; maintenance of order; and the application of all relevant legal and procedural requirements on the committee;

— securing the commitment and engagement of all committee members and building cross-party consensus wherever possible;

— building the culture and skills mix within the committee required to maximise its effectiveness as a scrutiny body;

— ensuring that the committee receives the expert advice, information and other support it requires to fulfil its objectives effectively;

— driving the delivery of all aspects of the committee’s work with pace and quality;

— representing the committee publicly, in the media and in formal Assembly business; and

— ensuring critical analysis and evaluation of the committee’s work and driving innovation in its operation so as to increase effectiveness, public engagement and impact.

Conclusions and recommendations

Conclusions

1. Select committees should influence policy and have an impact on Government departments and the agencies to which their functions may be devolved. This is our first objective. The extent of this influence and impact is the primary measure of the effectiveness of select committees. (Paragraph 12)

2. While committees’ primary purpose is to scrutinise Government, it is sometimes in the public interest for them to extend their scrutiny to other organisations. (Paragraph 13)

3. Scrutiny committees are not just involved in scrutinising others but have an active role to play themselves in putting issues on the agenda and acting as a forum for public debate. (Paragraph 14)

4. We believe it continues to be useful to define core tasks for committees, to guide committees in deciding their programme, but not to constrain their freedom to decide their own priorities. (Paragraph 16)

5. Activity of itself is not a measure of effectiveness, and different subject areas require different levels, and different forms, of scrutiny; but the overall high level of committee activity this Parliament is a positive indicator of the commitment made by committees to the tasks they have been set by the House of Commons. (Paragraph 21)

6. We believe that the value of these debates would be greatly enhanced if they were considered on a substantive motion. We note that this is possible under the Standing Orders — substantive motions have recently been used for debates on e-petitions in Westminster Hall — though any division would need to be taken on the floor of the House. Where the committee concerned thinks this is appropriate, and subject to the agreement of the Chairman of Ways and Means, we intend to use this approach in future. (Paragraph 48)

7. We will continue to give priority for Estimates Day debates to committee reports which focus on departmental expenditure and performance. (Paragraph 51)

8. The consensus of those who gave us evidence is that committees are successful in influencing Government. (Paragraph 61)

9. While we welcome the wide consensus that select committees have a significant, positive impact, we take very seriously the critical feedback received. (Paragraph 63)

10. Now, two years into the Parliament, is a very good time for committees to take stock and agree their objectives for the remainder of the Parliament. (Paragraph 64)

11. We agree that committees should be proactive and forward-looking — and devote less effort to raking over the coals of past events unless there are lessons to be learnt and changes to be recommended. (Paragraph 70)
12. When considering how to make an impact with the media, committees have a wider range of choices than ever before, and this means we need to give more thought to what we really want to achieve and target resources effectively. (Paragraph 85)

13. While committees need to maintain their freedom to respond to their particular circumstances, we believe there is a case for setting some principles of good practice. It is our intention to prepare a set of guidelines for this purpose. (Paragraph 104)

14. If a government response is inadequate, a committee can and should draw attention to this when it reports and publishes the response. (Paragraph 108)

15. We stand ready to work with the Cabinet Office on new guidelines for departments on producing government responses to reports. (Paragraph 109)

16. We do not accept that the Osmotherly rules should have any bearing on whom a select committee should choose to summon as a witness. The Osmotherly rules are merely internal for Government. They have never been accepted by Parliament. Where the inquiry relates to departmental delivery rather than ministerial decision-making, it is vital that committees should be able to question the responsible official directly — even if they have moved on to another job. It does of course remain the case that an official can decline to answer for matters of policy, on the basis that it is for the minister to answer for the policy, but officials owe a direct obligation to Parliament to report on matters of fact and implementation. This does not alter the doctrine of ministerial accountability in any way. Ministers should never require an official to withhold information from a select committee. It cannot be a breach of the principle of ministerial responsibility for an official to give a truthful answer to a select committee question. No official should seek to protect his or her minister by refusing to do so. (Paragraph 113)

17. The way ministerial accountability operates has on occasion been unacceptable, with ministers blaming officials for failures in their departments or in agencies for which they are responsible, but also with officials then refusing to answer questions which would indicate where responsibility for failure actually lies. (Paragraph 114)

18. Additional work arising from such additional committees as the Parliamentary Commission on Banking Standards could have the effect of reducing availability for existing committees. We do not regard this as acceptable. Any substantial extra committee work, beyond the normal work of existing committees including joint committees, which is undertaken at the initiative of Government should be fully funded by a transfer from the Treasury to the House of Commons. (Paragraph 121)

19. Now may not be the best time to argue for increased resources, but it should be the long term goal of the House to build up the capacity of select committees, to improve their effectiveness and status, to increase their powers and influence, and to improve their efficiency by providing chairs and staffs with accommodation and infrastructure to enable them to hold Government to account. (Paragraph 128)

20. We are persuaded that the disadvantages of enshrining parliamentary privilege in statute would outweigh the benefits. (Paragraph 133)
21. We conclude 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. (Paragraph 134)

Recommendations

For Committees

22. Our Committee has asked the Procedure Committee to consider whether members wishing to leave a committee could be counted as discharged, even if it means that the lack of an applicant leaves a vacancy on the committee. We reiterate the concern we expressed in the last Parliament about the size of select committees and support the Wright Committee’s recommendation that the size of departmental committees should not normally be more than 11 members. (Paragraph 29)

23. We encourage other committees to make use of the support of the Scrutiny Unit and to discuss with the National Audit Office how its programme of work might help support the work of the committee. (Paragraph 42)

24. As a model of “best practice”, we recommend that committees:

- have a candid discussion amongst themselves about how they see their purpose, and what they wish to achieve over the length of the Parliament;
- identify what are the most important functions of their department’s responsibilities and design a programme of scrutiny to assess whether the department’s objectives have been fulfilled;
- clearly record their conclusions and remind themselves of them when considering proposals for inquiry and programme planning;
- review this at least annually, with an “awayday” or at least a longer, less formal discussion than is possible at a regular deliberative meeting; and
- canvass opinion among the key players in their subject area about their performance. (Paragraph 65)

25. We expect Government departments to be transparent about their objectives, and we ought to practise what we preach. We commend to other committees the practice of publishing strategic objectives, and of consulting their department and other stakeholders on them. (Paragraph 66)

26. We recommend that, before they launch an inquiry, committees agree a comprehensive minute setting out what they hope to achieve, and the likelihood of success. (Paragraph 69)

27. We recommend that in future inquiries, as a matter of routine, committees include consideration of the financial aspects and implications of the policies being examined. This could include for instance, what the justification for spending public money is, what evidence there is that it will offer, or is offering, good value for money
to the taxpayer, what alternatives have been considered and whether they would be likely to be more effective, and the outcomes expected to be added to or improved upon by the spending. (Paragraph 72)

28. We encourage committees to hold evidence sessions at least annually with ministers and departmental accounting officers, and include within these sessions consideration of how departments evaluate and take decisions on spending, and how they assess the effectiveness of the spending they undertake. (Paragraph 73)

29. We encourage committees to review departments’ Mid-Year Reports when published, using them to identify relevant issues and questions relating to finance and performance. (Paragraph 74)

30. We recommend that committees experiment with different approaches, such as appointing a rapporteur to lead on a particular inquiry, or choosing “lead questioners” for an evidence session. (Paragraph 76)

31. We recommend that committees make every effort to broaden their range of witnesses, and to take into account the principles of diversity and inclusion in planning their inquiries and committee programme. (Paragraph 77)

32. Committees should bear in mind the option of commissioning research when planning their long-term strategies, and, if necessary, the House authorities should increase the money available for this purpose. (Paragraph 78)

33. We encourage committees to keep their reports short and accessible, and to avoid too many recommendations. A clear indication of which recommendations are most important will help the committee achieve impact and make follow-up easier. We recommend that the usual template for committee reports be changed to distinguish clearly the recommendations targeted at the Government. We suggest that conclusions should be in bold, with recommendations in bold italics, and that it should be clearly stated to whom the recommendation is addressed. (Paragraph 79)

34. We recommend that each committee should appoint a member of staff, or an adviser, or an outside body, who will monitor follow-up to recommendations in respect of each report. The committee should report to the House at least once in each parliamentary Session upon how many of its recommendations the Government has acted, and what follow-up is proposed on outstanding recommendations. (Paragraph 83)

35. It is sensible for departmental select committees to be able to cross departmental boundaries when this is in the interest of effective scrutiny of matters which go beyond a single department, but they should do so in ways which respect the role of other departmental select committees and in full consultation with the chairs of those committees. (Paragraph 84)

36. We recommend that the introductory briefings offered to new committee members be given more formality, and include a meeting with the chair or another experienced committee member. When there is significant turnover following a
reshuffle, for example, a programme of collective briefings for new committee members should be arranged. (Paragraph 96)

37. We recommend that committees consider the benefits of using professional trainers to help them refresh and develop their questioning skills. (Paragraph 97)

38. We recommend that chairs discuss with their committee how they see their role, and seek their endorsement for it. At this stage in the Parliament, there may be benefit in chairs asking their committees for individual feedback on their chairmanship, as an aid to the chair’s professional development and to encourage committee engagement. (Paragraph 100)

For the House

39. The timing rule should be relaxed to provide that a statement on a select committee report should be within a reasonable period of the publication of the report: say, within 10 sitting days (so that reports launched when the House is not sitting are not precluded). Finally, we recommend that it should be for the Speaker, in consultation with the Chair of the Liaison Committee, to decide whether a select committee report is sufficiently topical and significant to merit a statement on the floor of the House on any sitting day. It would remain the responsibility of the Backbench Business Committee to decide what select committee reports merit debate in backbench time. (Paragraph 50)

40. We recommend that the funding of the Committee Office Media and Communications team be increased to allow the employment of one or two additional media officers. (Paragraph 120)

41. We recommend that committee clerks, and in some cases other key staff, should normally remain in post for at least four years. (Paragraph 122)

42. We recommend that, if a committee wishes this and the Liaison Committee agrees, it should be possible to recruit a committee clerk directly to post by open competition, and that there should be greater flexibility in bringing in outside experts to support committees in their work. (Paragraph 125)

For Government

43. We recommend that the Government engage with us in a review of the relationship between Government and select committees with the aim of producing joint guidelines for departments and committees, which recognise ministerial accountability, the proper role of the Civil Service and the legitimate wish of Parliament for more effective accountability. (Paragraph 115)

For others

44. Now that select committees are elected by the House and taking a higher profile, we urge editors and broadcasters to introduce reports of parliamentary committees in such a way as to indicate their official status, with words such as “the House of Commons Education Committee” or “the Parliamentary Education Committee”,
rather than somewhat absurdly saying a report has been produced by “a group of MPs” (which the broadcasters seem to use regularly) suggesting that such a group is self-selecting at random and has no official status (rather like referring to the BBC as “a group of broadcasters”). (Paragraph 91)
Draft Report (Select committee effectiveness, resources and powers), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 76 read and agreed to.

Paragraph 77 read, as follows:

“A more radical suggestion is that committees should use third party experts to question witnesses on their behalf. These might be either experts in forensic questioning (counsel employed by the committee) or subject experts (perhaps the committee’s own specialist advisers). In general, we are not in favour of delegating questioning to third parties. The legitimacy of House of Commons committees lies in the fact that they consist of elected representatives, operating with the authority of the House; and part of their value lies in requiring experts to explain issues of complexity to laymen. Most inquiries do not require forensic questioning and committees are not courts of law. However, exceptionally, when a committee is involved in an inquiry which is trying to establish facts in contention, or which may attribute blame to individuals, there may be a case for employing counsel. We note that the Standing Orders already allow for the Commissioner on Parliamentary Standards to appoint counsel to assist an Investigatory Panel and that the Parliamentary Commission on Banking Standards has been specifically empowered to invite specialist advisers (including Counsel appointed as specialist advisers) to examine witnesses. We have no doubt that, in circumstances which merit it, the House would authorise a committee to employ counsel, but it is cumbersome and time-consuming for a Committee to have to secure time in the House for a motion to be debated. We recommend that the House empower all select committees to employ counsel, on the understanding that this power would be used exceptionally and would be subject to budgetary control and the approval of the Chair of the Liaison Committee, given the potential high cost.”
Question put, That paragraph 77 stand part of the Report.

The Committee divided.

Ayes, 4

Mr Clive Betts
Mr William Cash
Natascha Engel
Mr Bernard Jenkin

Noes, 7

Mr Kevin Barron
Mrs Louise Ellman
Sir Alan Haselhurst
Andrew Miller
Mr Graham Stuart
Mr Charles Walker
Joan Walley

Question accordingly negatived.

Paragraph 78 read, as follows:

"Similarly, we think that there might be circumstances when a committee might usefully be able to involve an adviser in questioning a witness. We think this should be exceptional, or it would fundamentally alter the relationship between advisers and committees; but it could on occasion be appropriate. We note that there are some precedents for non-Members participating in committee proceedings. The Comptroller and Auditor General, for example, is from time to time asked to speak in public evidence sessions of the Public Accounts Committee. We recommend that the House empower all select committees to invite specialist advisers to participate in questioning witnesses."

Question put, That paragraph 78 stand part of the Report.

The Committee divided.

Ayes, 4

Mr Clive Betts
Mr William Cash
Natascha Engel
Mr Bernard Jenkin

Noes, 7

Mr Kevin Barron
Mrs Louise Ellman
Sir Alan Haselhurst
Andrew Miller
Mr Graham Stuart
Mr Charles Walker
Joan Walley

Question accordingly negatived.

Paragraphs 79 to 134 (now paragraphs 77 to 132) read and agreed to.

Paragraph 135 (now paragraph 133) read.

Amendment proposed, in line 3, leave out from “conclusions” to the end of the bold conclusion in line 5 and insert “: there are difficult decisions to be made.”— (Mr Kevin Barron.)

Question, That the Amendment be made, put and negatived.

Paragraph agreed to.
Paragraphs 136 to 140 (now paragraphs 134 to 138) read and agreed to.

Annexes and Summary agreed to.

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

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

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

Written evidence was ordered to be reported to the House for publishing with the Report (in addition to that ordered to be reported for publishing on 23 February 2012, 20 June 2012, 12 July 2012, and 12 September 2012).

* * *

[Adjourned till Wednesday 21 November at 6.00 pm]
Witnesses

Thursday 23 February 2012

The Rt. Hon. Peter Riddell, Institute for Government, Professor Robert Hazell and Dr Meg Russell, Constitution Unit, University College London, Professor Matthew Flinders, Department of Politics, University of Sheffield, and Dr Ruth Fox, Hansard Society

List of printed written evidence

1 Dr Ruth Fox, Hansard Society, The Rt. Hon. Peter Riddell, Institute for Government, Dr Meg Russell and Professor Robert Hazell, The Constitution Unit (UCL) Ev 11

2 Professor Matthew Flinders, Professor of Parliamentary Government & Governance, Department of Politics, The University of Sheffield Ev 13
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but I think there is a crucial constitutional role of government. I do not see the two being incompatible, that by openness, by exposure, you will improve the crucial mechanisms for doing that, with the hope role to hold Government to account. You are one of those; you believe in better government and you are trying to get Whitehall to improve the system of civil servant for 15 years—and the quite strong default or to improve Government by changing its decisions. Peter Riddell from the Institute of Government, Professor Robert Hazell and Dr Meg Russell from the Constitution Unit, Professor Flinders from the University of Sheffield and Dr Fox from the Hansom Society, gave evidence.

Members present:

Sir Alan Beith, in the Chair

Mr James Arbuthnot
Mr Adrian Bailey
Malcolm Bruce
Mr William Cash
David T. C. Davies
Mrs Louise Ellman
Natascha Engel
Sir Alan Haselhurst
Margaret Hodge

Mr Bernard Jenkin
Miss Anne McIntosh
Andrew Miller
Mr Laurence Robertson
John Thurso
Mr Andrew Tyrie
Keith Vaz
Joan Walley

Examination of Witnesses

Witnesses: The Rt Hon Peter Riddell, Institute for Government, Professor Robert Hazell and Dr Meg Russell, Constitution Unit, University College London, Professor Matthew Flinders, Department of Politics, University of Sheffield, and Dr Ruth Fox, Hansard Society, gave evidence.

Q1 Chair: I have to speak loudly because this is quite a large room and, as you see, quite a large committee; it is not the size we would recommend for normal committee activity, but if you want to get together the Chairs of all select committees, it necessarily creates a body of this size. Peter Riddell from the Institute of Government, Professor Robert Hazell and Dr Meg Russell from the Constitution Unit, Professor Flinders from the University of Sheffield and Dr Fox from the Hansom Society, welcome. We are very glad to have you with us. We benefited from all your comments and research papers over a considerable period on the work of select committees, and they have featured in our discussions. They have influenced our discussions previously. We are obviously focusing more at the moment on the effectiveness of the select committee system. In a very short answer, I wonder if you could say whether you think our role is to expose Government to closer view, or to improve Government by changing its decisions.

Professor Hazell: I think the latter. Your job is to keep Whitehall on its toes. Whitehall is naturally cautious and conservative—some of you may know I was a civil servant for 15 years—and the quite strong default setting in Whitehall is to maintain the status quo, so your role is to get them to raise their sights and to raise their game. I think you act much more effectively in your role as coaches, rather than as negative critics. You are critical, but you are critical friends; you believe in better government and you are trying to get Whitehall to improve the system of government and to improve public services.

Peter Riddell: I would slightly disagree with Robert on that. I would take more of the former. It is your role to hold Government to account. You are one of the crucial mechanisms for doing that, with the hope that by openness, by exposure, you will improve government. I do not see the two being incompatible, but I think there is a crucial constitutional role of public account, which has been well established in the last 33 years.

Q2 Malcolm Bruce: Professor Flinders, you talked about the role of select committees improving—I think you used this term—political literacy among the public, which sounds a bit patronising, but I do know what you mean. We have tried various mechanisms for doing this, such as outreach, going out, meetings, and obviously the live medium and so forth, but the reality is that it is extremely difficult to explain to people the very important but somewhat boring process of going through Government policy and the delivery of policy, and trying to pick it apart and come to a conclusion about it. How do you think we could do that better? Indeed, how do committees resist the temptation to do the opposite, which is to recognise that the public like things in cheap and easy soundbites and to serve them up accordingly—to give them the menu they want?

Professor Flinders: It is a long-standing challenge. The opening question is very interesting. In a sense, the role of the select committee is to scrutinise the Government, but in a sense, a fresher way of looking at the effectiveness of a select committee is to see the committee as having two roles: an internal role, which is trying to explain to members of the public exactly what MPs do, and I simply do not agree with you that most of the public are not interested. I spend my whole life talking at big public hearings, and the fact is the public do not hate politicians. The public are interested in politics, but what they struggle to find is people who can talk humanly and explain what a politician does in very simple terms. When you explain that, most of them are absolutely fascinated, but it is about reaching out and tapping that pool of interest that is out there. The two go together. A committee’s effectiveness would be increased if those
whom it brought before them were well aware that whatever that committee did was going to get much larger public exposure.

Q3 Malcolm Bruce: Can I follow that up by saying that’s fine? In other words, I think most of us have the experience that when you have the opportunity to engage with the public, particularly a public who have predetermined that they do actually want to know what you do, you get a good exchange. The problem is there are a lot of people out there who are predetermined in their view, and when you try to reach them—which we have done; we go and have public meetings, we advertise the fact we are there—all you get are the usual suspects and the predictable responses, not a wider reach. It is a practical question really—I am not disagreeing with your analysis—about how you think committees could more effectively reach the people who have the interest that you are talking about, other than in the ways that we already do.

Professor Flinders: I am sure Dr Fox from the Hansard Society might be able to tell you more about the reaching out, which has been very successful and very interesting, with different uses of IT. There are a number of broader questions here about the way select committees publish and disseminate their information, and the way the committees are structured and face the public agenda. There is also a broader issue about the people who make up select committees and the issue of political recruitment, which is really at the heart of this issue about effectiveness. One of the great issues with my job is I spend my whole life with young people, and I am trying to encourage them to consider a career in politics. Many of them would be fantastic, from a whole range of backgrounds, but this issue of political recruitment is key, because many just do not consider a career in politics to be open to them.

Dr Fox: Yes, we do research on public attitudes to politics and Parliament through our annual political engagement. People are not going to come to select committees because they automatically think that select committees are a good thing and they are interested in the mechanisms of Parliament. That is not what interests people. It is the issues that are the hook, and the impact that they have on their daily lives. The latest research that I have been able to find, in terms of attitudes to select committees, was conducted just last month—it is an online poll by Britain Thinks. In that poll, only 25% of the public say that they are interested in the work of select committees; 36% are not interested; 9% do not have a view. We have to be quite careful about the extent to which we think there is a level of interest out there. That goes to the way in which inquiries are conducted and the issues that you select in terms of public interest—those where you think there is likely to be significant public interest. It is about thinking very carefully about the audiences and how you reach them. Holding traditional meetings of this kind, if I may say so, is perhaps not necessarily the best way to engage with the public. It is about thinking more about the variety of models that you utilise for evidence, and also thinking very much about online engagement.

One of the more effective inquiries, in terms of reaching a broader audience, was done by the Treasury Committee, using a forum that is already up and running and that already has an audience of people interested in the issue. That was through going to moneysavingexpert.com. Rather than expecting people to come to Parliament’s website and give evidence through that system, and give evidence directly to you, go to forums that are already out there, where people are already engaged with the issues that they care about, and utilise those in as many various ways as you can.

Dr Russell: Could I just urge a little caution on both the previous points? I am sure you are all aware of this, but we have to be careful not to assume that there is one model for a successful committee inquiry. Committee inquiries are very diverse and have different purposes on different occasions.

In answer to your first question, I think day-to-day accountability in Government is very important, as is exposing failures sometimes, as is sometimes publishing Government further to be more bold in new policy areas; all of those are important. Similarly, you can expect public engagement with some inquiries, but not with all inquiries, and if you focus too much on public engagement and trying to get media coverage for inquiries that are fundamentally technical or about routine scrutiny, you are liable to lose focus on the things that are important in those inquiries. I think it is horses for courses in both those respects.

Q4 John Thurso: Dr Fox, in your paper you have three paragraphs relating to core tasks, and you broadly say that we have them right, but that how and why committees determine their inquiries, and the role the core tasks play in this, remain unclear. You go on to suggest that each committee should publish a strategic plan at the start of each Parliament. Do you see that plan as something to help the committee internally to plan its work, so that it has a more strategic and planned way of working, or would you see that as something that should be published externally and, therefore, become something that the committee holds itself to account on when it does its sessional report?

Dr Fox: I think it should be both. If you look at the beginning of the Parliament, it is an opportunity for the committee to think strategically about the core tasks and, given the many burdens that fall on committees, what kinds of work you are going to prioritise, with the proviso that you have to have some flexibility for upcoming issues that you cannot foresee, and topical issues you may want to take up. I do think it should be published, so that external stakeholders—bodies like ours and others, the media and so on—can apply some of the scrutiny and the oversight and the accountability to you, in terms of how you are working, your use of resources, and the kinds of issues that you are focusing on. At the moment it is very unclear, in terms of the core tasks, to what extent that strategically informs your work
and the decisions you make about the inquiries you take up; whether it is something of a retrospective report card function—a tick-box exercise at the end of the process where, once you have decided on your inquiries and you have to do a report back to this Committee or your own annual reports, you decide that those are the tasks you looked at.

In terms of deciding inquiries, prioritising work and resources, and the types of inquiries that work well, I think a strategic plan would enable you to manage the work better, and external bodies to look at and better understand the choices that you have made. In terms of people who come to give evidence, or interested parties in the work of departmental committees, one of the key questions is, “Why did you choose that inquiry and not another? What is the decision-making process and how is that reflected in terms of the core tasks?”

Q5 John Thurso: Is there an implied suggestion or criticism that sometimes we choose to do the sexy things rather than the less sexy work that requires to be done—the day-to-day scrutiny?

Dr Fox: Yes. Sometimes I think there is a sense that some of the inquiries might be the media-grabbing inquiries. Depending on the issue, that is not necessarily always a bad thing, but I think there has to be some strategic reflection on the tasks, particularly when, if a new form of scrutiny is needed, committees are the default option for that scrutiny and therefore you are getting new tasks loaded on to you. Being strategic about prioritising what you do and how you do it, I think, is key. Where the role of the more headline-grabbing topical inquiries falls into that, and the explanations you give for the choices you make, will be quite informative to people outside Parliament who are interested in your work.

Peter Riddell: Could I add briefly to that? That comes back to Meg Russell’s point about a mixture. I know a lot of you have one-off sessions on things; indeed, there is also informing the committee—having something informal—and then seeing whether it justifies having a full inquiry. I think it is maximum tools of flexibility.

One point struck me yesterday morning: in the first 20 minutes of the Today programme, after 7 o’clock, Margaret Hodge was quoted in the news; you were interviewed, Sir Alan; and so was Mr Arbuthnot, so I do not think select committees are necessarily being ignored.

Chair: At which point, I call James Arbuthnot.

Q6 Mr Arbuthnot: You have kindly produced a paper about the way civil servants are accountable to select committees. There is the problem that they are speaking not on their own views, but on the views of their Ministers, and this sometimes creates difficulty for them and sometimes frustrations for the committees, and that there should be a new concordat between select committees and Ministers. How exactly do you expect that to work, and could you give an idea of what it would contain?

Peter Riddell: There are two aspects to that. The Osmotherly rule or convention—it is not a rule; it is a convention that the Civil Service defined—that civil servants speak on behalf of their Ministers is being tested, because you have new structures of government, with civil servants now being formally responsible, via a variety of arm’s length bodies and executive agencies, for large chunks of government, which does strain those conventions. What I am suggesting is that you, as a committee, need to talk not just to Ministers, not just to the Leader of the House, but also to the new dual leadership of the Civil Service, Sir Jeremy Heywood and Sir Bob Kerslake.

Have a discussion with them, because clearly those conventions have been strained. For example, Margaret Hodge in the PAC has been challenging one convention, which is the distinction between the office and the person, when doing PAC-type inquiries; it is often going back. It is not just the current Permanent Secretary; it is previous ones. It is an absolutely crucial issue for the Civil Service leadership. You need to talk about it. Various things have happened in the last year. I think you need to sit down and go through the conventions with, as I say, not just Sir George Young, but the senior Civil Service to get a new mechanism. That is one instance.

The other instance is the much broader one of the accountability mechanisms you rightly want. Sir Alan, for example, in the agencies that you look at in Justice, a lot of the key people are quite a way down. It is not just Sir Suma Chakrabarti; it is below him in Justice. The convention is that anyone at any level is speaking on behalf of Ken Clarke. That is strained in practice. That is why you need to talk about that.

There is also a big question for the Civil Service on their internal accountability mechanism.

Q7 Mr Arbuthnot: We can talk about it, but what conclusion do you expect us to reach?

Peter Riddell: The conclusion I expect you to reach is that there is a sense on both sides recognising how far it is legitimate to ask civil servants questions on policy. My distinction is between policy and performance. You can absolutely ask how they performed, but often they are the people responsible for that, but on actual policy, some of the current convention should be preserved; otherwise they are put in an impossible position.

Professor Hazell: Very briefly, you are asking what might come out of it. What we are proposing is a renegotiation of the terms of trade. The Osmotherly rules are one-way terms of trade. They were issued by the Cabinet Office and they dictate how Whitehall gives evidence to select committees.

Q8 Mr Arbuthnot: They have not been accepted by the select committees.

Professor Hazell: Indeed. Sir Alan, it might possibly be a topic for a very specific inquiry by the Liaison committee to discuss whether there could be a renegotiation about the terms of trade between select committees and Whitehall.

Chair: We are indeed engaged upon such a task. I am going to call Margaret Hodge, who has been mentioned, and Keith Vaz, on supplementary points to this.
Q9 Margaret Hodge: This is something that is concerning my Committee quite a lot at the moment, and I just want two things. Of course, you can make the traditional distinction between policy and performance—policy and execution of policy—but actually it is much greyer than that suggests. In my Committee, we are finding that is where we start falling into problems, because when we try to challenge what we consider an execution they say, “That is ministerial policy”. I would like your thoughts on that.

The second thing I would like your thoughts on is an issue that you touched on, which for us is following the taxpayers’ pound. Given that the landscape of public services is going to be so transformed, if you really want to get accountability for what is spent, you need to have a much stronger hold on all those who get a hold of the money. I know the other select committees have a slightly different role to the one we have. As a Committee, we feel pretty passionately that it is important, particularly in this environment, where money is tight, that we are able, without being inhibited, to follow the pound, and we do feel that the current conventions on which civil servants fall back do inhibit us.

Peter Riddell: Commercial confidentiality ones, particularly?

Q10 Margaret Hodge: It is not just commercial confidentiality. Commercial confidentiality is one thing—I think that is a wider issue—but it is much wider than that. Interestingly enough, we had it this week when trying to look at the Work programme, which is going to be delivered entirely by private providers and, through them, into voluntary and other specialist providers. Trying to get real accountability for that is very tough. Then we are increasingly getting advice from accounting officers saying, when we ask them a question, “Can’t answer that. It’s policy; it’s a ministerial decision.” That again limits and inhibits. I think a proper role for Parliament is, through its committees, to hold the Executive to account. I just want your thoughts on that.

Peter Riddell: Can I, just briefly on that? Of course, there is also a traditional inhibition on your Committee that you have changed: it has mainly been accounting officers giving evidence. Now you have changed that, and Ministers have been giving evidence to the Committee. Part of the answer is that you have Ministers along. I can think of several inquiries you have been conducting in the last 18 months where you should have had past civil servants and Ministers. It is legitimate sometimes for civil servants to say, “Hold on, we were giving policy advice on that”, and that is a very big step for them to be questioned on confidential policy advice. You get the Minister along too, or whoever the Minister was at the time.

The key thing is the distinction between current Ministers and past Ministers, and current occupiers of accounting officer posts and their predecessors. That is the really big issue, which comes back to Robert’s point on the terms of trade. You have to establish new terms of trade, otherwise you just get what there is now, which is a lot of mutual suspicion and frustration.

Q11 Keith Vaz: Mr Riddell mentioned agencies, and we all have agencies that we have to scrutinise. In Home Affairs, our biggest is the UKBA, but is it really an agency? It is placed within the Home Office, and the head of the agency was appointed by a civil servant, not a Minister. When we have attempted to get information from the head of the UKBA, he will go to Ministers to get clearance. The difficulty we have is trying to scrutinise these agencies, which of course are quite separate from Ministers. The second point relates to special advisers of Government Ministers, who are put in a very important position as they represent Ministers at events. One particular special adviser, Lord Wasserman, is a Member of the House of Lords. We cannot get him to give evidence to the select committee. Is he a civil servant? Is he a special adviser? How do we try to get that accountability right in dealing with these issues?

Professor Flinders: Maybe I can take the first question on executive agencies. You are absolutely right that agencies are hived into public bodies, so in a sense they are formally part of the Department. All their employees are civil servants so the Osmotherly rules apply. The reason why this is a big issue for the effectiveness of select committees is that, in the current public bodies reform agenda, the Government has basically decided that executive agencies are the default organisational form. At the moment, lots of Departments across Whitehall are reforming what were freestanding non-departmental public bodies, bringing them into executive agencies. The Government seems to think that that will increase accountability, whereas if you look abroad—if you look, for example, at Wales—what tends to happen when you bring functions back in closer to Ministers is you get less accountability, because the issues that are dealt with become politicised.

Chair: Mr Cash has a brief supplementary point on this before we move on.

Q12 Mr Cash: On the question of accountability, would you be surprised to know that the Secretary of State for Foreign Affairs—the Foreign Secretary—was disinclined to give evidence to the European Scrutiny Committee on questions relating to the recent treaty? Don’t you think it is absolutely essential that Secretaries of State do in fact come before us, when they are requested to do so, on matters of such importance? I have to say, he did subsequently agree that he would come for a short session at a later stage, but we deemed that was actually too late for the purposes of our inquiry. In general, do you not agree that Secretaries of State, when the matter is of considerable importance, should be expected to turn up and to give evidence, and not just leave it to a junior Minister?

Chair: Does anyone want to take that, briefly?

Peter Riddell: The answer is yes. You could argue in that case that for some of the inquiry, David Lidington is a perfectly responsible Minister, because he is the Minister for Europe. You can pick and mix.
very big issue, but certainly a responsible Minister should, yes.

Q13 Andrew Miller: Professor Hazell, your paper implies a proliferation of papers coming out of select committees. I have been here 20 years, and I am not entirely sure what the evidence base for that is. Are you suggesting we are trying to do too much too quickly—that we should take things a little bit slower and do things better? If so, what is the evidence base for that suggestion? Particularly, you use the phrase, “leading to an over-reliance on the ‘usual suspects’”. I do not recall the usual suspects appearing in any of my committees; there is occasionally a repeat of the Chief Scientific Adviser or David Willetts, but that is to be expected. Quite where do you get your evidence for those suggestions?

Professor Hazell: On the last point, you have rather a line-up of the usual suspects in front of you today. This is the second time this week that I have attended, Sir Alan.

Chair: Professor Hazell has given evidence to me already this week, on Tuesday.

Professor Hazell: Seriously, forgive me, but I am going to repeat and reinforce some of the points made by Dr Fox and Dr Russell. Clearly you cannot do everything with your very limited resources, in terms of both your time and your very small staff, so how do you choose the limited things that you do do? This is where I think what Dr Fox was saying is so important: at the start of a Parliament, pause and take stock and, if necessary, consult with others. I have attended more than one private seminar at the beginning of a Parliament with a select committee where they have called in a dozen or so people and talked about the possible agenda for the committee for the next four to five years. Having done that stock-taking, you publish a strategic plan. That would be the ideal.

The major inquiries that you then choose to do would probably reflect the main priorities identified in the strategic plan. Of course that does not preclude holding smaller, more focused inquiries and, as we have all said, you need to allow room for topical issues on which you can do something very quick; as Peter was mentioning, there might be a one-day session, not necessarily leading to a report, but just shining a torch on something. You need that mixed diet, a balance of all those things.

Q14 Andrew Miller: It is not so much a proliferation of papers coming out of select committees. I have been here 20 years, and I am not entirely sure what the evidence base for that is. Are you suggesting we are trying to do too much too quickly—that we should take things a little bit slower and do things better? If so, what is the evidence base for that suggestion? Particularly, you use the phrase, “leading to an over-reliance on the ‘usual suspects’”. I do not recall the usual suspects appearing in any of my committees; there is occasionally a repeat of the Chief Scientific Adviser or David Willetts, but that is to be expected. Quite where do you get your evidence for those suggestions?

Professor Hazell: The Treasury Committee produced 31 in the 1997 Parliament and 46 in the 2005 Parliament, so I think there is hard evidence that the number of reports is going up. That is not necessarily something to criticise. It is to do with the increased resources that were made available to committees, and that is a very valuable thing.

One of the things that we did find in our research was that committees sometimes carry on too many inquiries at once and sometimes move too quickly from one inquiry to the next. Some of the successful inquiries that we found, in tracing recommendations and also interviewing people who had been associated with them, both on the committee and at the receiving end as witnesses and so on, are those that go in-depth into an issue that hasn’t been thought through in Government properly enough; sometimes conduct research; and come up with original conclusions that are, crucially, followed through by the committee after they have been published. We saw too much evidence of committees publishing something and then very quickly moving on to the next issue, and not coming back to that previous issue and saying, “What happened to those recommendations? Let us have the Minister in and ask why they did not implement them. Let’s go back and look at the industry again to see if they have improved their practice.” Where committees have done that, it has proved very successful.

Q15 Chair: Is there anything we could be doing less of in order to free up resources for that kind of work?

Dr Russell: Oh dear, that is a very difficult question. I would not like to point fingers and pull out examples, but one of the things that committees were criticised for—I do not know, honestly, to what extent it happens—was what some people referred to as “ambulance chasing”, jumping on bandwagons of what were seen as sexy subjects with a lot of media appeal in order to get coverage and maybe appear on the Today programme more often. I think fewer, higher-quality, more detailed inquiries, with well-thought-through conclusions, rather than more superficial inquiries, is probably a key.

Q16 Mr Robertson: I accept the final point that Dr Russell has made about following reports through, which is extremely important. On the number of reports, do you not accept that while they have increased, Government, in its size and in the things it is involved in, has increased as well? There is a lot for us to look at. Even in my own Department, Northern Ireland, where we have most issues devolved, there is still an awful lot that we can still look at.

Dr Russell: Yes. I do not think it is a straightforward metric of more is worse, because I also think some inquiries can be too big and cover too much, and maybe smaller, more focused inquiries are more likely to succeed than big, sprawling ones. I do not think you can say whether higher or lower numbers of reports are a good thing. It is the quality that matters, and I think the follow-through is a crucial point. The fact that it took our research to log how many reports there had been over time, and what the pattern was, and how many recommendations there had been over
time, and what the pattern was, is quite surprising. We found it particularly surprising, when we were trying to follow through what had happened to committee recommendations, that among the seven committees that we looked at—I think I am right in saying this—only one, the Home Affairs Committee, had conducted its own research into what had happened to its recommendations from previous inquiries. I find that quite surprising. It is quite fundamental; you would expect committees to be tracking what worked and what did not, and following up the things that Government said it was going to do and did not do. As Ruth was suggesting, they should also be thinking about what worked, not just at the recommendation level but at the inquiry level: “Which were our successful inquiries and why, and how can we repeat that performance?”

Peter Riddell: Can I just say that I think follow-up is crucial? For example, one thing the Defence committee does is return to some themes every year, sometimes more often in a year, to highlight them, because the problems do not get solved, to say the least. That is extremely effective. As an observer of committees, I am struck with coming back to themes; being dogged on them, when it is not necessarily convenient for the Executive to be reminded of them, is really important. That is possibly one of the most important things you do.

Q17 Joan Walley: To follow up on that, where you have a committee that does follow up, do you think there is an issue about whether that follow-up is in the public domain? It is a question of people outside not knowing how different recommendations of a committee report have been followed through, because it is a more informal part of the committee’s work, rather than a formal part.

Peter Riddell: That is partly up to you and your communications. You have to highlight it. I think there is a lot more imagination in the presentation of reports than there was, say, 10 or 15 years ago, but there is still quite a long way to go. You have to point it out quite strongly when something has not been followed up or whatever, or indeed when there has been a success.

Dr Russell: I am not sure it is just about communication. We spoke to committee staff and committee Chairs in conducting our research, and it is not that there are secret data hidden away in the offices of committees that are not being shared with the public. The data simply did not exist. That is not to deny that there are all sorts of informal conversations that go on between committee members, particularly Chairs, and Ministers and senior officials behind the scenes. Those are very important, and one of the key things that come across from our report is that you over-simplify if you try to have a tick-box mentality about influence. Often the influence that committees have is very subtle. It is behind the scenes. It is Government anticipating what the committee would say if they did something, and therefore improving their performance and not having to be hauled up in front of a committee. So there is all sorts of informal behind-the-scenes stuff, but I found no evidence that committees were privately tracking the success of their inquiries.

Q18 Mr Bailey: Dr Fox, you submitted evidence on the training and induction of new Members. When they come here, MPs like to think they know everything, and perhaps you have seen evidence of that today, but could you just elaborate further on what sort of training you think is appropriate and what is your evidence base for saying so?

Dr Fox: There is training for Members generally when they join the House after an election for the first time. That is something that we have certainly looked at and, indeed, have been actively involved in. The Hansard Society, jointly with the Institute for Government, ran some induction sessions for new Members after the last general election. The sessions, in terms of sheer attendance, were quite low—marginally higher than for the sessions that the Clerks ran. I am not sure whether that tells you anything or not, but we did get marginally higher attendance.

With regard to engaging Members in an induction at the beginning of a Parliament, there is an issue in terms of the sheer number of pressures and the number of other things that they have to do, and engaging Member participation actively in that. Certainly at the start of the last Parliament there was more support provided than ever before, much of it very high-quality. We have been conducting research with new Members over the course of their first year as MPs, and you can see from that a very good response from Members to the support that they received. Where the House falls down is that that has not been carried through. I would not necessarily call it “training”—I think that puts people’s backs up—but there should be some kind of professional development support for the kinds of work that Members have to do. There is a case for the House providing more of that, and tailored professional development support for the types of roles that Members have. Now, if you are a select committee member that would be specifically on select committees.

I have to say there is reluctance among Members to undertake this. In our research, only half of the new MPs believed they should undertake some form of professional development training, at 49%. Of those who think that they should, 70% of Members have already had experience of professional development training in their previous occupations. I think there is an issue there about perceptions of professional development support, but it would be worth exploring what has been done in Scotland and Wales; three committees in the Welsh Assembly last year had some professional development training. Their needs are slightly different to select committees, because of course they have a legislative role, and because of the sheer size of the Welsh Assembly, many of the Members on a subject committee also will be on the legislative committee. They got professional development support in respect of the legislative process that perhaps select committee members would not need, and you need a different focus, but I think it would be worth looking at what they have done.
They have also had support in respect of questioning styles. I believe they use the same QC that the Scottish Parliament used at the start of the 2007 Parliament, so they have both had an experience of that kind of QC training in advocacy and questioning styles—again, with marginal success, in terms of attendance and take-up of it. I am not sure that that kind of QC/barrister-style-questioning training is necessarily all that committee members need or should have. There are other styles of questioning that should be considered, but it would certainly be worth engaging with both legislatures to see how effective it has been, and certainly we are continuing our research at the moment. In fact, we have colleagues in Wales next week interviewing members of the Welsh Assembly about this, so I can certainly submit a further memo to the committee updating you with further information on that.

Q19 Sir Alan Haselhurst: You refer elsewhere to possibly a lack of attention on the part of Members of Parliament who are on select committees, coming in and out and not necessarily participating in the whole of the inquiry. I suspect this is because there are a great many different responsibilities that Members of Parliament are trying to attend to in the first place. When you are trying to get greater professionalism on the part of the select committee in tackling an inquiry, do we not also have to think carefully about how the Members are chosen in the first place? At the beginning of a Parliament, when there was a huge turnover of Members and we were electing Members to select committees, it was pretty hit or miss, I think, as to whether a person was going to get on a particular committee for which they were well qualified. Should we be giving some thought to the format in which a candidate should put themselves forward to serve on a select committee? It is all very well having the training afterwards, but are we getting the right people in the first place if, in electing people, we are not absolutely certain that they are the right horse for that particular course?

Chair: I will take Anne McIntosh’s point as well at the same time, if I may.

Q20 Miss McIntosh: You mentioned training, and on some of the comments made in reply to the last questions, clearly there are resource implications. We are very aware that we have limited resources, and most of the resources are going on staff dealing with ongoing inquiries. Even going back to previous reports and seeing where the Government have implemented or failed to implement the recommendations of the select committee is quite demanding, in terms of resources. Have they costed, in Wales, such training? We obviously have views on advocacy. A number of us already are barristers or advocates and are trained in that regard. I am not sure that it is always entirely appropriate to take that approach with witnesses in most circumstances. I think the David Frost approach is often more revealing than the Jeremy Paxman approach in getting witnesses to respond.

Chair: I am afraid that the brief approach is all that we are going to have time for, because there is another subject I need to get in.

Peter Riddell: Could I just give a very brief answer?

Chair: Yes.

Peter Riddell: Sir Alan, the point is there was a second chance, because a substantial number of the new members of committees changed after three months. On Anne McIntosh’s point, there is an issue that the Institute for Government was very involved in developing. We have worked closely with one select committee on this already in this Parliament, and it is not that expensive. You have to have good people doing it, but I think there is tremendous value—underlining what Ruth Fox said—in having a continuing process. It is not so much about what you do at the beginning of Parliament; it is about bringing people together. You either do it individually or collectively. There is tremendous value in doing it now or in a year’s time, because people have a bit of experience and then they can be advised and so on.

Dr Fox: On the cost issue, I do not know what the costs are, but we can certainly ask that of both the Assembly and Parliament and come back to you. Underlining Peter’s point, I do not think it is that expensive, but it comes back to strategic priorities and what it is that you want to focus on—what delivers most bang for your buck in terms of the use of resources with inquiries that you want to do. If you have that more strategic approach at the start of a Parliament, you can better plan that, bearing in mind the resources that you have at your disposal. Working with outside bodies, I think, will offer you opportunities that otherwise you would not have.

Dr Russell: I just wanted to take the opportunity to say we have just seen an example of one of the things that we criticise in our report, to some extent. We have had the “usual suspects” point; we have now had the “Well, we must move on to another point” point. This is again a matter of breadth versus depth, and I think that there are two things that have come across to me in terms of weaknesses of questioning styles. One is that people whom committees want to put on the spot—particularly Ministers, maybe senior officials, maybe senior industry figures—are all too aware that if they can flannel for a couple of questions, there will very quickly be a Chair stepping in saying, “Well, we must move on”. Maybe sometimes you need to prioritise what the key questions are that you want to get an answer to and not move on until you have them. That does not really apply to witnesses like us, where it is much more of a conversational style, as was just referred to.

The other point that came across in our report was this issue about people wandering in and out and not paying proper attention to the papers and so on. I completely agree with Sir Alan Haselhurst; the biggest challenge that you face are the many, many pressures on Members’ time. All of us on this panel are extremely sympathetic to that but, nonetheless, particularly as Chairs, I think that is a major challenge for you because, as I said before, one of the most important impacts that committees have is this impact...
of anticipated reactions—of people in Whitehall and out there in agencies and in industry thinking, “They are watching us; what if we get pulled up in front of them?” Their key time when they are encountering you is when they are being questioned. We heard some terrible stories about people who were repeatedly asked the same question by different Members of the committee who had not been present to listen to each other’s contributions, and so on. This gives a very poor impression to those people out there whom you are trying to keep on their toes.

One of the things that might be interesting is if Chairs move to not calling people to ask questions unless they had been present from the beginning of the evidence session, as happens in the Chamber with respect to speeches. I think that would be absolutely fair.

Chair: That is the practice of this Chairman, as is the practice of not necessarily allowing questions to continue if you think that nothing useful can be obtained by further questioning of that particular witness, Professor Hazell.

Professor Hazell: Not to make one more point about the role of Chairs? You are potentially an enormously important resource, in terms of training. Training does not have to be formal. It should be continuous, as Peter has said, and it can be informal. You are the leaders of your committees. Many of the members of your committees are relatively new Members of Parliament. Part of your role, I would like to suggest, is to mentor them and coach them into being better members of the committee. We—the witnesses—do not know what happens when we troop out, but sometimes, if you do not do this, it might be useful to have a very quick debrief: “Right, we have had these witnesses for an hour.” You might ask not just, “What did we learn?” but, “How did that session go? If we were questioning similar witnesses next week, how could we improve our act?”—that kind of thing. As select committee Chairs, you have a potentially hugely important role in raising the effectiveness of your members as well.

Q21 Mr Jenkin: I could carry on that conversation. On the question of media, Professor Flinders, you are quite critical about the way we are unable to present our reports more effectively. Partly, that may be the vagueness of the content and the recommendations; that is something we have been discussing. In our defence, I would say we are extremely hobbled. I would say that at least 50% to 60% of the media work done for my committee, I do myself. We have to choose a launch date miles in advance, so the Government always see us coming, and if the report is the least bit controversial, they will have something to announce that day that is much more interesting. They will offer a spat on the Today programme between two high-level figures in the Conservative party to make sure that their subject is properly covered, instead of having a select committee report. But what should we be doing to improve our media coverage?

Professor Flinders: The bigger issue here about this whole inquiry is about the role of Parliament in the 21st century. Parliament has improved massively in the last 10 to 20 years, in terms of the professionalisation of Members and the role of select committees, but the pressures on you, as Chairs, and on the members of your committees are greater than ever. It is about not working harder but working smarter. Essentially, that is what every one of us has said this morning—that there are many subtle ways that do not cost a lot of money, where you can get more bang for each buck, at this time of getting more for less. It is about professionalisation. It is about mentoring and support. It is about training. It is about being braver, sometimes, and being willing to stand up to the Executive on certain issues.

The media thing is interesting, because if you look at the output, in terms of standard select committee reports, it would be quite hard to design them to make them any less attractive for anyone beyond this building. This isn’t rocket science. We are in a time when I, with a laptop, can put up videos that can be seen around the world in seconds. There are so many innovative ways you can show what your committee is doing. I am a bit of an anorak, but I do think it is very interesting. Even the Public Administration select committee doesn’t sound very interesting. The issues that you are dealing with matter; they matter to people because they affect people’s lives. People are interested, but there is a gap, there is a breakdown, there is too much distance, and it is the media.

On the issue of resources, you say that you do 60% yourself. One of the issues for a Chairman is that sometimes Chairmen feel too dominant and they become the lightning rod for everything in their committee. It might be that Chairs need to be far more proactive in getting media training in, to have a number of informal sub-media people who take more of a lead on projecting this out beyond just yourself. The media issue is not the media going through the tabloids or the broadsheets, but more direct media accessibility. It is probably one of the easiest challenges to face, and the fact that you don’t have the resources to do it—again we are not in a time when it is very fashionable to say, “MPs should be paid more or given more resources”, but it is incredibly inefficient not to spend a very small amount of money to get far more out of the incredible work that is going on along this committee corridor.

Q22 Mr Jenkin: Thank you for saying that. Can I move on? On the question of our powers to summon witnesses and to make them tell the truth, is it the consensus of the panel that we have all the powers we need and we should not disturb the existing arrangements? That seems to be the evidence we have had.

Professor Hazell: Subject to what we were saying earlier about a possible concordat, which might give you a bit more leverage in identifying which witnesses, especially among officials, you might be able to call.

Q23 Mr Jenkin: What should we do when somebody has clearly misled a select committee? In a court, that would be perjury. It is punishable by an imprisonable
offence. Is the high court of Parliament so much less important than a court of law that we just do not have those powers?

Professor Hazell: I think your best weapon, as always, is publicity.

Peter Riddell: Recall—if you have been misled by a witness, recall them. Go through it. Also, as Robert said, there is publicity.

Q24 Mr Jenkin: So it is a slap-on-the-wrist offence, as opposed to a criminal offence?

Peter Riddell: It is a bit more than that, I think, and there have been instances where people have had to apologise for misleading the committee.

Mr Jenkin: There is an Act on the statute book; I think it is the 1911 Perjury Act—do I have that correct—which makes it a criminal offence to lie to Parliament, but I do not think it has ever been used in recent years.

Peter Riddell: Do not underrate the fact that if you are critical, the implications of that—the waves—are much bigger than you might think.

Q25 Mr Jenkin: Sooner or later, someone is going to call our bluff and we will turn out to be a paper tiger. Don’t we need to clarify this and sort it out?

Dr Fox: You may need to clarify it, and I suppose one concern I would have is that this Committee’s inquiry should not get too focused on that and that alone. I understand why it is a particular issue at the moment, but something like the draft Privileges Bill, it seems to me, would be an area where this kind of more focused inquiry might look. The only thing I would say is that the kind of incidents you are talking about are a very small number of occasions, compared to the vast bulk of the work that you do that would never require—

Q26 Mr Jenkin: For brevity’s sake, my concern about that—and I think a lot of our concern—is that it is like having a nuclear weapon; you never want to use it, but having it is quite important. If you do not have it and they know you do not have it, aren’t we in danger of being in that position both with perjury and with the power of summons? The mechanisms for compelling someone to attend—

Chair: It is not as though we do not have it.

Mr Jenkin: Well, the mechanisms for actually compelling someone to attend Parliament, if they do not want to come, have not been tested for a very long time.

Professor Flinders: But they do exist. What often does not exist is the political will among you and your colleagues to use the powers that you have.

Q27 Mr Jenkin: But wouldn’t it be a good expression of our will to exercise these powers if necessary, and to re-express them either in statute or in our Standing Orders?

Peter Riddell: It is probably a matter of Standing Orders.

Mr Jenkin: I think it is a matter of Standing Orders.
was the very slow—it is very thorough and laborious—process in Whitehall in making senior public appointments, which can take many months, but there was no evidence of a deterrent effect arising from the need to have a pre-appointment scrutiny hearing.

Secondly, going back to the earlier question about formal powers, it is also a rather good illustration of the powers that select committees have, through influence and through publicity. You will all know you do not have a formal power of veto, save for some very important exceptions that Andrew Tyrie’s Committee has gained, but for all the others you have a power to issue a report.

Forgive me, I have not done an update, but I think the tally now is that there have been at least five occasions when a committee has recommended against appointment, and I think on three of those occasions the candidate has either withdrawn or the Department has withdrawn the nomination. That is not a bad hit rate, so committees do have very significant influence. When we interviewed the candidates and asked them, “If the committee had recommended against your nomination, what would you have done?” A majority of them said, “We wouldn’t have taken up the post”. 

Chair: We have reached the time at which I promised colleagues that they could go back into the Chamber, where Question Time has already begun. I thank the team of witnesses for their very helpful evidence this morning, and for the written evidence they have given to us. This discussion is obviously going to continue. Thank you very much indeed.
Written evidence

Written evidence by Dr Ruth Fox, Hansard Society, Rt Hon Peter Riddell, Institute for Government, Dr Meg Russell and Prof Robert Hazell, The Constitution Unit (UCL)

1. Select committees are more influential than they perhaps realise. Recent research by the Constitution Unit (Russell & Benton; 2011) found that around 40% of committee recommendations were accepted by government, and roughly the same proportion went on to be implemented in practice. But it also found that committees also exercise considerable influence in other more subtle, less easily measurable forms. Particularly important were "anticipated reactions", whereby Whitehall departments adjust behaviour in anticipation of how a committee might react to a course of action. A vigilant committee can thus shape behaviour in Whitehall in a positive direction. That Permanent Secretaries are now talking more about committees than in the past, and not always in warm terms, is itself a sign of impact (though also suggests a need for greater mutual understanding between Whitehall and Westminster). Despite these findings, we believe that committees could do better, and be more effective, than they are.

Powers

2. We see no clear need for the select committees to have new powers; the existing powers are sufficient. What matters is how the powers are used, and this forms the focus of our evidence below. Committee members (and commentators) do not always fully appreciate the influence that the committees already have. Increasingly the focus is placed on "hard power": rules that are written down, the use of vetoes, etc. In fact, what often works for committees, and where their biggest influence comes from, is "soft power": the use of persuasion and political pressure. Because this is largely invisible it is too easy to assume that such power does not exist.

Core Tasks

3. Any discussion about improving the effectiveness of committees must recognise the reality of party loyalties but also the limits on backbenchers’ time. So rather than more committees or more sittings we believe the focus should be on a better use of existing time and resources.

4. The range of core tasks is broadly correct: they are not fixed duties and are sufficiently wide to cover most eventualities. But exactly how and why committees determine their inquiries, and the role the core tasks play in this, remains unclear.

5. Each committee should publish a strategic plan at the start of each Parliament setting out how it proposes to discharge its responsibilities and what tasks and priorities it will focus on, and why. Committees naturally need to retain freedom of manoeuvre to undertake work outside this, in order to respond to emerging, unforeseen developments. But the early adoption of a plan would provide some continuity of purpose to a committees' work.

Planning of Inquiries

6. Clear objectives should be set for each inquiry, for example, through publication of a statement about what a committee would like to achieve, separate from the issue and questions paper that is normally published at the start of an inquiry.

7. A proliferation of inquiries, often with 6-8 week deadlines (or less) for written responses, also pose a challenge. It is difficult enough for large organisations to produce of evidence at short notice, and often very hard for smaller ones to do so. Such short notice also makes it hard for committee staff to commission research and organise effective consultations. This can lead to an over-reliance on the “usual suspects” and reduces any prospect of broadening the evidence base.

8. Committees are less effective if they venture into territory that is already well trodden. They are more effective if they investigate genuinely new areas, and particularly if they can turn up new evidence. They can be at their most effective when they conduct original research, providing a new, clear evidence base for their recommendations (as, for example, the Business Committee did in surveying pub tenants for its Pub Companies report). Committees can work with outside organisations that have extensive networks, or use online mechanisms, such as the consultation conducted by the Treasury Committee through www.moneysavingexpert.com.

9. Committees should resist too great a focus on short-term, “headline seeking” inquiries at the expense of topics that require longer-term attention and are perhaps less attractive for media coverage. Select committee-inspired items now regularly appear in the news, and often set the agenda on the Today programme: which is a sign that the committees are taken seriously. But while celebrity witnesses and the like can draw attention to a committee, this is not always the most effective way of persuading the Government to change its approach.

10. Rather than creating special new committees to address cross-cutting policy areas, there is a strong case for more ad hoc joint inquiries/joint evidence sessions.
Taking Evidence

11. Traditional question sessions have value in placing information on the record. However, they are time consuming for members and witnesses alike. Many witnesses express frustration that MPs are frequently unprepared, wander in and out of evidence sessions without explanation or apology, and questions are often repetitious. As a consequence, committees risk being both less effective and less well respected by outsiders. Chairs might consider calling members to ask questions only if they have been there since the start of the evidence session.

12. Questioning by a smaller number of MPs would provide more opportunity to pursue and develop promising lines of robust inquiry. At present witnesses—particularly ministers and civil servants—can be let off the hook by the failure to follow-up questions effectively: if they can evade the first few questions they know they are unlikely to be pressed further once the questions move on to the next member. MPs could thus be encouraged to specialise in particular inquiries, or at least on certain witnesses, perhaps reserving all-committee participation for major inquiries.

13. Committees should also make use of a broader variety of evidence-taking models: more emphasis should be placed on the value of private seminars with experts and affected parties, public conferences and informal visits. Where committees wish to hear from groups unused to taking part in the political process they should be more ready to use alternative methods. These might include focus groups, opinion polling, or meetings in specific localities. Much greater and more effective use could also be made of online forums.

14. The greater assertiveness of select committees in the current parliament—partly reflecting the election of their chairs and members—has challenged previous understandings and relationships between Westminster and Whitehall. Civil servants are being put under more pressure by MPs. The leadership of the Civil Service needs to come to terms with this shift, but MPs also need to recognise the inherent conflicts in civil servants’ lines of accountability when they appear in front of select committees. They are not speaking for themselves but on behalf of their ministers. The Liaison Committee should seek a new understanding, even a concordat, with the Government on the position of civil servants appearing in front of committees, to replace the Osmotherly rules. This should recognise more fully the distinction between policy advice and the provision of factual information.

Reports

15. The quality of inquiry reports is variable and it is sometimes hard to work out whether a paragraph in a committee’s report is a recommendation or not. Even when something clearly is a recommendation, it is not always clear who is responsible for delivering what the committee wants, or indeed whether it would be possible to discern if it has been done. Drafting could be tightened up.

16. The committees’ annual reports should become more effective reporting tools. Committees scarcely ever evaluate what has worked best in terms of inquiries, reports, methods of working, and the return on resources.

Follow Up

17. Improving follow-up is a key area where committees could improve performance. They are often most successful in areas where they are most persistent. However, there is a strong tendency to move on quickly to new subjects, without always making the most of previous inquiries; a more rigorous approach is needed. Some committees do systematically log and track implementation of past commitments but the practice is patchy and unsystematic. Reliance on folk memory is of limited value given the frequent turnover of both members and officials. Here committees might usefully look at the example of how Legacy Reports are used by committees in the Scottish Parliament at the end of each term.

18. More effective use could be made of a broader range of opportunities to raise issues. Debates on committee reports in the Commons chamber or Westminster Hall are not the only parliamentary opportunities for drawing attention to recommendations. Question time with ministers and adjournment debates for example, can provide additional opportunities to raise issues. Legislative amendments moved by committees are relatively rare and a draft bill has only ever been produced once (by the Public Administration Select Committee). Committees should consider doing more of this. There is also the opportunity (which some committees have taken, but which is not routine) of having a minister in for a one-off evidence session some time after a report has been published, to ask for an update on what has happened to the recommendations.

Public Appointments

19. Committees should be consulted by the Government when a job description and person specification is being drawn up since this is sometimes a point of later dispute when a nomination is criticised or rejected. But committees should not be involved in selection since that could make it harder to hold the nominee to account at a later stage.

20. As the Constitution Unit’s research (Waller & Chalmers; 2010) for the Liaison Committee has previously demonstrated, the lack of a committee veto does not render committees toothless. Nominees take the appointment hearing process very seriously, and most said that they would have withdrawn from consideration
if the committee had not approved them. Additionally, civil servants take the likely response of the committee into account when making the appointment. Though there are clearly some concerns that ministers have brushed aside rejections.

21. It may be useful for committees to take evidence more often from individuals reaching the end of their period of appointment, when they have more of an insight, and less to lose, by giving full and frank evidence.

**Training and Support**

22. There is a danger of “induction fatigue” at the beginning of a parliament, but new committee members should have both general induction into the workings of select committees and more focused induction into the subjects covered by their committee remit. Government departments, think tanks and academics could provide assistance and “add value” to the efforts of the House of Commons staff. Given the heavy turnover in committee membership professional development support should be provided on a continuing basis, whenever vacancies occur.

23. Members should also be offered training in questioning styles. Committees are not court rooms and training in legal-style advocacy by barristers (as suggested by some after the Murdoch inquiry) would not necessarily be the most appropriate approach for many sessions. Committees might consider the different approaches to training and support offered to committee members at the National Assembly for Wales and to members of the Scottish Parliament.

24. On the staff side, greater investment in research and development within the House of Commons could provide the critical analysis necessary to help committees to improve their working methods.

**Sources**


20 February 2012

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**Written evidence by Professor Matthew Flinders, Professor of Parliamentary Government & Governance, Department of Politics, The University of Sheffield**

1. In recent years the balance of power between the executive and legislature has undoubtedly shifted in favour of the latter. Although this shift should not be over-stated, there is no doubt that select committees provide the most efficient and far-reaching form of parliamentary scrutiny. Moreover the new procedure for electing select committee chairs has further enhanced the reputation of the system and has arguably contributed to an increase in effectiveness.

2. Select committees have arguably become a victim of their own success because the increases in their roles and powers have not been matched by an increase in available resources (financial, personnel, expertise, time, etc). It is therefore possible to identify the emergence of an “expectations gap” between what is demanded from select committees and what can realistically be delivered by the committees.

3. The core tasks sketch out the broader “expectations landscape” of what an active select committee might usefully focus on. Moreover, the great benefit of the core tasks, and the annual reporting system, is that it injects a degree of consistency into the scrutiny system. This in, in turn, allows certain common themes, issues or challenges to be identified by the Liaison Committee in its annual report on the select committee system.

4. It is, however, important to understand that the core tasks provide an advisory set of functions and select committees can approach these tasks in a flexible manner. This may include establishing sub-committees, joint committees or simply choosing to undertake each task at regular intervals but not on an annual basis.

5. The issue of resources is a perennial theme within the Palace of Westminster when it comes to the effectiveness of select committees. To some extent it is true that the main resource that select committees really need—MPs’ time and attention—cannot be increased due to the pressures that members of the House already work under. However, there is a case for building upon earlier reforms by developing the capacity of the Scrutiny Unit to support select committees on an ad hoc basis and possibly even increasing the additional salary that is paid to select committee chairmen.
6. The Scrutiny Unit has been a great success since its creation in November 2002 but with only 15 staff its capacity to support 19 departmentally related select committees across all the areas outlined in the core tasks is obviously limited. It is for exactly this reason that the Scrutiny Unit has evolved more towards supporting select committees in relation to work of a legislative or financial nature.

7. The introduction of an additional salary for select committee chairmen in 2003 was intended to (1) establish an alternative career structure to that of ministerial office, and (2) reward MPs who took on the duties of chairing a committee for their endeavours. The initial additional salary was set at £12,500 and is currently set at £14,582 but this level of remuneration is far below that originally recommended by expert committees at the time. There is no definite link between pay and performance but I do think there is still an issue about creating a real alternative career structure to ministerial office (and that this issue will increase in importance after the number of MPs is reduced to 600).

8. Although the level of training and support that is given to new MPs has improved significantly in recent years there is still much to be done in terms of introducing new members to the procedures, institutions and culture of the Palace of Westminster. There might also be more thought given to the continuing professional support offered to MPs, especially as they are expected to bring intellectual rigour to their work, rather than just fulfil a representative role.

9. The issue of training and support flows into the issue of how select committees engage with the media. Put very simply, much of the work done by select committees is not attractive to the media but this remains a problem of presentation rather than content. Select committee reports continue to be published in a form that is almost guaranteed to put-off almost every potential reader; whereas select committee members are frequently unable to provide succinct and usable interview clips that explain to the general public why the work undertaken by the committee actually matters.

10. If select committees want to get the public engaged in what they are doing then they need to get out of the Palace of Westminster and in amongst the public more often. This is a critical issue. The public do not “hate” politics or politicians but they no longer understand who makes decisions on their behalf or why politicians sometimes make decisions that are hard to understand. In this regard select committees have a critical dual-role to fulfil in the 21st century: first, to undertake inquiries that explore urgent or important issues and hold the executive to account; and (secondly) to play a broader role in promoting public understanding of politics and increasing political literacy. These are not separate roles but are two sides of the same coin but they will only be achieved if select committee adopt more flexible and mobile working practices.

11. The effectiveness of the select committee system is dependent upon a range of issues and relationships. It is neither possible nor necessary to examine all of these issues in any depth but there are three broader issues that need to raised in light of this committee’s inquiry into the effectiveness of select committees.

12. The first issue relates to the size of the ministerial payroll. The effectiveness of any select committee is heavily related to the calibre of individuals serving on that committee. The simple fact is that successive governments have used ministerial-patronage as a way of undermining the capacity of select committees. The extent of this patronage has swelled in recent years with the introduction of large numbers of PPS positions. The challenge for the future is that if the overall size of the House of Commons shrinks but the size of the executive’s ranks stays the same then the balance of power will tip back towards the executive.

13. The second issue relates to the multiple demands that are placed on MPs (and focuses attention back on the “expectations gap” that was mentioned above). MPs have three main roles: a scrutiny role where his or her loyalty is (theoretically) to Parliament; a legislative role where his or her loyalty is (theoretically) to their party; and a constituency role where his or her loyalty is (theoretically) to their constituents. The simple fact is that these roles—and the demands that come with them—often clash and, as a result, the life of an MP is rarely an easy one. My aim in emphasising the existence of multiple and often invidious loyalties is that the current proposal to introduce an “MP recall” system risks injecting an incredibly problematic and unpredictable dimension in to parliamentary life. The 10% of constituents that would be required to trigger a by-election would very quickly become the focus of single-interest groups and tabloid newspapers and could well ensure that MPs dedicated the vast majority of their time and energy to visible constituency work rather than less visible but arguably more important work on the committee corridor.

14. Finally—and I almost feel as if I should whisper as I write this—the bigger and broader question that has very real and direct implications for the effectiveness and future of select committees is MPs’ pay. This is the elephant in the room that nobody dares to talk about for fear of being denounced by the media. Maybe I can be the first to raise my head above the parapet and dare to suggest that MPs should be paid more. This is not an issue of “snouts in the trough” or “21st century sleaze” but it is a simple reflection of the fact that MPs pay has not increased with the demands of the job. For a long time this mismatch was artificially veiled by the existence of a generous allowances and expenses system but the pathological implications of not being brave enough about tackling the issue of MPs pay head-on brought Parliament to its knees in the Summer of 2009.
15. This is not the place for detailed discussion about the politics of MPs pay but I have no doubt that if we want to (1) increase public respect for politicians, (2) increase the effectiveness and vitality of select committees and (3) if we want to recruit the very best individuals from all walks of life into politics then we will at some point need to be rather braver about the issue of MPs pay.

1 February 2012