



House of Commons
Liaison Committee

Select committee effectiveness, resources and powers

Second Report of Session 2012–13

Volume II

Additional written evidence

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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).

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Written evidence

Written evidence by the Administration Committee

1. The purpose of the Administration Committee is to “consider the services provided for and by the House and to make recommendations thereon to the Commission or the Speaker” (Standing Order No. 139).

2. The Committee was created in 2005 to bring together five separate “domestic” committees. Those committees were:

- Catering.
- Broadcasting.
- Accommodation and Works.
- Information.
- Administration.

The subject matter covered by those Committees remains the main focus of the Committee’s work.

3. The Committee’s role is primarily advisory. It is intended to provide Members’ advice on services to:

- Mr Speaker;
- the House of Commons Commission (the group of senior MPs who effectively act as the House’s “board”); and
- the Management Board (the senior officials of the House, headed by the Clerk of the House and Chief Executive).

4. The Committee has chosen to operate quite differently from its predecessor in the 2005 Parliament. It meets weekly, has conducted three inquiries into aspects of the House’s running, and is increasingly focused on ensuring that recommendations accepted either via reports or through correspondence with the Commission or Mr Speaker are implemented. Attendance has been good throughout the Session, at over 70%, a rate particularly notable given that the Committee contains 16 rather than the standard 11 Members and had met 54 times by the end of March 2012.

5. The Committee is a full select committee, with persons, papers and records powers. It is charged with considering the services provided for and by the House of Commons. It is principally advisory and has no executive powers (bar one minor one and any which the Commission delegates to it).

6. To a significant degree, therefore, its role is to hold to account the Management Board which runs the House of Commons administration under delegation from the Commission, in the same way that departmental select committees hold their departments to account. It is perhaps best seen as a “critical friend” of the House Service, and it should be borne in mind that it will be critical where necessary as well as supportive of what that service does well.

7. The remainder of this memorandum sets out some areas in which the Committee has made recommendations during the 2010–12 Session, or otherwise influenced the services provided for and by the House.

8. *Catering*: The Committee’s major piece of work was a full review of Catering and Retail Services, on which a Report to the House was published on 10 May 2011. The Commission broadly accepted the bulk of 46 concrete recommendations, and more than 20 have now been fully implemented with action under way to implement the remainder of the package.

9. The Committee intended those changes to assist in reducing the overall catering subsidy paid through the House’s Administration Estimate from around £6 million annually to around £3 million by 2014–15, and several of the recommendations were made in support of proposals from the House’s Management Board under the Savings Programme intended to reduce the overall Administration Estimate by 17% by 2014–15.

10. Among the significant changes so far implemented are reductions in staffing and changes in provision in Members’ facilities, particularly the Members’ Dining Room; the closure of a staff restaurant; and improved access to several facilities, including the Pugin Room and the Adjournment restaurant for all staff of the House and staff of Members.

11. Further implementation will see reductions in opening hours in some outlets, changes in the food offer and the introduction of discount and loyalty schemes for staff. Whether the House’s catering service should be put to market test is also being considered, in line with a recommendation from the Committee.

12. The Committee remains committed to supporting moves to reduce the overall costs of the service while retaining its quality and recognising its primary function as a means to support Members, their staff and the staff of the House in fulfilling their parliamentary duties. A follow-up report on implementation will be published during the next Session.

13. *Broadcasting:* The Committee has conducted a brief review of the rules of coverage relating to TV broadcasting of proceedings in the Chamber, Committee Rooms and Westminster Hall. This light-touch review is intended to improve sight lines and camera angles rather than revise the basis on which broadcasters may use footage of proceedings. It will report shortly after Easter 2012, and a note on implementation of any recommendation accepted will be included in next year's memorandum to the Liaison Committee.

14. *Visitor access:* The Committee has conducted a survey of the facilities and access accorded to the million or so people who visit the House each year for reasons related to the business of the House and its Committees, to meet Members, to attend other meetings, banqueting functions, to exercise their democratic right to view parliamentary proceedings, or to visit for leisure purposes. That inquiry, too, will report shortly after Easter, and a note on the implementation of any recommendation accepted will be included in next year's memorandum.

15. *Other matters:* The Committee conducts much more of its business by discussion, negotiation and correspondence than by inquiry. Matters dealt with range from consultation on the House's savings programme to ensuring that individual complaints about services from Members are appropriately dealt with by officials.

16. Mr Speaker has accepted the Committee's recommendations against a number of proposals to make a documentary about the work of the House and its Members, including "fly on the wall"-type documentaries and those based around more static interviews with Members and staff. The Committee has taken the view that such programmes are likely to be disruptive to the work of the House and that the benefit to be gained from enabling access for up to a year from TV production companies does not outweigh the disruption that would result. Further such proposals are likely to emerge, however, and the Committee will, if they do, consult with other Members on the benefits or otherwise in enabling such a programme or series to be made.

17. Mr Speaker has accepted recommendations from the Committee to ease restrictions on the location and type of broadcasts and interviews that may be filmed within the parliamentary estate. Two new fixed interview points have been identified, and some news programmes may be broadcast from the Upper Waiting Hall in the Palace (as was done, experimentally, for the BBC news programme on the day of President Obama's visit to Westminster). The Committee intends to continue to discuss the possibility of eased filming and broadcasting regulations with, among others, the Press Gallery and the major broadcasting organisations based on the parliamentary estate, with the aim of improving both transparency and knowledge about the work that is done in the House of Commons.

18. *Bottled water:* The Commission accepted the Committee's recommendation that two trials should be undertaken between the Easter and Summer recesses in 2012 of supplying committee rooms with non-bottled water. All water supplied in Portcullis House in that period will be tap water provided in jugs. In the Palace of Westminster, one Committee Room will be fitted with a free-standing water cooler. The experiments are intended to provide information on the relative costs and carbon impacts of alternative means of provision.

19. *iPad trial:* The Committee experimented with the use of electronic tablet technology and near-paperless meetings for six months. All Members were offered use of an iPad, and meeting papers were emailed in PDF form. Papers are capable of being annotated by Members. This experiment resulted in an identifiable cash savings from the reduction of printed paper provided, with associated environmental benefits. The Committee has recommended to the Commission that a means be found to make tablet technology available to all Members, not least because the House's savings programme is identifying significant cost reductions from providing business papers in electronic format. The Commission was due to consider that recommendation in late March 2012.

20. The Committee experimented with sending a brief email bulletin of its discussions and recommendations directly to all Members on a regular basis, inviting their views. After an initial significant response rate in the early weeks of the Session, however, it became clear that the familiarity of regular communication discouraged response. The Committee is instead circulating information on key decisions or consultation on inquiry topics on a more *ad hoc* and targeted basis. An essential difficulty faced by any committee of this kind lies in obtaining accurate and detailed feedback from Members themselves on the services that they use every day.

21. The Committee also processes various routine administrative requests by members and others. The Committee has advised Mr Speaker to allow music to be played at 139 events and has granted derogations from routine ballots for rooms on the estate on 56 occasions. It has also approved all subjects for weekly exhibitions in the Upper Waiting Hall in the Palace.

Written evidence by the Committees on Arms Export Controls

I am writing to you to report to the Liaison Committee on the work and performance of the Committees on Arms Export Controls (CAEC) thus far in this Parliament.

The Committees have completed two Inquiries and Reports into the Government's policies on arms export controls and on its arms control policies more widely. The first CAEC Report was published on 5 April 2011 (HC686) and the second on 13 July 2012 (HC419).

The Committees have taken Oral evidence from the Foreign Secretary, William Hague, the Secretary of State for Business, Innovation and Skills, Vince Cable, the FCO Minister, Alistair Burt and, the BIS Minister, Mark Prisk. Oral evidence has also been taken twice from the Export Group for Aerospace and Defence (EGAD) comprising representatives from the defence and aerospace industries, and twice from The United Kingdom Working Group (UKWG) on arms exports comprising Action on Armed Violence, Amnesty UK, Article 36, Omega Research Foundation, Oxfam and Saferworld.

A debate on the Committees' first Report was held in Westminster Hall on 20 October 2011.

The Committees on Arms Export Controls' 2012 Report scrutinises the Government's policies in unprecedented detail and depth—in three respects in particular.

First, for the first time and after a lengthy negotiation with the Government over what should or should not be treated as classified material, the Committees have published quarter by quarter from 1 July 2010, the Committees' questions as to why specific licence applications have been approved, or in some cases refused, for individual countries together with the Government's answers. This information is set out in Annex 1 of our Report. It will enable MPs and members of the public with concerns about arms exports to particular countries—say to Argentina, Bahrain, China or Sri Lanka—to access easily the questions raised by the Committees in relation to those countries and the Government's answers.

Second, again for the first time, the Committees have put an extensive range of written questions to the Government on the Government's Strategic Export Controls Annual Report. The CAEC's questions on the Government's Annual Report, and the wealth of hitherto undisclosed information provided by the Government in its answers, are set out in Annex 11 to the Committees' latest Report.

Third, in their, first Report published on 5 April 2011 (HC686), the Committees published at Annex 4 selected arms export licence approvals to countries in the Middle East and North Africa of arms or components of arms which might be used to facilitate internal repression, contrary to the Government's stated policy, for the period from 1 January 2009 to 30 September 2010. The Committees in their latest Report have updated this information, covering the period from October 2010 until 31 December 2011 at Annex 6. In addition, again for the first time, the Committees have published selected arms export licence approvals to countries stated to be "countries of concern" by the Foreign and Commonwealth Office in its latest Human Rights and Democracy report published in April 2012 of arms or components of arms which might be used to facilitate internal repression. This information is set out in Annex 7.

I am not aware of any other Parliament in Europe that is scrutinising its Government's arms export policies with the same degree of depth, detail and timeliness as is now being carried out by the UK Parliament. In the United States, there is line by line scrutiny by Congressional Committees of US Government arms export approvals but because of relatively high financial cutoff thresholds for the disclosure to Congress of individual arms export contracts, a significant number of arms exports from the US that would be scrutinised by the Committees on Arms Export Controls here do not come before the equivalent Committees in Congress.

I believe therefore that the UK Parliament is now setting the standard in parliamentary democracies for scrutinising Governments in this highly important and sensitive area of policy.

I should be grateful if this letter could be circulated to the members of the Liaison Committee.

19 July 2012

Written evidence from the Business, Innovation and Skills Committee

OVERVIEW

The Business, Innovation and Skills Committee scrutinises the work of the Department for Business, Innovation and Skills. This Report provides an account of the Committee's activities during the 2010–12 Session. Given the unusual length of the Session, it also represents the work of the Committee in the current Parliament.

The establishment of the Committee at the start of the Parliament coincided with the first elections of Committee Chairs and Members. The ballot for Committee Chairs was held on Wednesday 9 July and the results announced on Thursday 10 July. Members of the Committee were appointed on 12 July following elections by the individual parties.

 COMMITTEE MEETINGS

The Committee met formally on 79 occasions in this session. In that time we have produced 15 Reports. Inquiries do not fit neatly into Sessions and three live inquiries—Apprenticeships, the Hargreaves review of Intellectual Property and Insolvency—will be reported in the next session.

COMMITTEE INQUIRIES

The Department for Business, Innovation and Skills is a very large department with a wide-ranging portfolio covering responsibility for industrial policy, UK trade and exports, inward investment, corporate governance, skills, apprenticeships, further education and higher education. It also shares responsibility with HM Treasury for areas of banking policy. Despite the limited resources available to us in comparison with those at the Department's disposal, our work in this session has covered many of these areas.

On economic policy we began by looking at the Government's proposals to replace the Regional Development Agencies with Local Enterprise Partnerships.¹ That Report was followed by more wide-ranging inquiries into Government assistance to British companies in the UK² and Government support for UK exports.³ The latter was complemented by a separate Report on UK trade with China, following a successful visit in March 2011.⁴ That visit also prompted a one-off evidence on the student visa regime, an issue on which the Committee was heavily lobbied when in China.

We also looked at the activities of specific companies which had an impact on the formation of Government policy. In November 2010, we published a report on the withdrawal of the offer of a Government loan to Sheffield Forgemasters, a company which makes heavy-forged castings for advanced engineering projects including supply to the nuclear power industry.⁵ In March 2012, we visited the company and saw for ourselves the importance of the company to the UK and its strategic position in the sector. We are pleased that the Government has now recognised its importance by reintroducing financial assistance to aid the company's expansion through the Regional Growth Fund.

Kraft was the subject of the second inquiry.⁶ In the previous Parliament, our predecessor Committee had taken evidence from senior Kraft executives following Kraft's takeover of Cadbury. That takeover had been the subject of significant controversy. Our predecessor Committee's inquiry sought to shed light on the matter and to judge what lessons could be learned for future takeovers. During that inquiry, Kraft gave a number of undertakings to that Committee in relation to job retention. Our inquiry sought to test those undertakings.

While we were generally satisfied by the progress made by Kraft, both our inquiry and that of our predecessor Committee highlighted the difficulties faced by Committees in securing witnesses from overseas. Both Committees wished to take evidence from Irene Rosenfield, the Chief Executive of Kraft. As a foreign national living abroad, we had no powers to summon her to give evidence. We understand that had she been in the UK, a summons could have been issued. However, it is unclear what sanctions would have been at our disposal had a summons been issued and Ms Rosenfield not attended. While this is not directly a matter for the Liaison Committee, greater clarity on the powers and sanctions of Committees in this respect would be welcome.

Two Reports considered Government policy in relation to consumer affairs. In the run-up to Christmas 2011 we looked at the regulation of high-cost loans and debt management companies. This was an important inquiry and the timing reflected the growing demand for these services.⁷ In March 2012, we published a Report on proposals to remove the cap on stamp prices. A notable aspect of that inquiry was that Royal Mail chose to use our evidence session to announce new measures directed at safeguarding vulnerable groups from stamp price rises at Christmas.⁸

Our first inquiry covering the field of education was into the Government's radical reforms for Higher Education.⁹ Against the backdrop of a tripling of tuition fees and a high degree of protest we held a wide-ranging inquiry into the future of Higher Education. That inquiry was hindered by a series of delays in the publication of the White Paper. Originally expected in the winter of 2010–11, it was finally published in July 2011 shortly before the Summer Recess. Our programme of work was designed to coincide with the original timetable and the subsequent delays had a material effect on the management of that inquiry. We therefore had to test the Government's proposals with our witnesses in the absence of the key Government document and before the summer recess only had time to question the Minister on it. Our Report was necessarily cautious in its conclusions as the White Paper announced a large number of consultations in key areas.

¹ First Report from the Committee, *The New Local Enterprise Partnerships: An Initial Assessment*, HC 434.

² Third Report from the Committee, *Government Assistance to Industry*, HC 561 and Fifth Report from the Committee, *Government Assistance to Industry: Government Response to the Committees Third Report of Session 2010–12*, HC 1038.

³ Seventh Report from the Committee, *Rebalancing the Economy: Trade and Investment*, HC 735.

⁴ Eighth Report from the Committee, *Trade and Investment: China*, HC 1421.

⁵ Second Report from the Committee, *Sheffield Forgemasters*, HC 484.

⁶ Sixth Report from the Committee, *Is Kraft working for Cadbury*, HC871.

⁷ Fourteenth Report from the Committee, *Debt Management*, HC 1649.

⁸ Fifteenth Report from the Committee, *Stamp Prices*, HC1841.

⁹ Twelfth Report from the Committee, *Government Reform of Higher Education*, HC885.

This was not the only inquiry which was hindered by delays in the publication of key policy documents. The Plan for Growth, the Trade and Investment White Paper and UKTI's business plan were all subject to significant delays. If Committees are to feed into the policy-making process, they require greater certainty from the Department that it will keep to its own timetable. While we appreciate that this may not always be possible, consistent delays and a reluctance to set out achievable targets undermines Committees' ability to plan accordingly.

It is also worth noting that Members of the Committee represent the Committee on the Committees on Arms Export Controls. The Committees' reported on its scrutiny of export controls in April 2011 and are due to report again in Spring 2012.¹⁰

ONE-OFF EVIDENCE SESSIONS

In addition to our Reports, we also held a number of one-off sessions with the Secretary of State to discuss both Departmental matters and issues of current interest. As with most Committees, the Secretary of State came before us at the start of the Session to give us his overview of the strategic direction of his Department.¹¹ However, he returned to us on a further five occasions in this session to discuss impact on his Department of the Comprehensive Spending Review,¹² the Government's Strategy for Growth,¹³ bank lending rates (commonly referred to as Project Merlin)¹⁴ and the Departmental Annual Report.¹⁵ He also gave evidence during our inquiry into Sheffield Forgemasters.¹⁶ We appreciate the Secretary of State's high level of engagement with the Committee and his willingness to come before us when asked. In contrast to the Secretary of State's positive engagement however, we encountered a number of problems in relation to three inquiries, which we set out below.

PRE-LEGISLATIVE SCRUTINY

In 2011, the Department invited us to conduct pre-legislative scrutiny of the Government's draft Grocery Code Adjudicator Bill. Pre-legislative scrutiny of draft Bills is a core task of select committees. In order to facilitate the Government's desire for early introduction of a Bill, we condensed our inquiry into eight weeks and published our Report before the Summer Recess.¹⁷ Despite that, the Government failed to bring forward the Bill, which we now expect to be presented in the next Session. The Bill was not controversial and our recommendations for changes, if accepted, would not have delayed introduction as they could have been acted on during the summer recess. This is a deeply frustrating outcome. We altered our existing programme of work to accommodate the Government's preferred timetable on the understanding that we were helping to facilitate the early introduction of the Bill. Given the Department's approach, we will be less inclined to offer such flexibility in the future without reciprocal undertakings that the Department's work will be taken forward with similar speed.

PUB COMPANIES

The pub industry, and in particular pub companies, has been a long-standing issue of concern for our predecessor Committees. In 2005, the Trade and Industry Committee published a Report on pub companies. This was followed by a Business and Enterprise Committee Report in 2009. The Business, Innovation and Skills Committee returned to the matter in 2010 and we published our Report on it in September 2011.¹⁸

In response to the 2010 Report, the previous Government gave an undertaking that:

*If the Business, Innovation and Skills Committee concludes by then that the Code is not working as well as it should we will consult on putting the Code on a statutory basis with effective enforcement.*¹⁹

This was an enlightened response from the Government which placed the Committee at the heart of the decision-making process.

When he came before us in July 2010, the Secretary of State confirmed that the coalition Government would abide by that undertaking²⁰ and we acknowledged this positive engagement in our Report. However, when we ultimately recommended that the Government act accordingly, the Department did not abide by that undertaking. For the Secretary of State not to deliver on a clear undertaking was not acceptable. On 12

¹⁰ Fourth Report/First Joint Report, *Scrutiny of Arms Export Controls (2011): UK Strategic Export Controls Annual Report 2009, Quarterly Reports for 2010, licensing policy and review of export control legislation*, HC686.

¹¹ 20 July 2010, HC 384-i.

¹² 26 October 2010, HC 543-i.

¹³ 27 April 2011, HC 9545-i.

¹⁴ 8 June 2011, HC 1142-i.

¹⁵ 8 February 2012, HC 1632-i.

¹⁶ Second Report from the Committee, *Sheffield Forgemasters*, HC 484.

¹⁷ Ninth Report from the Committee, *Time to bring on the referee? The Government's proposed Adjudicator for the Groceries Code*, HC1224.

¹⁸ Tenth Report from the Committee, *Pub Companies*, HC 1369.

¹⁹ Business Innovation and Skills Committee, Eighth Report of Session 2009–10, *Pub Companies: follow-up: Government Response to the Committee's Fifth Report of Session 2009–10*, HC 503, para 6.

²⁰ 20 July 2010 HC 384-i.

January, the Chairman initiated a Backbench Business Committee debate on the floor of the House to press the Government on the matter. The motion set out below was approved by the House, without division:

That this House believes that the Department for Business, Innovation and Skills' proposals for reform of the pub industry fall short of the undertaking given to the Business, Innovation and Skills Committee in July 2010 and that only a statutory code of practice which includes a free-of-tie option with an open market rent review and an independent adjudicator will resolve the contractual problems between the pub companies and their lessees; and calls on the Government to commission a review of self-regulation of the pub industry in the Autumn of 2012 to be conducted by an independent body approved by the Business, Innovation and Skills Committee.²¹

Following the debate, Chair of the Committee wrote to the Minister asking what action he would take in light of that resolution. In the absence of a response, the Chair raised the matter at Prime Minister's Questions on 22 February 2012.²² Responses were subsequently received from both the Prime Minister and the Minister for Consumer and Postal Affairs. Both letters stated that:

The best way to deliver change quickly is for the industry to focus on implementing (the Government's) reforms. It would not be appropriate, at this stage, to commission an independent review, though I have noted the Parliamentary interest in this matter.

Given the will of the House, we find this response unacceptable. Furthermore, the tone of the Departmental Minister's response to a written answer in this issue—published before he responded to the Chair of the Committee—fell below the standard we could expect of a Minister:

A review would simply be used as a vehicle to oppose to the Government's solution—the Business, Innovation and Skills Select Committee and others have made it very clear that they are implacably opposed to self-regulation and would only be satisfied by legislation.²³

Our request for an independent review is not based on belligerence but on the pub industry's failure—over many years—to deliver meaningful reform through self-regulation. The Government believes that self-regulation can still work. This assertion can only be proven by an independent review. Should that review demonstrate that the Government's approach has delivered the necessary reforms and legal clarity then we would agree that statutory regulation was no longer necessary. The Committee, together with its predecessors, has spent significant time and energy on this matter and the Minister's phraseology conveys a sense of arrogance and indifference to that important body of work.

PRE-APPOINTMENT HEARINGS

Another core task of select committees is to hold pre-appointment hearings. In February 2012, we held our first pre-appointment hearing for the post of Director of the Office for Fair Access.²⁴ Our Report, agreed on division, did not find in favour of the candidate and did not recommend his appointment. Rather than rehearse the arguments over the merits or otherwise of the candidate, we want to concentrate on the way in which the process could be improved and highlight some serious shortcomings in the Government's interaction with the Committee on this matter.

Our report was published at midday on 8 February 2012. Within hours of its publication, press reports citing Department sources were stating that the Department would press ahead with the appointment. Notwithstanding the controversy surrounding the pre-appointment hearing, the undue haste in which the Committee's Report was dismissed by the Department was inappropriate.

Later that week—and before the Department had responded to the Committee's Report—the press reported that a deal had existed between the coalition partners in which Professor Ebdon would be appointed in return for the removal of proposals for early repayment penalties for student loans. The reports were given additional weight by the fact that a Downing Street source was quoted as saying:

The Lib Dems were very keen to appoint Ebdon and we felt very strongly about penalties for early repayment of loans. This is hopefully good news for tens of thousands of families, as well as many Conservative MPs who had raised concerns about the penalties.²⁵

Private comments made to Committee members suggested that the deal had been struck before we held our hearing. The existence of such a deal fatally undermines the role of the committee in this important area of work. If the Government does not enter into this process with an open mind, then there seems little point in Committees taking the time and effort to interview the candidate.

When the Liaison Committee further considers pre-appointment hearings we believe that the following issues should be addressed. First, there should be a greater level of interaction between Departments and Committees. A private briefing by the Secretary of State—in advance of any public hearing—would give the Committee the opportunity to discuss the criteria for the post, how the Secretary of State judged the candidates and the

²¹ www.publications.parliament.uk/pa/cm201012/cmvote/120112v01.pdf

²² HC Deb, 20 February 2012, col 873–4.

²³ Written Answer, 22 February 2012, col 882W

²⁴ Thirteenth Report, *Pre-Appointment Hearing: Appointment of the Director of the Office for Fair Access*, HC 18111.

²⁵ *Daily Telegraph*, 16 February 2012.

relative strengths and weaknesses of those shortlisted. While this may lengthen the process, it would better prepare Committees when they came to test the Secretary of State's preferred candidate.

The establishment of a power of veto is a complex matter as checks and balances are needed in the system. However, that power should be considered for Reports which are agreed unanimously. If a Report receives cross-party support then there should be a presumption that the Committee's view would prevail. At the very least, any rejection of a Committee's opinion should be on the basis of due consideration rather than one made merely hours after the Committee's view was known. We also believe that the Liaison Committee should explore ways in which the minority view could be expressed in this specific field of committee activity when unanimity is not possible.

DOMESTIC VISITS

Our work has only occasionally taken us away from Westminster. However, we decided to hold two evidence sessions outside of Parliament as part of our inquiry into apprenticeships. The first was to Sheffield and the second to Northampton. These visits were important as it gave us the opportunity to talk both formally and informally to companies and their apprentices.

Both visits generated significant interest in the local media and the evidence sessions were well attended by the public. This demonstrated to us the value of taking our work outside of Westminster and the importance of highlighting our work to a wider audience.

During our visit to Sheffield we were able to work with the Parliamentary outreach team who organised a programme for local sixth form politics students. The outreach team briefed them on the work of select committees after which they were able to watch our evidence session. Around 30 of the students joined us for lunch after the meeting so that they could discuss with us the work of committees and the wider world of politics. The success of the event was recently recognised by Mr Speaker and it is a format that we will certainly use again whenever possible.

28 March 2012

Written evidence from the Communities and Local Government Committee

THE COMMITTEE'S APPROACH TO SCRUTINY

1. With the formation of a new Government in 2010 a new political cycle started. The Coalition Government, like many new governments, comes to office with fresh policies and a new set of priorities and a different agenda from its predecessor. It also has to operate within a considerably colder economic climate. For much of the session therefore the Committee has been in reactive mode conducting in-depth examinations of emerging policy from Department for Communities and Local Government: nine of eleven inquiries we carried out focussed on new policy or the abolition of existing policy. Planning was particularly prominent requiring two major inquiries: the *Abolition of Regional Spatial Strategies: a planning vacuum?*²⁶ and the *National Planning Policy Framework*.²⁷

2. In the case of the draft *National Planning Policy Framework* the Government asked us to carry out our inquiry as part of a wider consultation and scrutiny of the emerging policy. Given the importance of planning we were happy to clear our schedule to carry out the task and were able to produce, within a tight timetable agreed with the Government, a report which we consider addressed comprehensively the issues raised by the Framework.

3. We had two clear purposes in devoting so much of our time and energy to emerging policy. First, to test each element of the Government's proposed policies and, if necessary, suggest alterations. Second, to press the Government on the outcomes which it expects from its policies. It is our intention to return later in the parliament to many of these areas and a key question which we will ask is: has the policy worked out as the Government expected. Top of the list are *Localism* and *Localisation issues in welfare reform*,²⁸ two important areas that we expect to examine again by the end of the parliament.

4. In the case of Community Budgets, we adopted an innovative approach. The Government's policy of pooling budgets at a local level has been slow to develop and was recast following the riots in August 2011. We held oral evidence sessions with the local authorities and interested parties closely involved with the pilots and with the minister. We published the evidence with a short report, *Taking forward Community Budgets*,²⁹ listing the issues and questions which we expect to return to when we carry out a full inquiry. We plan to

²⁶ Communities and Local Government Committee, Second Report of Session 2010–12, *Abolition of Regional Spatial Strategies: a planning vacuum?*, 2010–12, HC 517.

²⁷ Communities and Local Government Committee, Eighth Report of Session 2010–12, *National Planning Policy Framework*, HC 1526.

²⁸ Communities and Local Government Committee, Fifth Report of Session 2010–12, *Localisation issues in welfare reform*, HC 1406.

²⁹ Communities and Local Government Committee, Ninth Report of Session 2010–12, *Taking forward Community Budgets*, HC 1750.

launch that inquiry in 2013 and those issues will form the basis of our call for evidence and the starting point for our scrutiny.

THE OPERATION OF THE COMMITTEE

5. When the Committee formed in July 2010, all but two members, plus the Chair, of the Committee were newly elected to Parliament. Several, however, came with extensive experience of local government and therefore were familiar with the subjects which we examined during the session. This helped us to get down to business quickly. There was some turnover of membership of the Committee during the session but not of a scale to disrupt its smooth operation.

6. Although most of us are new to the Committee we have been conscious of the excellent work that our predecessor Committee carried out in the last parliament. We have pressed the Coalition Government to respond to those reports published at the end of the last parliament. Where appropriate, we have given leeway on the two month convention for responses to committee reports. It is, however, unacceptable for the Government to take two years to respond to a report. The former Committee published its report, *Preventing Violent Extremism*,³⁰ on 30 March 2010 and we have not yet had a reply. Responsibility for responding passed from the Department for Communities and Local Government to the Home Office but this is no excuse for such a delay and undermines the effectiveness of the former Committee's work, especially as the policy has been under review and this would have provided an ideal opportunity for the Government to reply to the report.

7. One point we would draw to the Liaison Committee's attention is our use of specialist advisers. Because of the breadth and complexity of our inquiries we have been assisted by these external advisers. We have extensively used their services and expertise and found their assistance invaluable in our work on important inquiries such as *Localism*, the *National Planning Policy Framework, Regeneration*³¹ and the *Audit and inspection of local authorities*.³²

RELATIONS WITH DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

8. The Department for Communities and Local Government has responded quickly and constructively to requests for witnesses and to our written questions. When appearing before the Committee ministers and officials are usually well briefed and constructive in their answers. We are conscious of the time and effort that ministers and their civil servants are required to put into responding to the Committee, particularly as resources are squeezed. We use this opportunity to put on record our thanks to them.

9. We held two sessions on the work of the Department: one with officials and one with ministers.³³ We found those parts which examined policy across the Department's responsibilities very useful in that we could examine areas which were not covered in our inquiries and we were able to move on from our focus on reacting to major policy initiatives.

10. The examination of the Department's administrative responsibility and functions was not so satisfactory. Since the General Election the Department has lost over a quarter of its staff and has been substantially reorganised. We encountered two problems. First, the convention that civil servants speak on behalf of ministers meant that we found it difficult to scrutinise the consequences of administrative changes—for example, the Department's capacity to develop new policy to a high standard. Second, we found the inability of newly appointed senior officials—understandable to a degree because of lack of personal knowledge—to respond on matters that occurred before their appointment frustrating. In our view it is unsatisfactory that neither those officials in post at the time a matter giving rise to concern arose and who have moved on or retired, nor those currently in post can respond directly to a select committee asking questions about past administrative failures. This blunts accountability as well as our effectiveness.

11. We are examining a new approach. We are considering whether to arrange an informal visit to the Department next session to meet with staff to discuss their work and the impact of the organisational reforms which have taken place since 2010. We also recognise that it would have been beneficial to us to have had a longer session taking evidence from officials on the work of the Department. We intend to allow more time next session.

IMPACT OF THE COMMITTEE ON POLICIES

12. As indicated, the range of initiatives from the department has been wide—everything from the wide-ranging with broad strategic implications such as *Localism* to relatively small schemes to improve the provision of finance for housing. Indeed at a recent evidence session the Minister for Local Government and Housing suggested that he had announced 100 initiatives to improve housing.³⁴ As a Committee, we have concentrated

³⁰ Communities and Local Government Committee, Sixth Report of Session 2009–10, *Preventing Violent Extremism*, HC 65.

³¹ Communities and Local Government Committee, Sixth Report of Session 2010–12, *Regeneration*, HC 1014.

³² Communities and Local Government Committee, Fourth Report of Session 2010–12, *Audit and inspection of local authorities*, HC 763.

³³ Uncorrected transcripts of oral evidence taken before the Communities and Local Government Committee on 28 November and 14 December 2011, HC (2010–12) 1668-i and ii.

³⁴ Uncorrected transcript of oral evidence taken before the Communities and Local Government Committee on 30 January 2012, HC (2010–12) , 1652-iv, Q 320.

on those policies which will have wide impact. As well as planning we have examined *Localism*, welfare reform, housing and also the abolition of the *Audit Commission* and the *Proposed Code of recommended Practice on Local Authority Publicity*.³⁵

13. The Government's responses to our reports have, on the whole, been comprehensive and constructive, even where ministers disagreed with the Committee they have been prepared to set out their reasoning in detail. On our report on *Localism*, for example, the Committee succeeded in making the Government explain more clearly its policies and priorities, and to address apparent tensions such as on the role of elected local authorities. Our inquiry and report opened up for wider discussion the inclusion of central Government services within the scope of the Community Right to Challenge and the codification of the relationship between central and local government.³⁶

14. One achievement we should highlight is that the Prime Minister agreed to our request to publish the Minister for Planning and Decentralisation's report on the progress departments were making on the Government's localism agenda. We look forward to reviewing the report.

15. In some areas where the Government was at the time of our work still developing policies and new arrangements, responses were tentative. The response to the Committee's report on the *Audit and inspection of local authorities* was incomplete as several key matters were subject to consultation.³⁷ When the Government produced its conclusions on the consultation processes, we commissioned our specialist advisers, who had assisted us during the inquiry, to produce a brief analysing the Government's conclusions; the paper has been published on the Committee's website.³⁸

16. One of the Committee's main jobs during this first session of the parliament has been to draw the Government out on its objectives for its new policies and to assist with fine tuning of emerging policies. Having done the ground work and to capitalise effectively on this work, we plan to return to these topics in later sessions.

EXAMINATION OF THE EXPENDITURE OF THE DEPARTMENT

17. With the turbulence caused by the reorganisation in the Department we have found scrutiny of expenditure far from straightforward. Examination of the Department's and the Homes and Communities Agency's annual reports and accounts for 2010–11 was especially frustrating in that subsequent changes had so overtaken the material in the reports as to make them redundant.

18. As we have noted, the upheaval of 2010–11 has allowed some in the public sector to have an exemption from close scrutiny but it has also—for legitimate reasons as policies have radically changed—blunted one of the main tools of scrutiny: the comparison with previous years and the facility to draw conclusions from trends.

19. The department's first Supplementary Estimate has recently been presented on the new "aligned basis", where the Resource and Capital sums authorised by parliament are the annual budget limits agreed with Treasury.³⁹ Preliminary indications are that the data are more intelligible than previously. We have yet to see if the old bureaucratic mindset of swamping committees with every possible piece of data rather than highlighting the key figures has become a thing of the past.

EXECUTIVE AGENCIES, NDPBs, REGULATORS AND OTHER ASSOCIATED PUBLIC BODIES

20. The largest agency by far within the Department's family is the Homes and Communities Agency. We have taken evidence from representatives from the Agency on inquiries into policy matters and at one of the sessions on the work of the Department. We have announced that we intend to take evidence from the Local Government Ombudsman and intend to take evidence from her within the next few weeks.⁴⁰

PRE-APPOINTMENT HEARINGS

21. We carried out one pre-appointment hearing for the Government's preferred nominee for Chair of the Homes and Communities Agency Regulation Committee.⁴¹ We found the procedure constructive and in this instance we recommended appointment of the nominee. We shall refrain from commenting on the adequacy of the procedure until we have carried out more hearings.

³⁵ Communities and Local Government Committee, First Report of Session 2010–12, *Proposed Code of recommended Practice on Local Authority Publicity*, HC 666.

³⁶ HC (2010–12), para 159; *Government response to the Communities and Local Government Select Committee's Report: Localism*, Cm 8183, September 2011, para 67.

³⁷ *Government Response to the Communities and Local Government Select Committee Audit and Inspection of Local Authorities*, Cm 8209, October 2011.

³⁸ Communities and Local Government Committee web pages: www.parliament.uk/documents/commons-committees/communities-and-local-government/031%202012-01-19_comparison_CLG_COMMITTEE_REPORT%20NOTE%20BY%20ADVISERS%20v2-0.pdf

³⁹ Department for Communities and Local Government, *Explanatory Memorandum: Spring Supplementary Estimate 2011–12*, January 2012, www.publications.parliament.uk/pa/cm201012/cmselect/cmcomloc/springsupp.pdf

⁴⁰ "MPs to question the Local Government Ombudsman", Communities and Local Government Committee Press Notice, 21 February 2012.

⁴¹ Communities and Local Government Committee, Seventh Report of Session 2010–12, *Pre-appointment hearing for the Government's preferred nominee for the Chair of the Homes and Communities Agency Regulation Committee*, HC 1612.

LOOKING FORWARD

22. The Committee will continue to examine emerging policies but expects in 2012–13 to shift towards the scrutinising the results of the policies which have been developed and put in place by the Department. In addition, we plan to scrutinise parts of the Department's responsibilities which we were not able to examine because of the pressure to review emerging policies.

MEDIA

23. In the last parliament our predecessor Committee struggled to secure substantial media coverage for many of its inquiries outside the specialist local authority press, not least because at that stage no national paper or broadcaster retained a dedicated local government correspondent. During the current parliament, the Localism agenda, housing reforms, the impact of austerity on local government and the planning reform process have helped substantially to alter the priorities of many news editors. Consequently, with a string of highly topical, evidence-based inquiries, the Committee has been able to greatly enhance its profile and secure much more coverage for its work. In particular, our inquiries into *Localism*, the *Abolition of Regional Spatial Strategies, Regeneration* and the *National Planning Policy Framework* all enjoyed extensive high profile media coverage in all parts of the UK media. Experience in this parliament has also demonstrated that tightly focused short inquiries such as that where we examined the *Proposed Code of recommended Practice on Local Authority Publicity*, can also earn significant media attention.

21 March 2012

Written evidence from the Defence Committee

Since the beginning of the Session, the Defence Committee has published 10 substantive Reports, and 10 Special Reports including the Government's responses, on a range of subjects.

We have sought to carry out all the "core tasks" of Departmental Committees as appropriate, but the unusual nature of the Ministry of Defence (MoD) means that some of these are less relevant to us than they may be to other Committees. For instance such agencies as remain within the ambit of MoD tend to be small so that "monitoring the activities of Executive Agencies, NDPBs, regulators and other associated public bodies" would probably involve disproportionate effort.

The most notable events affecting the MoD this session have been the continuing operations in Afghanistan, the operations in Libya, the Comprehensive Spending Review, the Strategic Defence and Security Review (SDSR) and the report of the Levene inquiry into Defence Reform. The last three of these have had major implications for the Armed Forces and the civilian staff of the Department which have not yet fully worked through. Other developments have included the passage of the Armed Forces Act.

Naturally enough, some of our major inquiries have mainly reflected the defence major events of the period. We have published Reports on operations in Afghanistan and Libya. Of our two Reports into the SDSR, the first criticised its methodology and conduct and the second led us inexorably to the alarming conclusion that its implementation is likely to leave the Armed Forces unable to carry out the tasks asked of them after 2015 (a conclusion which the Government dispute).

We have continued to carry out work on the Department's Reports and Accounts and, with the help of the Committee Office Scrutiny Unit, on its Estimates. This apparently dry and routine work has produced some interesting results. The Department's Accounts have now been qualified by the Comptroller and Auditor General for five successive years, and his efforts and our own to persuade the Department to adhere to the Government's accounting rules have so far proved fruitless. We have drawn attention to this, and will continue to do so as long as necessary. We have also drawn attention to a number of deficiencies in the Department's stock control and to the level of theft from military establishments. We have questioned the "business and impact indicators" used in the Annual Report and Accounts, which claimed that "progress towards a stable and secure Afghanistan" stands at 88%: when asked to explain this, the MoD explained that this figure related to the achievement towards ISAF's targets for the build-up of the forces of the Afghan Government, but it is not made clear in the Annual Report and Accounts and is by no means an obvious measure.

In the course of our work we have been frustrated by the Department's continued inability or unwillingness to provide even estimated figures for the full cost of military operations rather than the additional cost. This has been noticeable not only in our inquiries into the Report and Accounts and Estimates but also in those into operations in Afghanistan and Libya. We shall continue to pursue the matter.

The MoD is responsible for little legislation, which means that the Committee has little scope for either pre- or post-legislative scrutiny. Nonetheless, the quinquennial *Armed Forces Bill* fell due in 2011. It was, as usual, committed to an *ad hoc* Select Committee, which was chaired by the Chair of the Defence Committee and included several other Members of the Committee.

One of the most significant results of the legislation was to make it a statutory requirement on the MoD to report annually to Parliament on the operation of the Armed Forces Covenant. The Committee has now embarked on a series of inquiries into different facets of the Covenant and will probably also take evidence on the annual report on the Covenant.

As a component part of the Committee on Arms Exports Control, our Second Report of the Session was on *Scrutiny of Arms Export Controls (2011): UK Strategic Export Controls Annual Report 2009, Quarterly Reports for 2010, licensing policy and review of export control legislation.*

We have always regarded it as part of our function to make regular visits to defence establishments, inside and outside the UK, both in the course of particular inquiries and for our wider education. Most notable in the last session have been our visits to Afghanistan and to the Falkland Islands.

While we yield to no-one in our admiration for the professionalism, sacrifice and stoicism of Armed Forces personnel and their families, we have not always received from the Ministry of Defence the co-operation to which Select Committees are entitled, and this has delayed and hindered our work. As an example, our inquiry into Operations in Afghanistan took longer than had been expected as a result of the reluctance of the Ministry of Defence to explain fully the chain of events which resulted in the UK's military involvement in Helmand Province in Afghanistan in 2006. As a result of this, we felt obliged to summon retired Secretaries of State and retired senior military personnel, all of whom proved more helpful than their successors had been. As a result of this additional evidence, we concluded that the implications of the decision to move UK Armed Forces into Helmand had not been fully thought through, and in particular that the potential risk to Armed Forces Personnel had not been properly calculated. On another inquiry we were told that the witness we sought was not the appropriate person only to be told by his replacement and the Minister at the evidence session in question that they were surprised he was not there. Lastly, departmental replies to reports are usually very defensive, often late, and show little appetite for a dialogue with the Committee.

We find the MoD inclined to cite security considerations in order to deprive us of the information we need. We were, for instance, refused access to the Chief of Staff Minutes for 2006, to which a number of our witnesses referred. We cannot think that access by us to these five-year-old documents could in any way endanger security and we hope that in future the Department will be more forthcoming.

The extent to which we have been able to inform debate in the House has been limited by the paucity of opportunities for such debate. Until this session, five days a year were allocated to defence debates, but these days have been transferred to the Backbench Business Committee for allocation. As a result between September 2010 and January 2012 there was no general debate on defence on the floor of the House despite our repeated requests to that Committee. It has been suggested that we should apply instead for debates in Westminster Hall, but we do not believe this is appropriate, particularly when the UK's Armed Forces are engaged on operations. We have submitted a Memorandum to the Procedure Committee expressing our views.

Our concrete plans for the future include the next stages of our inquiries into the Armed Forces Covenant (Armed Forces Accommodation), and inquiries into future maritime surveillance, cyber security and defence acquisition. Another matter which may demand urgent attention is the basing review, and of course there would be major defence implications should the result of the forthcoming referendum in Scotland foreshadow independence.

We have given some thought as to how we may make a distinctive contribution to the scrutiny of defence matters. We intend that some of our inquiries should in future be less tied to critiques of the Department's current policies and more directed to establishing the strategic direction these policies should take. We are considering, with our specialist advisers (to whom we are very grateful for this, as for other work), how this may best be achieved. One idea which has already emerged is the possibility of commissioning independent research into areas of interest.

We have also begun a series of inquiries into "emerging threats", which may help us to influence departmental thinking at an early stage and before it ossifies. We have published the result of the first of these, the Report on *Emerging Threats: Electro-magnetic Pulses (EMP)*; our second inquiry, into cyber-security, is in progress. Both these inquiries have involved the Committee in seeking evidence from more than one Government Department, and the EMP inquiry exposed that the Government does not appear to have a coherent policy for combating the effects on our critical national infrastructure either of severe adverse solar weather or of a deliberately-caused high-altitude nuclear explosion. The publication of this Report was followed by an increase in media coverage of the risks to which the Committee drew attention, and the inclusion of solar flares as a "newly assessed risk" in the 2012 edition of the National Risk Register.

The Committee has found seminars, at which we can exchange ideas with, and be briefed by, experts on a confidential basis, to be a useful tool. We held one at the end of 2010 at the Royal College of Defence Studies and hope to hold another in the autumn of 2012. We would prefer to hold such seminars outside London, since they are then less open to disruption by events in the House, but this is, of course, a more expensive option.

In an attempt to be more effective, we have attempted to be more reflective and self-aware as we go about our work. To this end we have introduced several changes into our practices including: planning inquiries further in advance and allocating time more precisely to each; paying more attention to the allocation of questions to individual Members before each evidence session; "taking stock" sessions in respect of inquiries

as they progress; an intention to conduct short follow-up inquiries six months after a government reply has been received, and regular wider planning sessions. Naturally we maintain sufficient flexibility to address unexpected developments (as we did with the Libyan operations) as they arise.

27 March 2012

Written evidence by the Education Committee

This paper assesses the Education Committee's effectiveness to date and its objectives for remainder of the Parliament. In so doing it covers the points suggested by the Liaison Committee.

1. THE MAIN ACHIEVEMENTS AND HIGHLIGHTS OF THE SESSION

A flurry of new policy initiatives, reviews and legislation in the education field since May 2010 has enabled the Committee to conduct several substantial, topical inquiries this session. We have published a number of reports which have been welcomed by the education sector, several of which also attracted significant media attention, stirred up public debate or effected policy change. Our report on *The English Baccalaureate* in July 2011 was particularly timely as it gave us an opportunity to air misgivings amongst some sections of the education community about the timing and manner of the measure's introduction. We were also pleased that the Government accepted and implemented most of the recommendations in our report on *The role and performance of Ofsted*.

We have held a couple of one-off evidence sessions which have generated high media interest and raised the Committee's profile: perhaps most notably taking evidence from celebrity teachers and pupils from hit Channel 4 series *Jamie's Dream School* in June 2011. Where an opportunity arises, we have sought to help government or other organisations to make progress on a difficult issue. In this regard, our evidence session on the College of Social Work, and subsequent recommendations to the Minister, seemed to bear fruit. We were able to bring together at the evidence table two organisations which had reached an impasse and make some firm recommendations, initially in private, to the Minister as to how to move the situation forward. One concrete result was that we secured the publication of a previously disputed memorandum of understanding between the College and a union.

In addition to evidence-taking and publishing reports, a particular achievement of the session has been our pursuit of innovative ways of working. This has included consulting young people via internet forums, holding structured round-table events with front-line inspectors, teachers and examiners, and asking the public to submit questions for the Secretary of State via Twitter (see section 3 for further details).

2. THE IMPACT THE COMMITTEE HAS HAD (PARTICULARLY IN RELATION TO ITS "CORE TASKS")⁴²

Objective A: *To examine and comment on the policy of the Department for Education*

Policy scrutiny, relating to Objective A, has formed the bulk of our workload. We have been careful to scrutinise policy proposals arising from both of the major areas of departmental responsibility. We have done this with education/schools with major inquiries on Ofsted, behaviour and discipline, the English Baccalaureate, teachers and examinations; and with children and young people with major inquiries on youth services, 16–19 participation and child protection. We have pressed government on its responses to our reports, where we feel they have been inadequate—for instance publicly requesting further information following its response to our youth services report—and have followed up our recommendations in subsequent evidence sessions with Ministers. We have begun the process of requesting an update on the recommendations of each of our major reports on the one-year anniversary of their publication.

In addition to these eight long-term inquiries we have taken and published evidence on a range of other policy topics, to ensure that we cover the maximum possible ground in our work programme. These have included building schools for the future, health visitors, school admissions, looked-after children, and (on regular occasions) the responsibilities of the Secretary of State. In addition, we have examined green and white papers and policy reviews published by government in a timely fashion, in order to contribute our analysis to the policy process. These have included the schools white paper, *The Importance of Teaching*, the Wolf Review of vocational education, the Munro Review of child protection, and the Special Educational Needs green paper.

The Committee has placed a premium on accessing expert advice, drawing regularly on the advice of two eminent standing advisers on education, Professor Alan Smithers and Professor Geoff Whitty CBE, and has recently appointed two counterparts on children's services, Marion Davis and Professor David Berridge. We have also appointed six specialist advisers to individual inquiries. The shape of our inquiries and the robustness of our reports have benefitted from their guidance, and their links with academics and practitioners have helped us to ensure that our recommendations are workable. In addition, we have pursued occasional private briefings with experts on subjects including performance measurement, accountability systems in secondary schools and computing for schools.

⁴² Objectives and core tasks for Select Committees are set out by the Liaison Committee.

Objective B: *To examine the expenditure of the Department for Education*

We have taken seriously our role in relation to financial scrutiny. With help from the Scrutiny Unit, we have on several occasions sought clarification in writing from the Department on a number of points arising from their estimates statements and memoranda, and from the Departmental Annual Report.

We held two evidence sessions in November 2010 investigating the Spending Review Settlement for the Department for Education, the second session with the Secretary of State and (then) Permanent Secretary.

In February 2011 we invited experts from the Institute for Fiscal Studies (IFS) and the London School of Economics (LSE) to speak with us in a private seminar. This was very helpful in unpicking the policy relevance of some of the more obscure financial settlements.

Objective C: *To examine the administration of the Department for Education*

In seeking to understand the current challenges to running of the Department, we decided to depart from committees traditional practice simply of taking oral evidence from the permanent secretary on the departmental annual report. Accordingly we visited the Department in September 2011 and spoke with the Permanent Secretary and members of the Executive Board, and requested the opportunity to walk around the offices and speak with staff in a variety of policy areas. This helped us greatly in understanding, amongst other things, the relative deployment of human resources to different policy areas. We intend to return for a further visit in 2012.

In September 2011 we took oral evidence on the administration of the department from the four non-executive board members and senior external commentators.

We have carried out pre-appointment hearings with the government's preferred candidates for both of the posts for which we are responsible—HM Chief Inspector of Schools (in November 2011) and the Chief Regulator of Qualifications and Examinations (in February 2012)—and reported to the House our views on their suitability.

Objective D: *To assist the House in debate and decision (including links with the Chamber, Westminster Hall and elsewhere in Parliament)*

We continue to produce good-quality, considered reports suitable for debate in the Chamber and in Westminster Hall and, where relevant, tag them for debate. We secured Westminster Hall debates on our predecessor committee's report on Sure Start children's centres in March 2011 and on our report into youth services in March 2012.

In May 2011 we were asked for and provided an Opinion on a European Commission Communication and draft Council Recommendation on reducing early school leaving.

We also continue to receive and consider a steady stream of petitions, on behalf of the House.

Where relevant, we have ensured our work contributes to that undertaken elsewhere in the House. To this end, we are currently engaged in post-legislative scrutiny of the Education and Inspections Act 2006, the Childcare Act 2006 and the Children and Adoption Act 2006. Committee staff contributed policy briefing for the Education Bill Public Bill Committee in 2011, and several of us served on that Committee.

3. INNOVATIVE WORKING METHODS AND ENGAGING THE PUBLIC

The Committee has won plaudits within the House and publicly for various innovative working methods. In early 2011 we established and ran for two months an online consultation with young people about youth services, in partnership with student website *The Student Room*. This generated over 200 postings which provided weight to our recommendations.

For three major inquiries—into Ofsted, teacher supply and training, and examination boards—we recruited front-line professionals (inspectors, teachers and examiners) to attend private half-day seminars in Westminster. Recruiting through advertisements in the *Times Educational Supplement*, we held three very lively events enabling us to hear directly from those with the most relevant experience. These sessions were amongst the most formative in our evidence-taking.

To engage better with the public and inform oral evidence with the Secretary of State in January 2012 we set up a Twitter feed (#AskGove) and asked the public to submit questions. This was a hugely successful experiment, generating over 5,000 responses, many of which we put to the Minister in evidence.

We have been conscious of the danger of becoming Westminster-centric and ensured that we visit or take evidence around the country as much as possible. We have conducted seven such visits, in Leicester, Birmingham, Barnsley, Tyneside, Rugby, York and Doncaster, and taken evidence in York in February this year.

Looking ahead, we intend to explore further possibilities for different ways of working, likely to be centred around continuing use of visits outside London, the use of social media, and a possible seminar series.

4. ISSUES ARISING RELATING TO SCRUTINY AND ACCOUNTABILITY FOR THE LIAISON COMMITTEE TO CONSIDER

We have not had any noteworthy difficulties in securing evidence, witnesses or information, from government or from civil society organisations. Ministers have been courteous and made themselves available on request.

In conducting two pre-appointment hearings, we have been somewhat frustrated by the lack of clarity about our role in the appointment process, and the extent to which we do or do not have the power to reject the government's preferred candidate. We suggest that the Liaison Committee might want to return to the question of whether committees can add real value unless there is a presumption that their recommendation will be followed by ministers.

5. THE COMMITTEE'S PERFORMANCE TO DATE AND ITS PRIORITIES AND OBJECTIVES FOR THE REMAINDER OF THE PARLIAMENT

We believe we have been effective this session, both in terms of bringing thoughtful challenge and analysis to significant policy changes, and in raising the public profile of areas where government action has been deficient or controversial. We have held periodic discussions about our ways of working with the aim of improving our performance, and will continue to do so.

Our output is high. We have held 72 formal meetings, and 58 oral evidence sessions, quite often meeting twice a week to take evidence. Our overall commitment and enthusiasm is demonstrated through good attendance. Attendance at formal evidence sessions has averaged 79%, no member has fallen short of the 60% rule, and there is strong representation on our frequent visits and private meetings. Another strength is our consensual working: across the whole session and numerous controversial subjects we have had only one division on a report.

We have placed importance on our wider information-gathering role, outside formal evidence-taking. To this end, we have made efforts regularly to visit schools and children's services to talk to children and professionals, and believe these activities have improved the credibility of our recommendations. Two international visits—to Finland and Germany in February 2011, and to Singapore in February 2012—have enabled us to learn from the best schools systems around the world, and helped us to evaluate the validity of the Department's frequent use of international comparisons. To save money, we travelled economy. We will continue to cast our net wide in gathering information, for instance through a forthcoming event planned with children and young people as part of our child protection inquiry.

In addition to continuing to produce well-balanced reports on a range of subjects relating to education, children and young people, we would like to develop the following areas in the remainder of this Parliament:

- to improve follow-up of previous reports and recommendations: for example through consideration of major reports at their one year anniversary, with a presumption that we will expect a memorandum update from department;
- to improve financial scrutiny: for example using external experts in policy and expenditure better to understand the policy implications of departmental spending;
- to continue to conduct visits and informal meetings away from Westminster, both to ensure that we gather a range of views, and to be engaging visibly around the country; and
- to review periodically our ways of working and continue to innovate where appropriate.

6. DEMONSTRATING OBJECTIVELY TO OTHERS THE EFFECTIVENESS AND VALUE OF THE COMMITTEE'S WORK AND ITS CONTRIBUTION TO ACHIEVING BETTER GOVERNMENT

As individuals and collectively we will continue to represent the Committee regularly at external engagements and conferences, such as the frequent seminars organised by the Westminster Education Forum, and to use such events to draw our work to the attention of the public and professionals. Similarly we will continue, where appropriate, to promote the Committee's work through articles, commentary and interviews in media and trade press. We will also ensure that our website is easy to access and navigate.

Written evidence by the Energy and Climate Change Committee

The remit of the Energy and Climate Change Committee, as set out in Standing Order No 152, is to examine the expenditure, administration and policy of the Department of Energy and Climate Change (DECC) and its associated public bodies.⁴³

OUR OBJECTIVES FOR THE SESSION

During the Session the Committee scrutinised DECC's key priorities in conjunction with the core tasks. The Core Task table is included for review in the Annex of this memorandum. DECC's "key priorities" are:

- save energy with the Green Deal and support vulnerable consumers;
- deliver secure energy on the way to a low carbon energy future;
- drive ambitious action on climate change at home and abroad; and
- manage our energy legacy responsibly and cost-effectively.⁴⁴

We have made it our particular objective in this Session to be forward thinking and to play a role in the development of policies, alongside the more traditional Select Committee focus on scrutiny with hindsight.

For example, DECC's *Electricity Market Reform* (EMR) policy is the most radical change to the UK energy market for a decade and is fundamental to DECC's priority to "deliver secure energy on the way to a low carbon energy future". The Committee has held two inquiries on EMR, with our first Report published shortly after the Government issued its consultation. Our recommendations fed directly into the Government's plans that were set out in its White Paper. Our Report received good coverage and was debated in Westminster Hall. Since then, we have looked again at DECC's Technical Update on EMR and we are preparing to participate in pre-legislative scrutiny if the bill is published in draft form.⁴⁵ In this way, we hope to have contributed to these important reforms from start to finish. Tom Greatrex MP, shadow minister for energy and climate change, welcomed our Report on EMR in a debate on the Report in Westminster Hall:

*I welcome the report and the clarity that it brings, because it puts very technical issues into relatively plain English. I congratulate the Select Committee on doing that.*⁴⁶

Our second major objective for this Session has been to influence public debate and practice directly, rather than solely through our recommendations to Government. In particular, we have developed our role in holding the major energy companies to account. The Committee has championed the needs of the consumer within an energy market dominated by the "Big Six". The Big Six energy companies have appeared before the Committee on four occasions. The Committee's evidence session on 28 June 2011 questioned three of the Big Six energy companies on doorstep selling.

The third aspect of our work has been to be flexible enough to respond to major events as they happen, rather than be hide-bound by our forward programme. We have often met two or three times a week in order to facilitate this and we have consistently had good attendance for meetings. For example, we responded quickly with an inquiry on deepwater drilling after the Deepwater Horizon disaster and we held one-off sessions on nuclear safety after the tragedy in Fukushima. We also held evidence sessions with the Big Six energy companies at short notice after they announced price rises, so that our work would be responsive and relevant to the public.

EVIDENCE AND INQUIRIES

This Session, the Committee has undertaken 18 long-term inquiries, 11 one-off evidence sessions and held informal briefings with the Met Office, Committee on Climate Change and consumers groups. The Committee has held 79 formal meetings and taken oral evidence at 61 of these sessions.

The Committee arranges its business so as to allow its recommendations and conclusions to feed into policy formation, for example by publishing relevant Reports during Government consultations, as was the case with the Solar Power Feed-in Tariffs (our Report was published jointly with the Environmental Audit Committee) and Electricity Market Reform inquiries.

To participate in the wider global issues of climate change, the Committee has sent a representative to the UNFCCC Conference of the Parties (COP) meetings in Cancun and Durban. To engage effectively in the COP process, participants have also attended pre-COP meetings facilitated by GLOBE International. These have proven to be a very useful mechanism for presenting observing legislators viewpoints to the UNFCCC. Attendance at COP meetings has helped inform the Committee and the international debate.

⁴³ The Chair, Mr Tim Yeo MP, was elected on 9 June 2010. The remaining Committee membership was nominated on 12 July 2010, with a change of membership in November 2010.

⁴⁴ http://www.decc.gov.uk/en/content/cms/about/our_goals/our_goals.aspx

⁴⁵ We planned to look at a draft Energy Bill in this Parliament, but the Government's timetable seems to have slipped and it has not been published. Our hope is that the bill will be introduced as soon as possible after the Queen's Speech. However, if it is not introduced in May, we keenly anticipate the chance to contribute through pre-legislative scrutiny.

⁴⁶ Tom Greatrex (Rutherglen and Hamilton West) (Lab/Co-op), 3 November 2011: Column 378WH.

The Committee has also held informal meetings with delegations from China, Africa, Italy and the New Zealand UNFCCC negotiators.

The Committee visited Orkney in connection to its inquiry into the future of marine renewables in the UK. This visit provided valuable information regarding the enthusiasm of local residents to engage with marine renewables technology and problems with grid connection. DECC acknowledged in evidence to the Committee that the grid connection was vital to wave and tidal power in the UK. The Committee recommended that the Government's investment in new grid connections keeps pace with development of the industry.

COMMITTEE IMPACT AND EFFECTIVENESS

During the Session, the Committee has developed a distinctive voice in public debate on energy and climate change and succeeded in influencing policy and practice in a number of ways.

Firstly, our recommendations have influenced the Government in its policy decisions. The Committee has also undertaken a systematic analysis of all the recommendations put to the Government. Of these, over 60% have been either fully or partially agreed. As well as positive responses in the Government's replies to our Reports, our influence has been acknowledged in oral evidence with the Department.

For example, one of the Committee's recommendations for the EMR inquiry was that Contracts for Difference (CfDs) should be differentiated to provide tailored support for different kinds of low carbon technology. This recommendation was accepted by the Government, and will inform the content of the new Energy Bill.⁴⁷ Jonathan Brearley, Director of Energy Markets and Networks at DECC told us that our work on Electricity Market Reform had influenced the design of a feed-in tariffs for major low-carbon generation:

*We did say in the White Paper that we would differentiate. In response in part to the Committee's recommendations, we would differentiate between different types of technology.*⁴⁸

Secondly, we have seen our work take up a prominent place in public debate on energy and climate change issues. Our media coverage has been extensive and we have been in constant communication with the Chief Executives of the most important stakeholders in our field.

This work has led to some tangible outcomes. For example, our inquiry on *Ofgem's Retail Market Review* and our regular oral evidence sessions with the Big Six have changed the way that the companies do business. When Scottish and Southern Energy PLC (SSE) announced changes to its energy pricing policies, it cited our Report:

"Many consumers are bamboozled by the number of available tariffs from the whole energy industry." (Energy and Climate Change Committee, July 2011).

One clear illustration of our influence followed our work on the sales practices of the major energy companies. After we questioned the CEOs of the Big Six, the issue of mis-selling of energy contracts was brought to public attention. Following our session in July 2011, SSE (Scottish and Southern Energy plc) decided to suspend all of its doorstep sales activity in Great Britain, which is clear evidence of the Committee's effectiveness in protecting the consumer. The other energy companies have now followed this example. The Committee has been instrumental in ensuring the end of doorstep selling by the energy companies.

CORE TASKS FOR SELECT COMMITTEES

Examples of how the Committee has worked to fulfil the core tasks, and a table showing how each of the Committee's inquiries and meetings have worked to the core tasks, is provided in the Annex to this memorandum.

27 March 2012

Annex I

CORE TASKS

The Committees objectives are to be strategic in our approach to hold DECC to account, but to also contribute to the wider energy and climate change debate. We have undertaken an analysis of inquiries and recommendations and detailed below are a few examples of our effectiveness within the core tasks set by the Liaison Committee.

CORE TASK 1: TO EXAMINE GOVERNMENT AND EU POLICY PROPOSALS

The Committee has scrutinised both UK Government and EU policy proposals.

It is impossible to consider energy and climate change issues for the UK without taking European matters into account and we make it our aim to visit the EU institutions in Brussels twice a year.

⁴⁷ The Government White Paper "Planning our electric future: a White Paper for secure affordable and low carbon electricity" published in July 2011, and the subsequent Electricity Market Reform (EMR) technical update in January 2012, have been considered by the Committee in two inquiries.

⁴⁸ HC 1781-ii. Q 135.

Much of the UK's energy, environmental and climate change legislation derives from EU Directives. European legislation cuts across much of the Committee's work, whether it be the implications of the Environmental Liability Directive for an oil spill in the North Sea, or the sustainability criteria for bioenergy required by the Renewable Energy Directive and the Fuel Quality Directive. When exploring energy security, the Committee has to take into account both Europe as a bloc and Europe as a collection of nation states.

The Committee has participated in the Informal Political Dialogue with the European Commission, sending its recent Report on the EU Emissions Trading System to Commissioner Hedegaard and to a number of MEPs. Publication of the Report was timed to precede an important vote in the European Environment Committee and in European Parliament. Many of the recommendations in the Report advised the Government on actions it should be taking as an active EU Member State.

The Committee undertook an inquiry into *UK Deepwater Drilling—Implications of the Gulf of Mexico Oil Spill*, which looked at the consequence for the UK. The Committee recommended that the Government improve co-ordination via the Offshore Industry Advisory Committee and that there should be no moratorium on deepwater drilling in the UK. These recommendations were accepted by the Government. We were contacted by the office of Commissioner Oettinger to explain our views.

The Committee's inquiries into the UNFCCC Conference of the Parties and UK Deepwater Drilling, have informed effective scrutiny of EU regulations on the mechanism for monitoring greenhouse gas emissions and the European Commission's proposed Regulation on safety of offshore oil and gas prospecting, exploration and production activities. The European Commission's proposed oil and gas regulation was considered by EU Committee A on 28 February 2012 and Sir Robert Smith MP served on the Committee.

CORE TASK 2: TO IDENTIFY AND EXAMINE AREAS OF EMERGING POLICY, OR WHERE EXISTING POLICY IS DEFICIENT, AND MAKE PROPOSALS

The Committee has worked on identifying emerging policy and the recommendations made have successfully shaped outcomes. Examples of these include our *European Supergrid* and *EU Emissions Trading System* Reports. More specifically, our *Shale Gas* Report recommended that DECC monitor the current drilling activity in the UK as it is in its early stages. This is to assess the likely environmental impact of large scale shale gas extraction in the UK and to promote public confidence in the regulation of the activity.

The Committee has also done retrospective work and identified deficient policies which the Government has subsequently addressed. For example, the Government took on board some of the concerns raised in the *Solar Power Feed-in Tariffs* Report and acknowledged that changes to tariffs could have been better handled. There is still action being taken on this particular case, therefore not all recommendations have been addressed.

CORE TASK 3: SCRUTINY OF DRAFT BILLS

The Committee planned to undertake pre-legislative scrutiny on the forthcoming Energy Bill within this Session, but no draft bill was published. The Committee did scrutinise the technical notes on the Electricity Market Reform and is keen for the Government to introduce the Energy Bill as soon as possible in the next Session. We have corresponded regularly with the Secretary of State and met with officials on this matter.

CORE TASK 4: TO EXAMINE OUTPUT FROM THE DEPARTMENT IN DOCUMENTS OR OTHER DECISIONS

The Committee held an inquiry into the *Revised National Policy Statements on Energy* in November 2010. This was in accordance with the requirement in the Planning Act 2008 that prior to coming in effect each National Policy Statement must be subject to parliamentary scrutiny. The six National Policy Statements on Energy were allocated for scrutiny by the Liaison Committee on 28 October 2010. The Committee's report was tagged to the National Policy Statement debate on 1 December 2010, when the NPSs were approved by the House.

The Committee also held a one-off evidence session on 9 June 2011 to investigate the findings of Dr Mike Weightman's interim report *Japanese Earthquake and Tsunami: implications for the UK nuclear industry*. The events in Japan had led to a period of uncertainty for the UK nuclear industry and the then Secretary of State for DECC (Chris Huhne MP), on publication of the report, announced that roll-out of new nuclear generation would go ahead in accordance with plans set out in the Energy National Policy Statements. The Committee's evidence session received good media coverage from specialist nuclear press and assisted in conveying Dr Weightman's findings for the UK nuclear industry to a wider audience.

CORE TASK 5: TO EXAMINE EXPENDITURE PLANS AND OUTTURNS OF THE DEPARTMENT, ITS AGENCIES AND NDPBs

As the core tasks table in Annex II shows, much of the Committee's work includes examining expenditure. The Committee has also undertaken explicit financial scrutiny of the Main and Supplementary Estimates for the Department of Energy and Climate Change and Ofgem. The Scrutiny Unit provided the Committee with a note on the accounts, which has been used to determine areas to investigate further with the Department, such as the amount of funding allocated for carbon capture and storage in this Spending Review Period and the

next. Financial scrutiny information has been useful for cross-cutting one-off evidence sessions, especially with the Secretary of State in November 2011.

CORE TASK 6: DEPARTMENT PUBLIC SERVICE AGREEMENTS

Public Service Agreements are no longer in operation. The work of DECC is now linked to the four “key priorities”, and the Committee have carried out inquiries which scrutinise these priorities. The Committee has also undertaken a systematic analysis of recommendations put to the Government. and of these, over 60% have been either fully or partially agreed.

We will continue to assess the work of the Department in line with the “key priorities” during the Parliament.

CORE TASK 7: TO MONITOR THE WORK OF THE DEPARTMENT’S EXECUTIVE AGENCIES, NDPBs, REGULATORS AND OTHER ASSOCIATED PUBLIC BODIES

The Committee regularly engages with public bodies, including the Committee on Climate Change and the energy regulator, Ofgem. This is done through public evidence sessions for specific inquiries, as well as through smaller, informal, meetings. For example, the Committee Chair and staff met with Ofgem representatives to discuss Ofgem’s retail market reform and liquidity proposals. The Environment Agency has also given evidence for the UK Deepwater Drilling and the Shale Gas inquiries. Additionally, Consumer Focus has given evidence on various occasions, including on the Fuel Poverty inquiry.

CORE TASK 8: TO SCRUTINISE MAJOR APPOINTMENTS MADE BY THE DEPARTMENT

The Committee has yet to find an opportunity to scrutinise major appointments made by the Department. However, we have agreed to conduct a pre-appointment hearing for the new Chair of the Committee on Climate Change now that Lord Turner has announced his retirement. This should take place before the end of the Session.

CORE TASK 9: TO SCRUTINISE THE IMPLEMENTATION OF LEGISLATION AND MAJOR POLICY INITIATIVES

The Energy Act 2011 was passed during this Session the Committee has contributed to the scrutiny of this legislation with many of our inquiries. The evidence session with the Secretary of State in November 2011 brought together a number of issues associated with the Energy Act, which we considered in previous inquiries, such as the Green Deal, and fuel poverty. A Member of the Committee also served on the Energy Bill 2011 Public Bill Committee.

In the UK, Shale gas exploration and exploitation is at a very early stage and could be a valuable resource to deliver security of supply. The Committee was keen to look into this area and our shale gas inquiry incorporated a visit to Austin, Texas, where we met the state environmental regulator who presented their work on monitoring methane leaks from shale gas drilling and production. This is an important issue, as methane is a potent greenhouse gas. The potential importance of this issue would not have been highlighted to us had we not visited the USA, where they have many years’ experience with regulation of shale gas.

The Feed-in Tariffs (FITs) scheme was introduced on 1 April 2010, under powers in the Energy Act 2008. The introduction included a review to take place in March 2012. The Government announced on 31 October 2011 a reduction in the feed-in Tariff with effect from 12 December 2011. The Committee undertook a joint inquiry with the Environmental Audit Committee to review the Government’s changes to the solar power feed-in tariffs. The Committees’ recommendations expressed concern at the process for changing the feed-in tariffs, but agreed that the review originally planned for March 2012 should have taken place. The process for revision of feed-in tariffs is currently subject to judicial review.

The role of post-legislative scrutiny is important to assess the impact of legislation passed by the House. DECC legislation subject to post-legislative scrutiny is:

- Energy Act 2008—deadline for post-legislative scrutiny 21 July 2015.
- Climate Change Act 2008—deadline for post-legislative scrutiny 21 July 2013. This has been delayed to Spring 2015.

The Committee is disappointed by the delay in post-legislative scrutiny for the Climate Change Act 2008 and has raised this issue with the Department.

The Committee will continue to review the impact of legislative changes during the Parliament.

CORE TASK 10: INFORMING DEBATES IN THE HOUSE

The subject area of energy and climate change has featured on numerous occasions in the House. The Committee has had seven tags to debates in the Chamber and seven tags to Westminster Hall debates. It also had a debate on one of its reports in Westminster Hall.

CHAMBER

<i>Date of Debate</i>	<i>Debate subject</i>	<i>Report or evidence tagged</i>
1 December 2010	Draft Energy National Policy Statements.	Report on The proposals for National policy Statements, Session 2009–10 (HC 231) and the Government response, and Minutes of evidence from 30 November 2010, Session 2010–12 (HC 648-i).
3 December 2010	Daylight Saving Bill: Second Reading.	Minute of evidence from 28 October 2010, Session 2010–12 (HC562-i).
11 January 2012	Energy prices and the cost of living.	Reports on Electricity Market Reform (HC 742) and the Government response (1448), and Ofgem’s Retail Market Review (HC 1046) and the Government response (HC 1544).
25 January 2012	North Sea oil and gas taxation regime.	Oral and written evidence on Implications for the North Sea Oil and Gas Industry of the Budget 2011 (HC 1018-i and ii).
5 March 2012	Jobs and Growth in a Low-Carbon Economy.	Report on the Future of Marine Renewables in the UK, Session 2010–12 (HC 1624).

WESTMINSTER HALL

<i>Date of Debate</i>	<i>Debate subject</i>	<i>Report or evidence tagged</i>
7 July 2010	Fuel poverty in rural Britain.	Report on Fuel Poverty, Fifth Report, Session 2009–10 (HC 424).
8 July 2010	Energy Security.	Report on the proposals for national policy statements on energy, Third Report, Session 2009–10 (HC 231).
19 January 2012	Fuel poverty.	Report on Fuel Poverty, Fifth Report, Session 2009–10 (HC 424) and the Government response.
28 February 2012	Energy suppliers and energy prices.	Reports on Electricity Market Reform (HC 742) and the Government response (1448), and Ofgem’s Retail Market Review (HC 1046) and the Government response (HC 1544).
29 February 2012	South West Marine Energy Park.	Report on the Future of Marine Renewables in the UK, Session 2010–12 (HC 1624).

Written evidence from the Environmental Audit Committee

Committees have been asked to submit their views to the Liaison Committee on their impacts over the 2010–12 Session and their aims for the remainder of the Parliament. The Environmental Audit Committee has agreed to provide the following memorandum.

THE MAIN ACHIEVEMENTS AND HIGHLIGHTS OF THE SESSION

A key achievement of the Committee has been, of necessity, to position itself as a more important component of the scrutiny architecture for sustainable development. Before our committee met for the first time in July 2010, the Government announced that it would withdraw funding for the Sustainable Development Commission, and bring in-house the role of embedding sustainable development in government. We produced two reports on the new sustainable development changes, including one in which we set down in detail how we would play our enhanced role in monitoring Government performance on sustainable development.⁴⁹ In response to our recommendations the Government has undertaken to develop a transparent review process to “sustainability proof” Departmental Business Plans. In April we will be taking further evidence from Environment and Cabinet Office ministers on progress on this agenda.

⁴⁹ First Report, *Embedding sustainable development across Government*, HC 504; Fourth Report, *Embedding sustainable development: the Government’s response*, HC 877.

Not being a “departmental” committee, we have not examined some aspects of the “core tasks”, notably the administration and expenditure of a particular department. Instead, our programme has focussed on key policy proposals within our sustainable development and environmental protection remit. We have in several inquiries examined Government policies at an early stage when more readily amenable to change. We examined DECC’s Carbon Plan proposals while still in draft, before a “final” version was published.⁵⁰ We examined the Green Investment Bank initiative before its design and structure were decided, and in doing so played a part in speeding up the Government’s work to secure EU State Aid clearance (after highlighting for the Government the experiences of the analogous German development bank) and prompted the Government to consider adding assistance to the Green Deal initiative to the Bank’s remit.⁵¹ We examined sustainable development aspects in the draft National Planning Policy Framework⁵² and changes to Solar feed-in tariffs⁵³ while Government consultations were underway.

As much as holding Government to account, we have also raised the profile of vital global issues. We reported on the Government’s preparations for the Rio de Janeiro Earth Summit on sustainable development (“Rio + 20”),⁵⁴ with a conscious effort to use the inquiry to signal how civil society and individuals need to become involved in the summit’s green economy and sustainable development governance issues. We will return to the Rio+20 agenda after the summit, but in the meantime we are organising a seminar on the issues at St Martin-in-the-fields in May.

We have worked closely with two other committees. Our inquiry on Solar feed-in tariffs was a concurrent inquiry with the Energy and Climate Change Committee. On the draft National Planning Policy Framework, we tailored our inquiry terms of reference to complement a separate inquiry on the NPPF by the Communities and Local Government Committee, and submitted our conclusions to that Committee in time for it to pick up our conclusions and recommendations in their own report.

As a committee with a departmentally cross-cutting remit—to examine sustainable development and environmental protection—it is not surprising that opportunities for such joint working arise. We have covered the work of six departments overall,⁵⁵ and many of our inquiries have involved examining the work of more than one department: eg the green economy⁵⁶ (BIS, Defra, DECC, Treasury), Green Investment Bank (BIS and Treasury), carbon budgets (DECC and BIS); solar feed-in tariffs (Treasury and DECC).

INNOVATIVE WORKING METHODS

In this Parliament, as was the practice before, we have benefitted greatly from significant assistance from the National Audit Office, and we are likely to need more input from the NAO on an on-going basis over the life of this Parliament. This is now more important than ever because we no longer have support from the Sustainable Development Commission after it was wound up a year ago. The NAO provide a monthly bulletin detailing developments on sustainable development, environmental protection and energy matters. The NAO has produced, at our request, very helpful briefs for our inquiries on Overseas Aid, Solar feed-in tariffs and the 10% Government departments’ 2011 emissions reduction target. More generally, the energy and environment team in the NAO also provide support similar to committee specialist advisers.

With the demise of the Sustainable Development Commission, we have sought to secure other advice networks. One of our specialist advisers, Prof Tim O’Riordan, has taken the lead in organising a network of academics with research interests in the sustainable development field, pulling together researchers from many universities and think-tanks. This network, which convened at Keele University for the first time in October 2011 with members of the Committee, is producing a database of sustainable development research to inform the Committee’s inquiry planning and support inquiries once these are underway. The Committee is also discussing similar opportunities for support with the Sustainable Development Research Network.

We have made it our practice this Parliament to undertake an annual visit to Brussels for briefings on upcoming European initiatives. Our third such visit will take place before the Summer recess. These visits have provided invaluable insights on how the European dimension on environmental issues might impinge on our inquiries. In other areas, however, we have had discussions via video-conferencing rather than undertake financially and environmentally expensive committee visits. We had an informal video-conference briefing from the UN’s Tariq Banuri in New York (at the beginning of our Rio+20 inquiry) and we took formal evidence from local project leaders and DfID officials in Tanzania (for our Overseas Aid inquiry).⁵⁷ We see this being a continuing important element of our work.

⁵⁰ Seventh Report, *Carbon budgets*, HC 1080.

⁵¹ Second Report, *The Green Investment Bank*, HC 505.

⁵² *Sustainable development in the National Planning Policy Framework*, Oral and written evidence, HC 1480.

⁵³ Tenth Report, *Solar power feed-in tariffs*, HC 1605.

⁵⁴ Eighth Report, *Preparations for the Rio+20 Summit*, HC 1026.

⁵⁵ BIS, DECC, Defra, DfID, Transport, Treasury.

⁵⁶ Inquiry underway.

⁵⁷ Fifth Report, *Impact of UK overseas aid on environmental protection and climate change adaptation and mitigation*, HC 710.

LINKS BETWEEN THE COMMITTEE'S WORK AND THE CHAMBER AND MORE WIDELY IN PARLIAMENT

We have been able to tag five of our reports, on four occasions, for debates in the Chamber: for Report and Third Reading of a Bill,⁵⁸ a government general debate,⁵⁹ an opposition day debate⁶⁰ and an Estimates day debate.⁶¹

ENGAGING THE PUBLIC

Each spring we have met with finalists in the “Climate Week” award scheme, to hear about the valuable initiatives being taken forward at often a very local level to deal with the challenges of climate change. We use this as an opportunity to raise with them the profile of the Committee’s work in related areas.

As mentioned above, we have highlighted the importance of a wide engagement in the Rio+20 Summit on sustainable development in June. We have used our committee website to post not just details of our inquiry and report, but also links to key publications from the UN and others. We are organising a public seminar on the issues at St Martin-in-the-fields in May, which will include speakers from a wider sphere than typical for our inquiries—youth organisations, the arts, etc.

Media officers are shared across several committees. While the Committee receives a good service, we believe that greater resources would help some of our inquiries and reports receive more press coverage, and engage with and better communicate with civil society and interest groups.

POWERS AND SANCTIONS

There have been two instances where limitations on our powers has become an issue.

We published our report on Budget 2011 and Environmental Taxes⁶² in July 2011 but we did not receive the Government response until over six months later, and then the response did not address at all four of our 31 recommendations, dealing with the appropriate definition of environmental taxes and the need for and content of an environmental taxation strategy. It was made clear to us that we would not get a full response if we waited longer. We did of course have the option of launching a further inquiry to tackle this matter, and indeed we will return to it in our inquiry on Budget 2012. But beyond that, there seems to be little we can do when responses are late and incomplete.

During our inquiries on sustainable development aspects of the Localism Bill, the Committee discussed the possibility of being able to submit amendments to the Localism Bill in the name of the Committee but did not pursue the matter at that time because the House had not taken a view on the Procedure Committee’s recommendations on select committee amendments. Subsequently, the possibility of tabling amendments arose again on the same Bill, after it had returned from the Lords, to reflect the Committee’s inquiry on the draft National Planning Policy Framework, but by then the House had debated (but without deciding on) such a procedure. The Environmental Audit Committee has not divided on any of its reports so far this Parliament, and we believe that a facility for committees to table amendments to legislation that is related to inquiries would provide a powerful additional means of communicating that consensus to the House.

PRIORITIES AND OBJECTIVES FOR THE REMAINDER OF THE PARLIAMENT, AND ASSESSING OUR PERFORMANCE

We have held annual “awaydays” within the Parliamentary estate to review our working methods and effectiveness. We used our 2011 awayday to set an aim for the Parliament of testing the extent to which the Government is the “greenest government ever” within context of sustainable development. We used an external trainer to review our performance in conducting oral evidence sessions and to advise on improvements. She also facilitated an assessment of how we might conduct sessions more effectively and how the clerks might increase the utility of briefs to meet Members’ needs. We reviewed our communications/press strategy, and considered how we might engage with sustainable development research networks (see above) more effectively to identify and undertake inquiries, including running longer-running inquiries as part of a more varied mix of types of inquiry.

While these measures will we hope allow us to be more effective, we have also publicly set out in one of our reports⁶³ what we will do over the Parliament to audit the Government’s performance on embedding sustainable development. Parliament and external stakeholders will in due course be able to hold us to those commitments.

A second vehicle for testing our own performance is through undertaking sufficient follow up inquiries, to assess progress on previous recommendations. This not only holds Government to account, but helps the Committee to put forward well-founded recommendations in the first place. So far this Parliament, we have

⁵⁸ Localism Bill report and third reading, 17 and 18 May 2011.

⁵⁹ National Planning Policy Framework, 20 October 2011.

⁶⁰ Green Policy, 4 April 2011 (though debate cancelled on the day because of the volume of Statements).

⁶¹ Preparations for the Rio+20 Summit, 28 February 2012.

⁶² Sixth Report, *Budget 2011 and environmental taxes*, HC 878.

⁶³ Fourth Report, *Embedding sustainable development: the Government’s response*, HC 877.

undertaken follow up inquiries on embedding sustainable development and air quality, and we will be re-examining environmental taxation as part of our inquiry on Budget 2012.

22 March 2012

Written evidence from the Environment, Food and Rural Affairs Committee

INTRODUCTION

This note summarises the Environment, Food and Rural Affairs Select Committee's work during the 2010–12 Parliamentary Session and considers the Committee's effectiveness. The Annexes to this note provide an analysis of the Committee's work in the contexts of the Liaison Committee's Core Tasks and the strategic priorities of Department for Environment, Food and Rural Affairs (Defra).

Annex 1 lists the Committee's reports published to date in this Session. During this Session the Committee also held several one-off evidence sessions that provided an opportunity for us to examine topical issues. For example, following expressions of concern about the use of cloned animals and their offspring in agriculture, we held an evidence session in December 2010 with Defra and the Food Standards Agency. Following the evidence session we sought and received further information and clarification on the issues raised in evidence. Publishing those responses and associated material enables us to be more responsive in our scrutiny.

At the beginning of the Parliament we identified two overarching themes that we considered would provide the context for our work: the outcome of the Comprehensive Spending Review (CSR) and the European Commission's proposals for reform of the Common Agricultural Policy (CAP) and Common Fisheries Policy (CFP).

The Secretary of State gave oral evidence at three one-off sessions that examined the implications of the department's challenging CSR settlement and planned reductions in its Arms Length Bodies (ALBs). During those evidence sessions we explored with the Secretary of State the overall performance and priorities of Defra and its ALBs. In addition, we held an oral evidence session on Defra's Annual Report and Accounts in October 2011. We consider such scrutiny vital for keeping us abreast of developments and placing large amounts of oral and written evidence into the public domain.

We took evidence from the Commission for Rural Communities (CRC), one of Defra's ALB due to be abolished, during our inquiry into *Farming in the Uplands*. The Committee was concerned that there was a risk of diminution of rural expertise within Defra following the abolition of the CRC. The Government's response argued that Defra's Rural Communities Policy Unit would significantly increase the Government's rural capacity. We expect to maintain our scrutiny of this important issue.

We held a one-off evidence session with the new Chief Executive of the Rural Payments Agency at which we discussed the Agency's past and current performance and looked forward to its challenges in the next year. We also considered the Agency's preparedness for the reformed CAP in 2013. The session also enabled members of the Committee to put on record their constituents' personal experiences of the Agency's handling of the Single Payment Scheme.

The Committee often write to Defra or its ALBs following a one-off evidence session in order to elicit further information, and we publish their responses on our website. In addition, we correspond with Defra and other bodies on a range of emerging subjects, such as the prospect of drought and the emergence of Schmallenberg disease. Such correspondence enables us to place the Government's views in the public domain in a timely manner.

In this Session we used correspondence as a method of feeding in our views to another Select Committee's inquiry. The Department for Business Innovation and Skills (BIS) published the Draft Groceries Code Adjudicator Bill and BIS Select Committee announced that it would conduct pre-legislative scrutiny. We wished to contribute to the draft legislation's scrutiny. We took evidence on the draft Bill and then wrote to our colleagues on the BIS Committee expressing our views and suggesting recommendations. This approach enabled us to contribute on a matter of great importance to the food production and manufacturing industries without duplicating the work of another Select Committee.

THE COMMITTEE'S WORK AND HIGHLIGHTS OF THE SESSION

Our work in this Session has been dominated by the European Commission's proposals for reform of the Common Agricultural Policy and reform of the Common Fisheries Policy. Reform in these two policy areas occurs infrequently, and is likely to have profound effects on the future viability, productivity and environmental impact of the UK's agricultural and fishing industries. We have devoted two inquiries each to CAP and CFP reform. We have considered other specific European issues, including the European Commission's proposals for the dairy sector and the implementation of the Commission's Directive on improving the welfare of caged hens.

Our reports on European issues have emphasised the importance of engagement with European institutions. We are conscious that while the Government may accept our conclusions on these issues, it may not be in its

gift to implement them. We therefore consider it essential that we make our case not only to the UK's Government but also to the European Commission and Parliament.

The Committee undertook a two-day visit to Brussels in December 2010 as part of its inquiry into the Common Agricultural Policy, meeting European officials and politicians. We took evidence from the European Commission on several occasions on a range of subjects. During our inquiry into CFP reform the Committee travelled to Denmark for discussions with Danish politicians and fishers. One of the purposes of the visit was to discuss priorities with the Danes ahead of their assuming the Presidency of the European Council. The final form of CAP and CFP will be influenced by the European Parliament as these policy areas are now subject to co-decision. We met MEPs during our visits to Denmark and Brussels, as well as taking oral evidence from the Rapporteur of the European Parliament report on CAP reform. The Committee's Chair attended meetings in Europe at which she presented the Committee's views on CFP and CAP reform to her counterparts from other Members States.

This Committee maintains its predecessor's enthusiasm for engaging with a wide range of stakeholders. We are particularly keen to hear the views of individuals or smaller organisations who do not always have the opportunity to contribute to Select Committee inquiries. For example, as part of the CFP reform inquiry we travelled to Hastings to see the fishing fleet and meet fishermen. We held an oral evidence session with local fishermen. The evidence session was well attended by fishermen from the local fishing ports, members of the public and representatives of local businesses reliant on local fishing.

Following publication of the Government's *Natural Environment* White Paper the Committee held a public seminar to explore the issues before finalising the inquiry's terms of reference. We have found 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".

We secured a number of debates on our reports in this Session. These debates enable MPs from across the House to reflect on our work and add their own experience and knowledge. Westminster Hall has provided an opportunity for debates on our reports into *Future Flood and Water Management Legislation*, the *Implications of the Welfare of Laying Hens Directive for the Egg Industry* and the *Common Agricultural Policy after 2013*. We also secured debates on the floor of the House on the Waste Water National Policy Statement and CFP. The latter was provided through the Backbench Business Committee—an excellent innovation that has enabled more Select Committee reports to be debated. In addition, we tagged our reports on the Waste Water NPS and Future Flood and Water Management Legislation to the Second Reading of the Water Industry (Financial Assistance) Bill.

We are acutely aware of the importance of maintaining the focus on issues after we have reported. Our report into the Welfare of Laying Hens Directive was critical of the European Commission's failure to plan for large-scale non-compliance. Following publication of our report we maintained correspondence with the Commission and Defra. Towards the end of the Session we held a follow-up evidence session. We are also planning follow up evidence sessions on the Farming Regulation Taskforce and the proposal for a Daylight Saving Bill.

THE COMMITTEE'S IMPACT AND EFFECTIVENESS

When considering our forward programme for this Session we were conscious of the Liaison Committee's core tasks, which we have covered through our inquiries and one-off evidence sessions. We have reported on the Marine Policy Statement, the Waste Water and Hazardous Waste National Policy Statements. We held a pre-appointment hearing with the preferred candidate for the post of Chair of the Gangmasters Licensing Authority and an evidence session on the draft Orders to transfer British Waterways' functions to the Canal and Rivers Trust. All this activity resulted from procedures or legislation that place an expectation on Select Committees that they will conduct scrutiny, often within specified and tight time limits. Notwithstanding the importance of the issues referred to Select Committees through these procedures, we are concerned that such activities, often undertaken at short notice, restrict our ability to respond quickly and flexibly when determining our programme or work.

Lack of time is probably the greatest pressure on Select Committees. The Government must inform us of developments, particularly when there is an expectation that the Committee will conduct an inquiry. Early notice of a particular issue and an indication of the timetable within which we are expected to report will enable us to allocate sufficient time and resources.

Our inquiry into the *Implementation of the Welfare of Laying Hens Directive* showed the importance of timely intervention. By taking evidence before the implementation date we were able to demonstrate to the European Commission and Defra that swift and decisive action was needed. In the course of the inquiry we elicited statistics from the Commission that highlighted the scale of the problem facing Europe's caged egg producers. Our report and its associated evidence gave added impetus to both the Commission and the UK Government.

The Committee took evidence on the Animal Health and Veterinary Laboratories Agency's (AHVLA) proposed closure of certain laboratory sites around the UK. This issue is causing concern among farmers and

vets, and although we do not anticipate a reversal of the decision, our evidence identified concerns that the Agency will have to address as it implements its rationalisation programme.

The Government response to a Committee's report is one measure of the Committee's effectiveness. For reports on European issues the Government is not necessarily able to implement the Committee's recommendations directly, but we can provide Ministers with a succinct summary of the views of stakeholders and Parliament. We can also engage directly with the Commission, as we did during our inquiries into the implementation of the Welfare of Laying Hens Directive and CFP and CAP reform. With one or two exceptions we have found the Government's responses to be satisfactory, and a reasonable proportion of our recommendations have been taken on board. The Government accepted many of the Committee's principal recommendations on the Waste Water NPS, and we believe the final document is much improved as a result.

The Committee's work has been reported in the specialist and the national media. Such coverage helps raise the profile of issues both with the public and within Parliament. Several of our inquiries resonated particularly with regional media, for example our report into Defra's domestic fisheries management enjoyed extensive news coverage in all the regions that have a substantial fishing community. The Committee's visit to Hastings—a port with a large inshore fleet and local consumers passionate about the survival of a sustainable fishery—was covered by local broadcasters and cascaded into news programmes broadcast in nearly every other region with a major fishery.

PRIORITIES AND OBJECTIVES FOR THE REMAINDER OF THE PARLIAMENT

The Committee has held several discussions on its forward programme and working practices during the Session. Early in the Parliament we had an extensive discussion about our working practices and priorities. We will hold a further discussion shortly focussing on the Committee's effectiveness and our strategic approach, which will include contributions from outside organisations and commentators.

We plan to increase the breadth of issues we cover and our engagement with the public. To achieve these twin goals we will consider a range of working methods that extend our reach while preserving the quality and impact of our output. We will also seek every opportunity to inform debates and other proceedings in the House.

We will continue our work on the reforms of CAP and CFP and our engagement with European institutions. As those policy proposals crystallise we will become increasingly focussed on how the new policies will be implemented in the UK. In the past we have found that it has been the Government's failings in implementation of CFP and CAP that have led to some of the gravest concerns among both those directly affected and the public. We will therefore maintain our scrutiny of the Rural Payment Agency and other public bodies responsible for delivering policy for our constituents.

Water is also likely to remain a preoccupation for the Committee. We will continue to review the implementation of the Flood and Water Management Act 2009. We are currently carrying out an inquiry into the Water White paper and we anticipate conducting pre-legislative scrutiny on the long-awaited Draft Water Bill.

We have reported in this Session on the Farming Regulation Taskforce. We anticipate keeping this under review as the Government starts to implement the Taskforce's recommendations.

27 March 2012

Annex 1

REPORTS PUBLISHED BY THE COMMITTEE IN THIS SESSION

The Committee has published 12 reports during the current session:

- First Report: *Future Flood and Water Management Legislation* (December 2010).
- Second Report: *Marine Policy Statement* (January 2011).
- Third Report: *Farming in the Uplands* (February 2011).
- Fourth Report: *The Draft National Policy Statement on Waste Water* (April 2011).
- Fifth Report: *The Common Agricultural Policy after 2013* (April 2011).
- Sixth Report: *Implementation of the Common Fisheries Policy: Domestic Fisheries Management* (June 2011).
- Seventh Report: *Appointment of the Chair of the Gangmasters Licensing Authority* (July 2011).
- Eighth Report: *EU Proposals for the Dairy Industry* (July 2011).
- Ninth Report: *The Implications of the Welfare of Laying Hens Directive for the Egg Industry* (September 2011).
- Tenth Report: *The Outcome of the Farming Regulation Task Force* (September 2011).
- Eleventh Report: *The draft National Policy Statement for Hazardous Waste* (December 2011).
- Twelfth Report: *EU proposals for reform of the Common Fisheries Policy* (February 2012).

Annex 2

COMMITTEE ACTIVITY BY LIAISON COMMITTEE CORE TASKS

LIAISON COMMITTEE CORE TASKS

OBJECTIVE A: TO EXAMINE AND COMMENT ON THE POLICY OF THE DEPARTMENT

- Task 1** To examine policy proposals from the UK Government and the European Commission in Green Papers, White Papers, draft guidance etc, and to inquire further where the Committee considers it appropriate
- Task 2** To identify and examine areas of emerging policy, or where existing policy is deficient, and make proposals
- Task 3** To conduct scrutiny of any published draft bill within the Committee's responsibilities
- Task 4** To examine specific output from the department expressed in documents or other decisions

OBJECTIVE B: TO EXAMINE THE EXPENDITURE OF THE DEPARTMENT

- Task 5** To examine the expenditure plans and out-turn of the department, its agencies and the principal NDPBs

OBJECTIVE C: TO EXAMINE THE ADMINISTRATION OF THE DEPARTMENT

- Task 6** To examine the department's Public Service Agreements, the associated targets and the statistical measurements employed, and report if appropriate.
- Task 7** To monitor the work of the department's Executive Agencies, NDPBs, regulators and other associated public bodies
- Task 8** To scrutinise major appointments made by the department
- Task 9** To examine the implementation of legislation and major policy initiatives

OBJECTIVE D: TO ASSIST THE HOUSE IN DEBATE AND DECISION

- Task 10** To produce reports which are suitable for debate in the House, including Westminster Hall, or debating committees.

Table 1 shows how the Committee's work in this session has corresponded to each of those tasks.

	Government and EU policy proposals	Examination of emerging policies and of deficiencies	Draft bills	Decisions and documents from Defra	Expenditure of Defra and associated bodies	Public Service Agreements*	Work of Defra's associated public bodies	Major appointments	legislation and major policy initiatives	Informing debates in the House**	Evidence from Ministers
The outcome of the Farming Regulation Task Force	X	X		X			X		X		
Appointment of the Chair of the GLA								X			
Defra's priorities and Annual Accounts	X	X		X	X		X		X		X
Outcome of the Comprehensive Spending Review	X	X		X	X		X		X		X
Natural Environment White Paper	X	X		X			X		X		X
Draft Hazardous Waste NPS	X	X		X			X		X		X
Common Fisheries Policy	X	X		X			X		X	X	X
Work of the Environment Agency					X		X		X		
Greening the CAP	X	X		X	X		X		X		X
AHVLA				X	X		X				X
Water White Paper	X	X		X			X		X		X

Annex 3

COMMITTEE ACTIVITY BY DEFRA PRIORITIES AND RESPONSIBILITIES

Defra's business plan sets out the Department's three Structural Reform Priorities alongside two additional "major responsibilities". The tables on the following pages show how the Committee's work in this session (all work undertaken by 26 March 2012) has corresponded to these priorities and responsibilities.

Table 2 shows how all of the Committee's work (inquiries, evidence sessions, informal briefings and correspondence) has correlated to Defra's priorities and responsibilities, and provides a further breakdown by estimate sub-heading.

Table 3 shows the proportion of the Committee's time spent in oral evidence sessions and informal briefings related to each of the priorities and responsibilities.

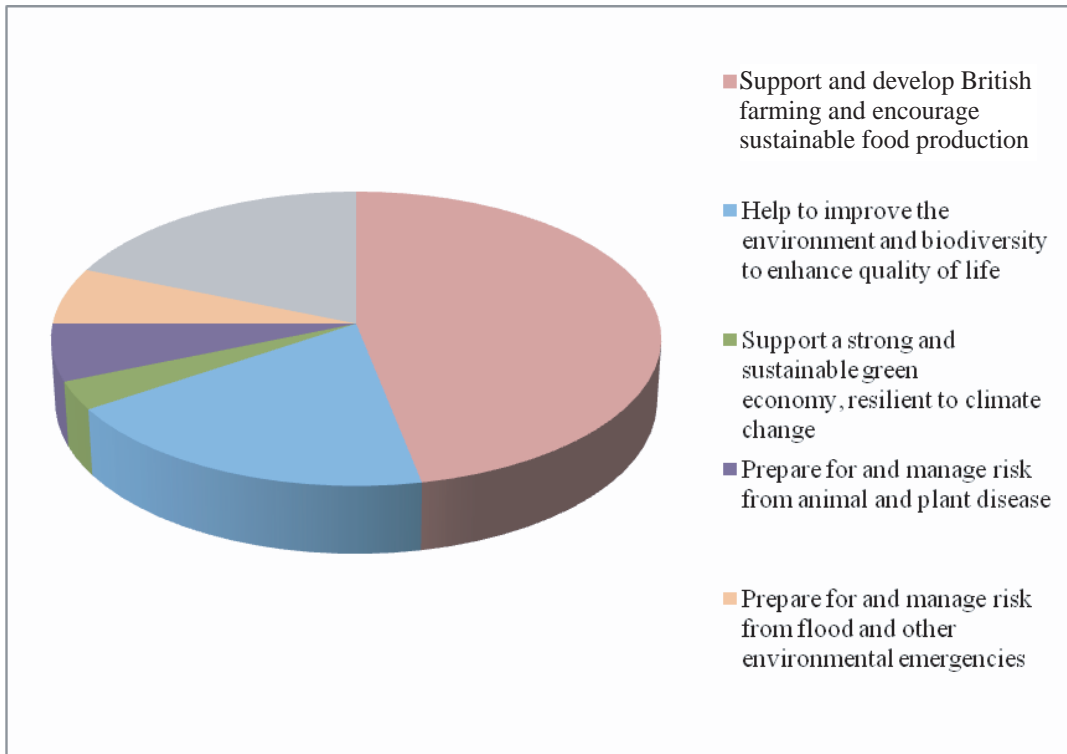
In both tables, work which does not specifically relate to any of the priorities or responsibilities has been included in an "other" category.

Table 2
COMMITTEE WORK TO DATE (AS AT 26 MARCH 2012) MAPPED AGAINST DEFRA PRIORITY/RESPONSIBILITY

<i>Strategic priority/key responsibility</i>	<i>Relevant estimate sub-heading</i>	<i>Focus of a Committee inquiry</i>	<i>One-off oral evidence session</i>	<i>Informal briefing</i>	<i>Correspondence</i>
Support and develop British farming and encourage sustainable food production	Sustainable Consumption and Production A Thriving Farming and Food Sector A Sustainable, Secure and Healthy Food Supply Rural Payments Agency A Healthy Natural Environment Forestry Commission Adapting to Climate Change Strong Rural Communities Championing Sustainable Development	CFP, CAP, DFM, GCAP CAP, Uplands, CFP, DFM, Dairy, Eggs, FRTF, GCAP CAP, CFP, DFM, GCAP NEWP, CFP, GCAP, WWP Uplands, DFM	GCA Animal cloning RPA EA		BST, Drought
Help to improve the environment and biodiversity to enhance quality of life Support a strong and sustainable green economy, resilient to climate change	Addressing Environmental Risk and Emergencies	FFWM, WWP	EA	Air Quality	Air Quality, Drought
Prepare for and manage risk from animal and plant disease Prepare for and manage risk from flood and other environmental emergencies Other work (including National Policy Statements, Marine Policy Statement and Pre-appointment hearings)	A respected Department	WW NPS, MPS, HW NPS, GLA	CSR, Annual Report & Accounts, British Waterways	Animal Health, Schmallenberg virus FC AHVLA	Lab closures, E. Coli, Equine Infectious Anaemia, Moorland Ponies Drought

Table 3

PROPORTION OF ORAL EVIDENCE SESSIONS AND INFORMAL BRIEFINGS SPENT ON EACH DEFRA PRIORITY AND RESPONSIBILITY



Note: This chart reflects the Committee's work at 26 March 2012. Where an inquiry substantively covers more than one Defra priority/responsibility, evidence sessions have been pro-rata'd accordingly. Only "stand-alone" informal briefings have been included; background briefings used to provide context at the beginning of an inquiry have been excluded.

Written evidence from the European Scrutiny Committee

The European Scrutiny Committee acts on behalf of the House in assessing the legal and political importance of European Union documents deposited in Parliament by the Government. Ministers are constrained by the House's Scrutiny Reserve Resolution from agreeing to proposals until the Committee has completed its scrutiny or, if the Committee has recommended a document for debate, that debate has taken place and the House has agreed a resolution.

So far this session the Committee has examined 2,107 documents, of which 1,053 were reported as being of political and/or legal importance.⁶⁴ Thirteen debates were held on the Floor of the House, and 60 in European Committees.

The Committee has continued to play an active role in scrutinising decisions based on the UK's Title V opt-in and Schengen opt-out Protocols. It has sought to enhance transparency, accountability and legal certainty in two ways. First, by recommended opt-in decisions for debate in European Committee so that Parliament has the opportunity to question Ministers on their intended approach and to express its view on the desirability of opting into particular measures in the field of Justice and Home Affairs (JHA). Second, the Committee's Report on "*Opting into international agreements and enhanced scrutiny of opt-in decisions*"⁶⁵ highlighted difficulties with the Government's policy of asserting that its opt-in applied to international agreements which included some JHA content but did not cite a Title V (JHA) legal base. The Committee's concerns prompted a comprehensive review of the Government's approach but not, ultimately, a change in policy.

The importance which the Committee attaches to effective Parliamentary scrutiny of JHA matters has been reflected in the enhanced arrangements for scrutiny of Title V opt-in and Schengen opt-out decisions set out in the Minister for Europe's Written Ministerial Statement of 20 January 2011. The Committee continues to monitor adherence to these arrangements across Whitehall and has called to account those departments whose performance has fallen short.

⁶⁴ These numbers are lower than those given in the sessional returns because, in the latter, documents are counted again if they are considered a second or subsequent time.

⁶⁵ HC 955 (Session 2010–12)

The Committee acted speedily to conduct an inquiry into the EU Bill prior to the Bill's second reading. The Bill's principal objectives were to assert the pre-eminence of Parliamentary sovereignty in the UK's relationship with the EU, and to ensure that referendums take place before further power or competence is transferred from the UK to the EU. The Committee reported separately on each,⁶⁶ having taken evidence from EU and constitutional legal experts, the UK's former Permanent Representative to the EU, and the Government.

In the first Report it concluded that the so-called "Parliamentary sovereignty clause" was simply a reaffirmation of the role of a sovereign Parliament in a dualist State, which left the principle of the primacy of EU law over national law unchanged. In the second that it was unlikely that most of the EU Treaty provisions which attract a referendum under the Bill would ever successfully be used by the EU; and that, if they were, the exceptions to holding a referendum were sufficiently widely drafted to avoid a referendum being held except in the clearest case of conferral of new power as a result of EU Treaty negotiations. The Report on the EU Bill and Parliamentary Sovereignty was tagged to the Second Reading debate in the Commons and extensively drawn on during the Committee stage in the House of Lords.

In addition to its scrutiny of EU documents by written process, the Committee has sought, where necessary, clarification from Ministers in oral evidence sessions. So, for example, the Committee obtained an assurance from the Secretary of State for Justice (Mr Kenneth Clarke), on 7 September 2011 that, should the draft EU Accession to the European Convention on Human Rights and the EU Charter of Fundamental Rights be unanimously agreed by each Member State, then the final accession agreement, would require Parliament's agreement before it could come into force in the UK (as the Government would be bound by the EU Act 2011).

When the Department for Business, Innovation and Skills breached the Scrutiny Reserve Resolution in respect the draft Council Decision authorising enhanced co-operation in the area of the creation of unitary patent protection,⁶⁷ the Committee called Baroness Wilcox in to explain the Government's actions. Left unsatisfied by her explanation, the Committee conducted an inquiry into the Unified Patent Court (UPC). While unified patent protection appears desirable in theory, the patent professions consider the current draft to be likely to worsen the situation in practice. If the UPC goes ahead as in the current draft, the UK will face a difficult decision about whether or not to join in. Opting out risks marginalisation; opting in risks commitment to a possibly damaging scheme. A report is to be published in April.

Following the 9 December 2011 European Council the Committee began an inquiry into what has now become known as the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union.

During the inquiry we looked at seven broad questions. Two were primarily legal: whether the non-EU Treaty is compatible with the EU Treaties, particularly in relation to the integrity of the single market and the roles of the Commission and the Court of Justice; and what are the dangers for the UK in its encouragement of enhanced cooperation, especially on taxation measures? Three were primarily economic: whether the non-EU Treaty will work, in terms of ending the eurozone crisis; what it implies for Member States with severe fiscal difficulties; and if the non-EU Treaty does not work, what the consequences might be for the eurozone, the UK and the wider world. And two were primarily political: what the consequences might have been for the UK in ratifying the non-EU Treaty; and what might they be in standing aside from that Treaty? The Committee plans to produce its report at the beginning of April.

The Committee has not restricted its activities to Westminster. It visited Hungary and Denmark prior to their taking on the EU presidency in order better to understand their priorities and thereby improve the scrutiny of proposals that would emerge during the two presidencies.

A new European Scrutiny Information Database (ESID) was rolled out in July 2011 to replace the decommissioned PIMS. The new system is able to feed directly into IPEX, the Interparliamentary Information Exchange Database. Many national parliaments use IPEX to inform their own scrutiny processes. The ability to update IPEX immediately after a Committee meeting ensures that House of Commons information is accessible and promotes the work of the European Scrutiny Committee among national parliaments.

Article 6, Protocol 2 of the Lisbon Treaty allows a national parliament to submit a Reasoned Opinion if it considers that a proposal is in danger of breaching the principle of subsidiarity. So far the Committee has made use of this provision on five occasions: Investor Compensation Schemes; Common Consolidated Corporate Tax Base; Prudential Requirements for Financial Institutions, a Common European Sales Law, and Public Procurement. Although the threshold for requiring the Commission to review its proposal has yet to be reached, the Reasoned Opinion procedure provides national parliaments with a way of ensuring that the Commission gives a full justification for its proposals where there is a subsidiarity concern.

The Committee is aware of concerns that parliamentary scrutiny of EU matters needs to extend beyond the requirements of Standing Order No. 143 and the Committee's own role. The Commission's Work Programme 2012, a document which summarises the Commission's priorities for 2012, has been reported on and sent to each departmental select committee. The Committee sees this document as a tool for guiding departmental select committees' efforts to meet their core task of examining European Commission proposals. The Commission's Work Programme is due to be debated by European Committee B in April.

⁶⁶ Tenth Report of Session 2010–11, HC 633-I; Fifteenth Report of Session 2010–11, HC 682.

⁶⁷ European Union document no. 18115/10

The Committee has continued to play an active part at COSAC meetings, both in debates and in the opportunity COSAC provides to question European Commissioners. The Committee has been active in the drafting of COSAC Contributions, particularly where they concern the protection of national parliaments' interests in any future interparliamentary forum set up to discuss CFSP/CSDP matters.

There remains one major outstanding concern with the House's system of EU scrutiny on which no progress has been made. European Committees are set up for each debate recommended by the European Scrutiny Committee. This arrangement remains the weak link in the House's arrangements for European scrutiny. The European Scrutiny Committee provides an analysis of the documents it recommends for debate, but the Committee's remit is not to address the "merits" of proposals; the forum for that is the European Committees, to which a document can be referred for debate. But the system falls far short of its potential due to the continued lack of a permanent membership of the three European Committees. We hope that the next parliamentary session will see a resolution of this problem.

21 March 2012

Written evidence from the Foreign Affairs Committee

You invited each select committee to submit a memorandum to the Liaison Committee on their effectiveness to date and their objectives for the remainder of the Parliament. I am responding on behalf of the Foreign Affairs Committee.

IMPACT ON GOVERNMENT POLICY

The clearest way of measuring the Committee's effectiveness is to assess the impact of our work on Government policy and expenditure. Perhaps our most striking achievement since the Committee was formed came about as a result of our Sixth Report, on *The Implications of the Cuts to the BBC World Service*, published in April 2011. We made a strong case for the reversal of the proposed 16% reduction in funding for the BBC World Service planned under the Spending Review 2010, stressing that the value of the Service as an instrument of "soft power" in promoting the UK worldwide far outweighed the relatively small cost of the Service. We saw it as particularly unfortunate that the World Service had announced 60 job cuts in the BBC Arabic Service just when there was a need for high-quality objective journalism in the Middle East and North Africa. And, while acknowledging the constraints on the purposes for which the Department for International Development may provide funding, we also urged the Government to consider ways in which a small element of the DFID budget might be spent on specific activities and projects of the BBC World Service.

Our Report was debated on the floor of the House on 19 May 2011, and the House endorsed our invitation to the Government to review its decision to cut spending on the World Service by 16%. Only weeks later, the FCO agreed to provide additional funding of £2.2 million per annum to enable the World Service to maintain the current level of investment in the BBC Arabic Service. Furthermore, in November, the Secretary of State for International Development wrote to the Chair of the BBC Trust to announce that he had approved a grant of up to £90 million to the BBC World Service Trust over five years. I believe that this is a clear example of a select committee engaging on a topical issue and encouraging a rethink of Government policy.

In January this year, the Committee published its Tenth Report, on *Piracy off the coast of Somalia*, in which it called for clearer guidance on the use of force by armed guards on board UK-flagged vessels. We viewed this as a matter of some urgency, given signs that private armed guards were already being deployed on some UK-flagged vessels. The Government acknowledged the force of the Committee's argument and, in the light of our report, convened an inter-Departmental meeting to explore scope for "moderate further clarification" in guidance.⁶⁸ Revised guidance will be published at the end of April.

We also took a lead, in our report on the UK's foreign policy approach to Afghanistan and Pakistan (published in March 2011), in drawing attention to the importance of US engagement in direct talks with the Taliban. Such talks are now under way and are seen as an integral part of the process of reconciliation; but at the time that the Committee's Report was published, the US was not openly supporting such a policy. Our recommendation may well have lent weight to the Foreign and Commonwealth Office's efforts to influence US policy in Afghanistan.

I think it is important to remember that, even if the Government does not change its policy in response to a select committee report, a committee can be effective if it presents a powerful and coherent argument which obliges the Government to undertake a fundamental reassessment of its policy, whether or not that leads to a change. Not all of our recommendations are accepted; but the tone and depth of most Government responses suggests that our reports are treated with respect by the FCO and that it does indeed look at matters afresh when the Committee has made a strong case.

⁶⁸ HC Debates 20 February 2012, col 574W

GOVERNMENT RESPONSES AND FOLLOW-UP

We believe strongly that committee inquiries should not stop with publication of a report. Committees in general need to be persistent in following through their recommendations, challenging some of the vaguer responses and seeking more detailed information. This is a point which was well made by Meg Russell in oral evidence to the Liaison Committee in February. Our practice is to analyse the response to each conclusion and recommendation, to assess the extent to which our argument has been addressed, and then to discuss what further clarification might be necessary. Very often this leads to further exchanges of correspondence or a decision to pursue matters through a different inquiry.

INFORMING PARLIAMENT

All our reports are intended to inform Members and debates in the House. We have taken full advantage of the opportunities afforded by the Liaison Committee and the Backbench Business Committee to hold debates on reports which command interest throughout the House:

- Our Fourth Report, on the UK's foreign policy approach to Afghanistan and Pakistan, was selected for an Estimates Day debate in July 2011.
- Our Eighth Report, on the FCO's Human Rights Work in 2010–11, was debated in Westminster Hall in November 2011.
- Our First Report, on the future inter-parliamentary scrutiny of EU foreign, defence and security policy, was selected by the Backbench Business Committee for debate on the floor of the House in March 2011. The motion endorsing the Committee's proposal for a future mechanism for inter-parliamentary scrutiny of the EU's Common Foreign and Security Policy (CFSP) was agreed to by the House. As a result, the First Deputy Chairman of Ways and Means was able to take part in discussions on future inter-parliamentary scrutiny of the CFSP at the EU Speakers' Conference in April 2011 on the basis of a clear expression of view by the House.
- Our Sixth Report, on the Implications of Cuts to the BBC World Service, was selected by the Backbench Business Committee for debate in May 2011. Our bid for this debate was supported by the Chairs of five other select committees.
- Our Tenth Report, on piracy off the coast of Somalia, was "tagged" as being relevant to the debate in Government time on Somalia, on 9 February.

Publication of reports and evidence is not the only way in which the Committee's work informs the House. The Committee receives from the FCO quarterly bulletins on management issues (including staff development and deployment, and property sales), and it has also secured an undertaking from the FCO to provide quarterly updates on public diplomacy work in support of the London 2012 Olympic and Paralympic Games. We publish these updates on the Parliamentary website, for the benefit of Members and of the general public. We also receive regular updates from FCO Ministers and senior officials on significant policy decisions and new initiatives, often providing background to information which has been published by means of a Written Ministerial Statement. We publish many of these letters on the Parliamentary website.

Much of our work goes unseen: we hold large numbers of informal meetings with UK and foreign Ambassadors as well as representatives of foreign governments and parliaments—90 in total during the 2010–12 Session. Members of other select committees have occasionally participated in these meetings. For example, on 1 March 2011, we held a joint meeting with President Karzai of Afghanistan alongside our colleagues on the Defence Committee. These informal meetings are, by necessity, held in private to enable frank exchanges, and the Committee is considerably better informed as a result. We also fulfil an important function on behalf of the House in receiving visiting dignitaries and offering them a channel of communication with Parliament.

CONCLUSION

I hope this gives a flavour of our work and of the different ways in which we have demonstrated effectiveness since the Committee was established in July 2010. I should perhaps point out that our approach to scrutiny will inevitably differ somewhat from that of other select committees, given the distinctive nature of the Foreign and Commonwealth Office; and we are somewhat restricted in our ability to carry out the full range of core tasks set by a previous Liaison Committee. For instance, there is minimal legislation for which the FCO is responsible, and so we have very limited scope for examining draft legislation or for undertaking post-legislative scrutiny. We have no formal role in appointments to particular posts, although we reserve the right to take evidence from people from outside the Diplomatic Service who are nominated for key diplomatic posts, and to express a view on their suitability.

The informal feedback which I receive indicates that the new Committee is growing in influence and that our reports are viewed as authoritative. Committee members have a high profile and are sought after for media comment on international affairs. I am proud of our work so far in this Parliament. However, I look forward

to further discussions in the Liaison Committee on how to maximise select committee effectiveness: we should always be ready to refine our approach and to experiment.

17 April 2012

Written evidence from the Health Committee

1. This memorandum is the Health Committee's contribution to the Liaison Committee's inquiry into select committee powers and effectiveness. The Liaison Committee has asked all Committees to report on a number of issues, and we address these where they are relevant to the work the Committee has done.

MAIN ACHIEVEMENTS AND IMPACT

2. The Committee has published sixteen reports so far in the session, and we anticipate agreeing one further report before the House prorogues. The appointment of the Committee in July 2010 coincided with the launch of the Government's White paper *Liberating the NHS*, and so from the outset we have been addressing some of the most politically controversial policies of the present Parliament. We produced two reports on different aspects of the commissioning of NHS services, which played a significant role in helping to change Government policy, for example over the constitution of what are now the new Clinical Commissioning Groups. This helped to establish the Committee both as an effective scrutiniser of Government policy and as a body which takes a lead in helping to shape the direction of future policy.

3. The Committee has taken very seriously its work on examining the department's expenditure, not least because of the enormous efficiency challenge that the NHS faces, of making 4% efficiency gains year-on-year for four years. While not under-estimating the changes the Health and Social Care Bill has already caused and will continue to cause, it is this issue that the Committee believes constitutes the biggest challenge facing the NHS at present, and we have pursued this in two reports. The impact that we have had can be judged from the fact that the term we coined to describe this efficiency programme, the Nicholson Challenge (after the Chief executive of the NHS), has become common usage amongst stakeholders and the health care press.

4. We have also begun to establish some new lines of accountability for some of the main regulators of health care professionals and NHS providers. This started with the General Medical Council, which is nominally accountable to the Privy Council, and has been extended to cover the Nursing and Midwifery Council, the Care Quality Commission and Monitor. We held evidence sessions with all of them between July and September of 2011 and then produced reports on each of them, and we are planning a further round this coming summer. The theme of professional responsibility, with healthcare practitioners not only ensuring that their own practise is good but noting the practise of those around them and raising concerns if they see poor practise ran through a number of inquiries and will be the starting point for any work that we do following the second report of the Francis inquiry into Mid Staffordshire NHS Foundation Trust.

CORE TASKS

5. The set of ten core tasks for select committees drawn up by the liaison Committee are divided into four objectives. Under objective A, the Committee has spent much of its time this session in examining policy proposals, emerging policy and other documents: *Equity and excellence: Liberating the NHS* was the starting point for the two inquiries into Commissioning; the Committee held an inquiry specifically on the proposals for changing the public health system as outlined in another White Paper *Healthy lives, Healthy people* and associated documents; and we examined the report of the government-sponsored Commission on Funding of Care and Support in our inquiry into social care. On Objective B, on expenditure, as noted above the Committee published two reports on these issues over the session. On Objective C, Administration of the Department, we have looked at the work of four of the regulators associated with the Department and have held two pre-appointment hearings, for the Chairs of the Care Quality Commission and of the NHS Commissioning Board.

LINKS WITH THE CHAMBER (OBJECTIVE D)

6. Two of our reports have been discussed on the Floor of the House. Our first report on Commissioning was published in January 2011⁶⁹ and was tagged to the second reading debate of the Health and Social Care Bill. A back bench Member not on the Committee secured a debate on social care in the Chamber in part on the basis that the Committee was undertaking an inquiry into the issue. The Backbench Business Committee agreed to postpone the date of the debate until after our report⁷⁰ was published, when it was tagged to the debate.

PUBIC ENGAGEMENT

7. In the course of the social care inquiry the Chair took part in a broadcast of *You and yours* on Radio 4, which generated considerable interest as well as many comments from listeners on their own situation. This

⁶⁹ Third Report from the Health Committee, Session 2010–12, *Commissioning*, HC 512

⁷⁰ Fourteenth Report from the Health Committee, Session 2010–12, *Social Care*, HC 1583–I

informed the work we did throughout the inquiry, and we shall take further account of those contributions when we look at the Government's latest round of policy proposals on social care early in the new session.

8. We have just published a report on the issue of PIP breast implants. We are now working to establish a web forum so that we can gather comments from as many of the women whom have been affected as possible. We will take account of these views when we examine the outcome of the two Government reviews relating to this matter which are currently under way.

THE COMMITTEE'S PERFORMANCE, EFFECTIVENESS, PRIORITIES AND OBJECTIVES

9. The Committee explicitly decided at an early stage that its main aim would be to undertake inquiries into issues which were either key Government policy initiatives or significant areas of current debate in the health and social care field. In that way it aims to make its work relevant to all health and social care professionals, managers and policy makers and to all those to whom they provide services. The Department is aware that whenever it launches a significant policy initiative the Committee will examine it. The Committee has become a focus for debate around all the main current policy issues.

21 March 2012

Written evidence from the International Development Committee

SUMMARY

- Through holding inquiries into the Department for International Development's (DFID) country programmes, questioning ministers and senior civil servants in public about their decisions and visiting countries to see DFID projects first-hand, we play a unique role in holding DFID to account. This is particularly important in the development sphere where millions of pounds of taxpayers' money are spent overseas and it is difficult for Parliament, the public and others to assess effectiveness.
- The Committee's work this Session has contributed to several incremental changes to Government policy, such as our recommendations for DFID to increase expenditure on sanitation and refine its nutrition programme in India. Perhaps unsurprisingly, we have been less successful where we fundamentally disagreed with major Government policy (eg the decision to close DFID's bilateral programme in Burundi).
- The effectiveness with which our inquiry drew attention to BAE Systems' failure to pay £29 million to the Government of Tanzania was important in encouraging the company finally to pay this outstanding amount. The Liaison Committee must ensure that its inquiry considers the impact that committees can have on non-government actors.
- Our work this Session has helped to shed light on inappropriate public spending decisions (eg DFID's funding of the Papal visit) and helped to inform public debate (our inquiry into development assistance to India).
- We are disappointed that the Department's refusal to provide us with certain confidential papers has impeded our work.
- In the remainder of the Parliament, we will seek increased engagement with the public and media, follow-up previous recommendations, and effectively monitor the work of the "aid watchdog" ICAI, which reports to us.

INTRODUCTION

1. We held a discussion on 22 February to review the Committee's effectiveness in the current Parliament and assess our objectives for the remainder of the Parliament, as suggested by the Liaison Committee. This short memorandum has been agreed by the Committee and intends to feed into the Liaison Committee's inquiry into select powers and effectiveness.

2. We identify areas where we think the Committee has been effective in this Session to date and where we hope to do more for the remainder of the Parliament. In doing so, we hope to draw out some wider issues that apply to all committees which may be useful for the inquiry.

EFFECTIVENESS AND IMPACT

3. There are, of course, well-documented difficulties with assessing committee impact and effectiveness, which are covered thoroughly in the recent Constitution Unit report. Much focus, quite rightly, concerns select committees' impact on government policy. We give some examples below from the 2010–12 Session where we have persuaded, or at least pushed, the Government to take action. However, as we explore below, there are other ways we believe we have been effective, which are perhaps less obvious or high-profile.

Influencing Government Policy

4. We believe that most of the areas of greatest impact on government policy this Session have been where we have recommended or pressed for incremental—yet important—improvements and modifications to existing policy. Examples include our Report on *CDC*, the development finance institution, which encouraged the Government to allow CDC to make direct investments and focus on risky areas. CDC will now be making more direct investment and conducting pro-development work. Our *infrastructure* inquiry contributed to DFID’s appointment of seven new infrastructure advisers. Our *India* report called for DFID to increase expenditure on sanitation and refine its nutrition programme to focus on the first 1,000 days of a child’s life, which it subsequently did. It is also likely that the nature of UK aid to India will change substantially in 2015, as we recommended.

5. Our inquiry into financial crime and development had an important impact to draw attention to *BAE Systems’* failure to pay £29 million to the Government of Tanzania (see paragraph 7). Since our inquiry, the Government has committed to legislating to empower judges to compel those convicted of transnational financial crimes to recompense the country in which the crime was committed, to avoid relying on a voluntary agreement, as was the case with *BAE Systems*.

6. It is perhaps unsurprising that we have been less successful where we have fundamentally disagreed with a major Government policy, such as DFID’s decision to close its bilateral aid programme to *Burundi*, where we called on the Department to reinstate the programme (although the report was not agreed unanimously, which the Department noted in its response when rejecting our recommendation).

Influencing other bodies

7. Perhaps an overlooked area is the impact of committees on non-government organisations, including major companies, for instance through drawing attention to and criticising bad practice. In this Session we had an important role in persuading *BAE Systems* to pay £29 million to the Government of Tanzania. We were appalled that this payment had remained outstanding for more than eight months after a court hearing. We called *BAE Systems* to give oral evidence in July 2011 and subsequently wrote to the company, urging them in the strongest possible terms to accept the Government of Tanzania’s proposals. Our inquiry significantly raised public awareness of the issue. A few weeks later *BAE Systems* agreed to pay the Government of Tanzania. We are pleased that our inquiry had a positive impact. The Liaison Committee’s inquiry should take account of the impact that committees can have on non-government actors, such as industry bodies.

Holding the Government to account

8. Beyond recommending policy change, committees play a crucial role in holding the government to account for policy decisions and expenditure. Development expenditure, by nature, is largely spent outside the UK and it can be particularly difficult for UK parliamentarians, the public and others to scrutinise its effectiveness. Our role is to “shine a spotlight” on DFID’s country programmes and decisions about the expenditure of millions of pounds of taxpayers’ money. We do this through holding inquiries into specific DFID country programmes, questioning Ministers and senior civil servants in public and, of course, visiting those countries to see first-hand how DFID is spending its money. Our inquiries and visits to *South Sudan*, *India*, *DRC* and *Rwanda* encouraged DFID country teams to re-evaluate and justify their plans, priorities, expenditure and results to date. No other body conducts scrutiny of DFID’s work to this extent: without it, there is a risk that a great deal of money could be spent overseas with little accountability.

9. As with all committees, publicly questioning ministers and senior officials in evidence is an integral part of our role. Holding DFID ministers and senior civil servants to account so publicly and transparently, to the level of detail we do, does not take place in any other context. Interestingly, feedback from some NGOs suggests that our evidence sessions with ministers are the most valued aspect of our work.

10. More specifically, we have held the Department to account for specific expenditure decisions, such as DFID’s funding of the *Papal visit*.

Exposing issues

11. Our exposure of DFID’s funding of the *Papal visit* raised significant public concern and caused a great deal of embarrassment for the Department. Without the Committee’s scrutiny in this area DFID’s decision to contribute to the funding of the *Papal visit* may have slipped under the radar. We hope that this will ensure that DFID will be more careful in future to ensure it does not fund inappropriate non-development activities.

Informing public debate

12. The work of committees, through our evidence sessions and reports, helps to inform the wider public debate about policy issues. We consider this to be a very important aspect of our role because there are many misconceptions about development and aid in general. Our Report into *DFID’s programme in India* helped to address and clarify some mis-conceptions about this controversial issue.

POWERS AND BARRIERS TO EFFECTIVE SCRUTINY

13. We are aware that there has been some discussion, in part due to the Liaison Committee's inquiry, about whether select committees should have greater legislative powers, similar for example to committees in the US Congress. We are not convinced that this would be appropriate or that we would necessarily want powers, say, over how DFID spends its budget. Our role is to advise and make suggestions to the Government and, in broad terms, that is how the relationship should remain. While we welcomed the opportunity to conduct a pre-appointment hearing with ICAI officials, there is also a risk that too many increased duties imposed by Government on committees would impede our ability to determine our own agenda, which is essential. We also would not be able to take on many additional powers unless our resources increased.

14. Nevertheless there have been examples in this Session where we have been frustrated by a lack of powers. The refusal by DFID to share with us the ministerial advice given in relation to the decision to close the bilateral *Burundi* programme impeded our work to some extent. DFID informed us that the document would not be provided if requested under the Freedom of Information Act, but agreed to provide it to us in a redacted form, excluding key advice given to Ministers. This meant we had to assess the appropriateness of DFID's decision without full information to the facts.

15. The Liaison Committee could usefully explore as part of its inquiry whether select committees have adequate powers to request departmental papers. Provided they are treated sensitively and kept highly confidential, we believe that committees should be granted access to documents, such as ministerial advice, regardless of FOI conditions.

CORE TASKS

16. We have covered the majority of the "core tasks" during the 2010–12 Session, although some are not relevant to our work. We held a *pre-appointment hearing* with the Chief Commissioner of ICAI. In relation to scrutinising EU policy, we are currently undertaking an inquiry into *EU Development Assistance*. We spend much of our time examining DFID's expenditure. We hold an annual session on administration and expenditure with the Department, and we have been monitoring closely the consequences for DFID's work of continued reduction in administration costs.

17. The core tasks can be useful in helping to ensure committees focus on a broad range of activities. However, it may be additionally useful for the Liaison Committee to agree the key *outcomes* that committees should seek to achieve—for instance, "influencing government policy" or "informing public debate".

LINKS WITH OTHER PARTS OF PARLIAMENT

18. This Session the Committee has held an Estimates Day debate in the Chamber on our *Zimbabwe* report and two Westminster Hall debates on our Reports on *India* and *CDC*. We were pleased that the Secretary of State spoke on behalf of the Government in response to our CDC report.

19. We are keen to explore other means to promote our reports in the House, such as through the Backbench Business Committee. Whilst some of our reports are on technical issues (eg the role of infrastructure in developing countries) and may not be suitable for debate in the House, we also publish reports that have wider parliamentary and public interest. The report on Afghanistan later this year is one such example.

INCREASING PUBLIC ENGAGEMENT

20. We are aware that select committees are increasingly using innovative ways to engage with the public as a means to broaden their evidence base and raise the profile of themselves and Parliament more generally. In some ways, development can be a more difficult policy area than many others to engage the public. While many people have views about the merits of our aid programme, the Government's development policy does not affect them directly in the same way as other government expenditure, such as health, education or transport.

21. Despite these difficulties we fully recognize the importance of engaging with the public and we are keen to move away from just taking evidence from the "usual suspects". We have agreed to seek to engage the Afghan diaspora in relation to our upcoming Afghanistan inquiry. Committee staff are liaising with the Parliamentary Outreach team about how to achieve this. We may make similar efforts to engage with the UK-based Pakistani community in relation to our Pakistan inquiry later this year.

MEDIA WORK

22. Increasing links with the media can raise the profile of the Committee and, arguably, have an impact on Government policy. But we are reluctant to court media attention for the sake of an easy headline. As some commentators have observed, seeking media coverage for its own gain can be counter-productive and can negatively affect the credibility of the Committee and even maybe its impact.

23. Gaining media coverage in the development world can also be problematic because some sections of the national press use our reports for their own (often anti-development) agenda, for example, by focusing disproportionately on corruption issues whilst neglecting other important parts of the report.

24. We could perhaps do better in communicating to the public the benefits of the UK's aid programme to developing countries, for instance through the media. Committee staff and the media officer are exploring ways to increase positive media coverage of the Committee's work (both evidence sessions and reports). We are considering, for example, that our Chair could periodically write a blog article for the Guardian Development Matters website, perhaps about our visits.

INNOVATIVE WORKING PRACTICES

25. We undertook an "immersion experience" in *Burundi*, whereby we spent the night with very poor villagers to learn about the challenges they faced. We also make regular use of video-conferencing (eg to contact DFID country offices). Video-conferencing can help to reduce costs but it also has limitations as a means of communication and evidence-gathering. We have also agreed to hold a seminar on *disability*.

FUTURE OBJECTIVES FOR THE REMAINDER OF THE PARLIAMENT

26. One clear difference from other departmental select committees is our relationship with the new aid watchdog, the *Independent Commission for Aid Impact* (ICAI), which was set up by the Coalition Government to examine the value-for-money and effectiveness of DFID expenditure. ICAI reports to us and, although the relationship is still evolving, we have been taking an active interest in its work programme and suggested areas of future study to ensure ICAI complements rather than duplicates our own work. We note that ICAI has an annual budget of some £2–3 million, which is far larger than the average select committee's resources. In the remainder of the Parliament we intend to monitor ICAI effectively, make it more accountable to us, and find ways to ensure it assists our scrutiny of the executive.

27. One area where we and many other committees could do better is more consistent *follow-up of previous recommendations* to the Government. Poor follow-up means that the Government can give evasive answers to committee recommendations knowing that, in most cases, they will not be pressed on them. We are currently taking action to follow-up our recommendations from the current Session, by asking the Department to set out progress it has made on recommendations it agreed or said it would consider. We have asked DFID to provide this information in its Annual Report. We have also asked DFID to indicate how it has followed up its response to recommendations from the 2005–10 Parliament. It is frustrating that DFID is taking some time to do this.

28. In the remainder of the Parliament we will also seek opportunities to engage with the public (paras 18–19) and increase links with the media (paras 22–24) and other parts of the Parliament (paras 18–19).

27 March 2012

Written evidence from the Justice Committee

What were the main achievements and highlights of the session

We have published a number of well-received and influential reports. We were particularly pleased that the Director of Public Prosecutions greeted the publication of our Report on *Joint Enterprise* by announcing new guidance for prosecutors, and that the Government decided not to implement the rules on media access contained in Part 2 of the Children, Schools and Families Act 2010 following our recommendations in relation to *Operation of the Family Courts*. Our Report on *Presumption of Death* generated a lot of media coverage and received very positive feedback from affected families who had given evidence to the inquiry. The Prime Minister told the House it was an "important report" and said he would "consider the recommendations very carefully"—we are hopeful that the necessary legislation will be taken forward in the next session.

The impact the committee has had (and specifically in the case of departmental select committees how they have covered "the core tasks" during the session)

Our workload over the session has been wide-ranging. In respect of Objective A,⁷¹ we have considered three particularly topical policy areas—*The Government's Proposed Reform of Legal Aid*, *The Proposed Abolition of the Youth Justice Board* and *Operation of the Family Courts*. We believe that the arguments made and questioned in front of the Committee influenced the Government's subsequent acceptance of the House of Lords vote against the planned abolition of the Youth Justice Board. Furthermore, the Government agreed not to implement legislation on changing the rules on the media's access to the family courts after we highlighted the fact that, not only did all parties in the family justice system (including the media) unite in condemning the proposals, but children involved in family law cases had not been consulted.

However, we have also taken a long-term look at other areas of policy, considering the future of the probation service and the youth justice system and the impact of past decisions via post-legislative scrutiny of the Mental Capacity Act and of the Freedom of Information Act.

In terms of Objectives B and C,⁷² we are currently engaged in a large-scale inquiry into the *Budget and Structure of the Ministry of Justice*, which cuts across several of our core tasks. We have continued to hold

⁷¹ To examine and comment on the policy of the Department (core tasks 1–4)

⁷² To examine the expenditure of the Department (Task 5), To examine the administration of the Department (Task 6–9)

one-off evidence sessions monitoring the work of the Information Commissioner; the Attorney General; the Legal Services Commission; the Lord Chief Justice; the Office of the Public Guardian; the Director of Public Prosecutions; and the Commissioner for Victims and Witnesses. All of these sessions shed a light on sometimes unexamined areas of activity and, in the case of the first, raised issues we judged to be of sufficient public interest to issue a Report (*Referral Fees and the Theft of Personal Data*).

We have scrutinised three public appointments, two of which we approved. In the case of HM Chief Inspector of Probation, we were pleased that the Government took our views into account and the Department subsequently decided to re-advertise the position.

Finally, in relation to Objective D,⁷³ we have continued to play an important role on behalf of the House in scrutinising the annual report of the Sentencing Council, as laid before Parliament, and in scrutinising individual sentencing guidelines: Assault, Drugs and Burglary during this session. We have also begun our task of judging which of the draft orders made by the Ministry of Justice under the Public Bodies Act 2011 warrants a recommendation to give the House more time to consider their contents.

Any innovative working methods the committee has undertaken or plans to take to maximise its impact and performance

As part of our inquiry into the *Budget and Structure of the Ministry of Justice*, we arranged visits to the Ministry of Justice and the National Offender Management Service during which we were allowed to walk around the buildings freely and speak to any member of staff. We spoke to permanent and contracted staff across a wide range of grades and business areas, which was very helpful in allowing us to get an accurate sense of how the Department works.

What links the committee's work has had with the Chamber, Westminster Hall and more widely in Parliament

Our Reports have been tagged where relevant to assist our colleagues in Chamber debates on Sentencing and the Second Reading and Report Stage of the Legal Aid and Sentencing and Punishment of Offenders Bill.

We held a Westminster Hall Debate on our predecessors' Report on *Justice Reinvestment*.

How the committee has successfully engaged the public (indicating any innovative practices or use of new technology)

To assist our inquiry into *The Role of the Probation Officer*, we held an e-consultation, which received 60 posts, mainly from probation officers or probation service officers. This enabled us to hear from a wider range of interested parties than might have otherwise been possible, in an interactive environment.

We also took evidence away from Westminster, in the Council Chambers in Brighton, as part of this inquiry, in order to hear from practitioners working on the ground across a range of agencies. This gave us a useful local perspective on the issues under consideration.

Any issues relating to scrutiny and accountability which the Liaison Committee ought to consider, and any problems encountered which might have frustrated effective scrutiny

We have been disappointed to receive insufficient notice of Ministry of Justice statements to the House, which we believe has inhibited our ability to scrutinise the Ministry's work. We have raised this concern with the Permanent Secretary and hope matters will improve in the next session.

How the committee has assessed its own performance so far, and what are its priorities and objectives for the remainder of the Parliament

We have tackled issues which are timely and important to the public. We believe the fact that we have pursued our work with an active membership and that all our Reports have been agreed by consensus, even those concerning controversial topics such as legal aid, has enhanced our effectiveness.

We have a number of objectives for the remainder of the Parliament. We aim to follow-up some of our previous work, such as on the Crown Dependencies, to ensure the Government is making progress on implementing our recommendations.

We will continue to pursue the themes in which both we and the public have a strong interest—the rehabilitation of offenders and effective use of resources—via further inquiries into youth justice and women in custody.

We will continue to hold the Government to account for its actions: for example, as part of our ongoing inquiry into Post-Legislative Scrutiny of the Freedom of Information Act, the Information Commissioner has asked us to consider his Report to Parliament on the Attorney General's veto on disclosure of the minutes of the Cabinet Sub-committee on Devolution for Scotland, Wales and the Regions.

⁷³ To assist the House in Debate and Decision (task 10)

We also hope to pay closer attention to Justice and Home Affairs at European level and find a more effective means of influencing policy at this level on behalf of the House.

How the committee aims to demonstrate objectively to others the effectiveness and value of its work and the contribution it makes to achieving better government.

We will continue to bring our work, and the Government's response to it, to the attention of our colleagues in the House and those outside Parliament, via engagement with the media, on the floor of the House and at relevant conferences.

27 March 2012

Written evidence by the Northern Ireland Affairs Committee

With devolution resulting in many responsibilities of the Northern Ireland Office being transferred to the Northern Ireland Executive, most recently policing and justice in 2010, many of the objectives and tasks for departmental select committees set by the Liaison Committee do not directly apply to the Northern Ireland Affairs Committee. This memorandum is not, therefore, structured by reference to the "10 core tasks" but does seek to reflect those objectives.

At an early stage in this Parliament, the Northern Ireland Affairs Committee identified that a productive economy was crucial to providing jobs and wealth for all the people of Northern Ireland, and would also go a long way to solidify peace; it was for that reason that the first major inquiry the committee undertook was into *Corporation Tax in Northern Ireland*. After a wide ranging inquiry, which was held in parallel with several evidence sessions on *Northern Ireland as an enterprise zone* and on *Rebalancing the NI economy*, we produced a single Report drawing together the evidence from the three strands. We concluded that, despite some improvements in recent years, Northern Ireland had under-performed economically in comparison to the rest of the United Kingdom due, mainly, to the Troubles acting as a deterrent to investment and contributing to a drain of talent from Northern Ireland.

Over the same time, the public sector received a considerable amount of financial support, the result being an economy perceived as being overly dependent upon the public sector, with a fragile private sector whose potential for growth, innovation and exports needed to be boosted. On balance, we considered responsibility for setting the rate of corporation tax should be devolved to the Northern Ireland Executive (NIE), and found there to be a convincing case for reducing the rate to enable it to better compete with the Republic of Ireland.

On 20 December the Government published its response to its own consultation paper on *Rebalancing the Northern Ireland Economy*. The Government established a joint Ministerial Working Group (JMWG), comprising ministers of the UK Government and the Northern Ireland Executive, to consider issues raised by the consultation. The Government's response to the Committee's Report reminded the Committee of the establishment of the JMWG and stated that the Government had not yet come to a decision on whether to devolve corporation tax, although a decision would be taken following the conclusion of work developed by the JMWG, which is expected to be in summer 2012.

The Committee demonstrated the effectiveness of short, sharp inquiries with *Air Passenger Duty: implications for Northern Ireland*. Announcing the inquiry on 13 June 2011, the Committee took evidence both in Belfast and at Westminster from nine separate sets of witnesses before publishing its Report on 8 July. In the Report, the Committee called for the abolition of air passenger duty (APD) on all flights out of Northern Ireland airports and on flights from Great Britain into Northern Ireland. A major consideration was the need to protect the Continental Airlines transatlantic route from Northern Ireland to Newark, which was under threat. The Committee secured a considerable success as HM Treasury, convinced by the Committee's arguments, announced in a Written Ministerial Statement (WMS) on 18 October 2011, that it would cut the rate of the Belfast to Newark route to £12 per passenger, rather than £60. In a further WMS, on 21 February 2012, the Treasury announced that the power to set APD rates for direct long-haul flights from NI would be devolved to the NI Assembly.

Nevertheless, the Committee remained concerned about Northern Ireland's air links to GB, mainland Europe and the wider world. For that reason, the Committee will begin an inquiry into *An air transport strategy for Northern Ireland* shortly after the House returns from the Easter Adjournment.

The Liaison Committee nominated the Reports on *Corporation Tax in Northern Ireland* and on *Air Passenger Duty: implications for Northern Ireland* for debate in Westminster Hall on 1 March 2012, and it was agreed that the two Reports would be debated together under the title *Rebalancing the Northern Ireland economy*, with the Exchequer Secretary, HM Treasury, responding to the debate.

The Committee's most recent inquiry was into *Fuel laundering and smuggling in Northern Ireland*. In our Report we set out just how much fuel crime costs the UK, and point out that lost revenue means less money to spend on public services in Northern Ireland and across the UK; these are not the only costs as, despite a perception held by some people, such crimes are not "victimless". The loss to the public purse remains

unacceptable and we urge HMRC to focus its efforts on acquiring the latest and best marker technology available as soon as possible in order to combat such crime.

The Committee has also held a number of one-off evidence sessions, such as examining the Secretary of State for Northern Ireland on general political developments; these sessions are invaluable for putting the Committee's concerns on the record and for the Secretary of State to explain how the government is responding to the challenges it faces. The Committee also takes an interest in expenditure matters, closely examining the Supplementary Estimates, etc. We regularly identify matters on which we want further clarification—though, so far, the written responses by the NIO in reply to those areas of concern have obviated the need for oral evidence. We have also taken evidence from the Minister of State for Northern Ireland on HM Government's plans to mark the "decade of centenaries"—a series of some of the most significant events in the shared history of Great Britain and the island of Ireland.

The publication of the "Bloody Sunday" Inquiry Report on 15 June 2010 was a pivotal moment in Northern Ireland's recent history and we held an evidence session with Lord Saville, which was the first time he had appeared in public since the report was published, to discuss the lessons that might be learned from an inquiry that has received plenty of praise for its thoroughness, but also less favourable comments for costing near £192 million and taking 12 years to complete.

Our predecessor Committee travelled widely throughout Northern Ireland and we have continued this tradition, holding many meetings in Belfast (during one such visit including taking public evidence in Stormont), in Londonderry, on one occasion combining our informal meetings with participation in the first "Parliament Week" event organised by the Parliamentary Outreach Service, and also in Lisburn and in Omagh. We hold regular meetings with the PSNI in both NI and at Westminster and, in July 2011, two members of the Committee visited Belfast and Portadown to see for themselves the PSNI operation during the events on 11 and 12 July.

The Committee has also maintained its valuable role in building on the UK's excellent relationship with both the Irish Parliament and the Irish Government, which included a visit to Dublin in November 2011 where we had the great honour of a meeting with Enda Kenny TD, the Taoiseach. The Committee's visit concluded with a meeting with the Oireachtas' Joint Committee on the Implementation of the Good Friday Agreement, and we were able to meet up again with some of Joint Committee's members as they were part of a delegation of TDs and Senators from the British-Irish Parliamentary Assembly which visited Westminster at the end of January 2012.

27 March 2012

Written evidence by the Political and Constitutional Reform Committee

1. INTRODUCTION: THE MAIN ACHIEVEMENTS AND HIGHLIGHTS OF THE SESSION

This memorandum reviews the activities of the Political and Constitutional Reform Committee (PCRC) since its creation at the beginning of the 2010 Parliament. The PCRC was established under Temporary Standing Order on 7 June 2010 with a remit:

- to consider political and constitutional reform.

As the newest select committee, the PCRC has sought, through its work, to exemplify the increased legitimacy and spirit of independence which has been created by the election of select committee chairs and members.

The main achievements of the PCRC have been:

- the establishment of a credible select committee from a standing start;
- the creation of a long-term work programme around the codification—or not— of a written constitution, supported by a research programme at Kings College, London;
- rapidly responding to current events through inquiries and reports;
- the development of an outward looking style, including visits to devolved institutions and a proactive effort to engage in public consultation; and
- the establishment of excellent working relationships within the committee and between staff and Members.

Particular highlights of the Session so far have included:

- Accelerated consideration of the Parliamentary Voting System and Constituencies Bill, taking evidence in time to inform Second Reading and reporting in time to inform Committee stage. Members of the Committee tabled a number of amendments at Committee and Report stage, two of which were made, clarifying the non-application of referendum campaign spending limits to the media, and ensuring that the Government could not alter the Boundary Commissions' independent recommendations.

- Rapid scrutiny of the Fixed-term Parliaments Bill, reporting in time to support the House's consideration at Second Reading. Members of the Committee tabled amendments at Committee stage which generated debate on the role of the Speaker in determining whether or not a decision of the House amounted to a vote of no confidence which might lead to an early Dissolution. The Government subsequently did not contest a Lords Amendment re-wording clause 2 of the Bill to remove the Speaker from having to make such possibly contentious decisions.
- Timely scrutiny of the Government's proposals on Individual Electoral Registration, leading to Government review of certain proposals.
- Securing changes to the Cabinet Manual before its publication, including a section on Parliament's role in war-making.

2. THE COMMITTEE'S IMPACT

The Committee has embarked on wide-ranging inquiries examining how the Constitution currently works and whether and how it might be changed, as well as responding to events of constitutional significance, for example by taking on evidence the rules of royal succession and on voting by convicted prisoners following the decision of the ECHR on this issue.

The "core tasks"

The PCRC has examined every policy proposal which has emerged from the UK Government in relation to political and constitutional reform (*core task 1*). It conducted rapid scrutiny of two bills (*Parliamentary Voting Systems and Constituencies* (PVSC) and *Fixed-term Parliaments*), in both cases producing reports which were tagged to Second Reading and Committee stage proceedings on the floor of the House, assisted the House in debate and decision, and led to amendments being made (*core task 10*). The Committee also conducted pre-legislative scrutiny of two draft bills (*Individual Electoral Registration and Electoral Administration* (IER) and *Recall of MPs*) (*core task 3*), and recently began examining a Green paper (*Introducing a statutory register of lobbyists*) (*core task 1*).

The Committee identified, examined and made proposals on areas of emerging policy including the rules of royal succession, Parliament's role in conflict decisions and political party funding (*core task 2*). It examined other documents produced by the Cabinet Office, including the Cabinet Manual, and considered other decisions from the Department including those which guided the process of Government formation after the 2010 General Election (*core task 4*).

While the majority of work on the administration and expenditure of the Cabinet Office (*core tasks 6 and 5*) has been undertaken by the Public Administration Select Committee (PASC), the PCRC has commissioned research by the NAO on expenditure relating specifically to the Government's programme of political and constitutional reform.

In terms of executive agencies, NDPBs and regulators, the PCRC monitors the work of the Parliamentary Boundary Commissions and the Electoral Commission (*core task 7*). The Committee has not been required to scrutinise any major appointments made by the Cabinet Office (*core task 8*) but held two oral evidence sessions with members of the UK Bill of Rights Commission.

The Committee has not yet had the opportunity to examine the implementation of legislation and major policy initiatives in the area of political and constitutional reform (*core task 9*) because the Government's programme of legislation in this area has only recently begun to be implemented.

Connecting with Parliament more widely

The Committee's remit means that its work is frequently of direct relevance to Members of both Houses and the House Administration. The PCRC often circulates its calls for evidence to Members, regularly receives written evidence from Members and has taken oral evidence from Members on nine occasions (12 witnesses) and twice from House Officials (four witnesses). PCRC reports have been tagged to debates on three occasions and have supported the House's consideration of two significant pieces of legislation. At the request of the Liaison Committee, the PCRC has recently begun an inquiry into *Improving the quality of legislation*.

3. THE COMMITTEE'S WORKING METHODS

The Committee's working methods have been typical of any departmental select committee. However it has adopted some more innovative methods of working, for example:

- A formal agreement with the Centre for Political and Constitutional Studies at Kings College, London to support the Committee's inquiry into *Mapping the path to codifying—or not codifying—the UK's constitution*, supported by the Nuffield Foundation and Joseph Rowntree Charitable Trust.
- Initiating a public consultation on a draft code on the relationship between central and local government, produced by an academic at the request of the Committee, to support the Committee's inquiry into *Prospects for codifying the relationship between central and local Government*.

- Working to connect academic work on political and constitutional matters with policy making, including through the holding of a number of seminars.

4. ENGAGING WITH THE PUBLIC

As the subject matter with which the Committee is concerned is often considered to be dry and academic, the PCRC faces additional challenges in engaging the public in its work. However, the Committee has succeeded in engaging specific interest groups in certain inquiries. It has also launched a public consultation on a draft code for relations between local and central government.

5. ISSUES RELATING TO SCRUTINY AND ACCOUNTABILITY

The main issue which the PCRC has encountered has been the rushed timetable imposed by the Government on Parliament's consideration of the Fixed-term Parliaments Bill and the PVSC Bill. In its report on the former, the Committee said:

The Fixed-Term Parliaments Bill is ill-thought through, rushed and does not appear to provide a satisfactory solution, which ideally should be one around which there can be political consensus. It is unacceptable that a Bill of this legal and constitutional complexity has not been the subject of any prior consultation or pre-legislative scrutiny.

In its report on the PVSC Bill the Committee said:

It is always regrettable, and generally leads to poorer legislation, when [a rushed] approach to timetabling legislation becomes a characteristic of any Government's political reforms.

The pace of the changes introduced by the Government since these two bills were enacted has been more measured, and opportunities for effective scrutiny have consequently been greater. The Committee particularly welcomes the Government's decision to introduce the IER and Recall of MPs Bills in draft to allow for proper consultation and scrutiny. It continues to regret however, that many of the Government's most radical and far-reaching constitutional reforms were included in two bills which were rushed onto the statute books without adequate public consultation or Parliamentary scrutiny. The Committee intends to consider some of the issues arising from its scrutiny of these bills in the course of its forthcoming inquiry on *Improving the quality of legislation*.

While some draft bills with constitutional implications have been subject to pre-legislative scrutiny by the PCRC, others, such as the draft House of Lords Reform Bill have been considered by a specially convened Joint Committee. The Committee believes that there should be a clear, well understood and rational framework for decisions regarding the forum in which pre-legislative scrutiny is conducted, not least because of the implications for the workload and role of select committees.

6. HOW THE COMMITTEE HAS ASSESSED ITS OWN PERFORMANCE SO FAR

In the production of this memorandum the Committee held a discussion during a private meeting during which it considered its performance to date and its priorities for the remainder of the Parliament.

The creation of the PCRC has improved the coherence and comprehensiveness of the House of Commons' scrutiny of political and constitutional matters. We believe that the political and constitutional matters within the remit of the PCRC are too important to leave to the Constitution Committee of the Upper House alone.

Prior to the creation of the PCRC the area of policy for which the Committee is responsible fell within the remit of the Justice Committee and PASC. Had the PCRC not been established there is no doubt that these two excellent Committees would have scrutinised the Government's programme of work in this area whenever possible, although both already have very full programmes of work. There is no doubt that the creation of the PCRC has brought an additional Parliamentary focus to a substantial part of the Government's programme.

The Committee believes that its existence has increased the accountability of civil servants and of ministers in the Cabinet Office. One of the Committee's most important roles is its scrutiny of the policy responsibilities of the Deputy Prime Minister (DPM). The Committee has twice taken oral evidence from the DPM, across the range of his responsibilities.

7. PRIORITIES AND OBJECTIVES FOR THE REMAINDER OF THE PARLIAMENT

While the Committee had some qualms about the process by which the Fixed-term Parliaments Bill was enacted, it believes that the Act has had a significant beneficial effect for select committees in allowing them to plan their programme of inquiries over the course of a Parliament.

For the remainder of the Parliament the PCRC's objectives are:

- To produce an overview of the current UK Constitution and a roadmap showing how one would go about codifying it if one wished to do so;
- To maintain its close scrutiny of the Government's programme of political and constitutional reform; and

- To respond to issues of political and constitutional significance as they arise.

8. HOW THE COMMITTEE OBJECTIVELY DEMONSTRATES THE EFFECTIVENESS AND VALUE OF ITS WORK

As discussed in section 6 above, the Committee believes that it has made a contribution to achieving better Government by undertaking detailed and comprehensive scrutiny of the Government's programme of political and constitutional reform and freeing up other Committees to concentrate on their scrutiny of other matters.

The Committee believes that the effectiveness and value of its work can be objectively demonstrated by:

- Amendments made to legislation and key constitutional documents (such as the Cabinet Manual) as a result of Committee scrutiny reports.
- Its establishment as a key player in the field of political and constitutional research and policy-making (the Chair, Committee members and staff are invited to participate in external events and key institutions and individuals respond to the Committee's inquiries).
- Press coverage of Committee reports which has contributed to public debates on matters of political and constitutional significance.
- References to the Committee's work in academic work, ministerial speeches and on the Floor of the House.

March 2012

Written evidence by the Public Administration Select Committee (PASC)

What were the main achievements and highlights of the session

- Our main effort is directed at scrutiny of the quality and processes of our national government and to make recommendations which will lead to their improvement.
- Our first report, *Who Does UK National Strategy?*, questioned the capability of government to make the most fundamental decisions based on the right kind of cross-departmental analysis and assessment, and we recommended the Government should create a "community of strategic thinkers" from across Whitehall and beyond. Although the Government formally rejected many of our findings and recommendations, our report initiated a significant debate within Whitehall and beyond. The Government is implementing our key recommendation and we are following up with a further inquiry and report on the same topic.
- This work is part of our central theme of Civil Service reform, and the belief that change in Whitehall and better government will be defeated by inertia without a coordinated reform programme, led by a strong centre of government. This theme ran through the reports *Good Governance and Civil Service Reform: "End of Term" report on Whitehall plans for structural reform*; *Change in Government: the agenda for leadership*; and *The Big Society*. We have also identified six principles of good governance which will guide our future work: leadership, performance, accountability, transparency, engagement and empowerment. The Government has now accepted our recommendation to publish its plan for Civil Service reform and has proposed to do so in Spring 2012.
- The PASC pre-appointment hearing with the Government's preferred candidate for the role of Chair of the UK Statistics Authority set a precedent when the candidate withdrew following the hearing, on the grounds that she and the committee had "differing views about how the job should be undertaken, and in particular, how the independence of the Chair should be pursued". The Minister for the Cabinet Office then sought to give the Committee a greater role in the selection process, taking the opinion of the Committee on the composition of the selection panel, the remuneration to be offered for the post, and the person specification and job description. PASC was represented on the interview panel by Kelvin Hopkins MP. We welcomed the fresh approach taken by the Minister to the selection process for this important and independent post and appreciated the constructive approach taken to consultation and engagement with the Committee.

The impact the Committee has had

- In addition to the achievements above, a number of the recommendations in PASC reports have been accepted by ministers. For example, the Cabinet Office explicitly agreed with almost two thirds of our recommendations on Government IT from the report *A recipe for rip-offs—time for a new approach*. Furthermore, the Government has now accepted the principle proposed by PASC that a reduction in the number of MPs should be accompanied by a proportional reduction in the number of ministers.

Innovative working methods to maximise impact and performance

- As part of our inquiry into Civil Service reform, we wanted to find out how Departments were managing change without needing to engage on a separate full-scale inquiry. We established a “virtual inquiry” process, writing to all departmental Permanent Secretaries for an update on their departmental change programme, commissioning an analysis of those responses by our Specialist Adviser, and publishing the responses and analysis in the form of an “*End of Term*” report on *Whitehall plans for structural reform*. This initiative was welcomed by academics and think-tanks.

What links the committee’s work has had with the Chamber, Westminster Hall and more widely in Parliament

- PASC took an active role in the recruitment of the new Parliamentary Ombudsman—an officer of the House. On our recommendation, the House, rather than the Cabinet Office, ran the recruitment process and the Chair participated in the recruitment panel.
- The PASC inquiry *Smaller Government: what do ministers do?* prompted a debate in the Chamber, and a vote on an amendment to the Parliamentary Voting System and Constituencies Bill, which would have reduced the maximum number of Ministers sitting as MPs from 95 to 87, to reflect directly the Government’s proposed percentage reduction in the number of MPs.

How the committee has successfully engaged the public (indicating any innovative practices or use of new technology)

- Public opinion has been a key theme in our inquiry into strategic thinking in government. We are engaging with the public through commissioning opinion polling to understand the extent to which public identity is reflected in UK strategic thinking, and the extent of any gap between the aspirations of the public and the perceptions in Whitehall which determine emergent strategy.
- As part of the same inquiry we have also created an e-Forum to enable the wider strategic thinking community to feed into the inquiry and comment on the oral and written evidence received as the inquiry proceeded. This has proven successful in generating engagement from beyond those who have submitted formal evidence and, through comments from e-forum posters in other countries, has provided an international perspective on the evidence received.
- The PASC inquiry into the Big Society generated considerable public interest and the Committee received over a hundred memoranda from many individual members of the public, as well as numerous local community groups and charities.

Any issues relating to scrutiny and accountability which the Liaison Committee ought to consider, and any problems encountered which might have frustrated effective scrutiny

- We were surprised and disappointed at the lateness of the responses from the Department for Culture, Media and Sport and the Department for International Development to our request for evidence on their departmental change programmes.

How the committee has assessed its own performance so far, and what are its priorities and objectives for the remainder of the Parliament

- We have monitored our performance through an assessment of accepted and implemented recommendations and through scrutiny of government responses to our reports, including revisiting topics where we felt the Government response merited doing so. We have analysed the media coverage we have received and welcomed views regarding the effectiveness of our work from stakeholders within the field of public administration.
- Our priorities for the rest of the Parliament will be:
 - To continue our work on scrutinising the Government’s extensive change programme in the Civil Service, and the success of the new Head of the Civil Service and Cabinet Secretary roles.
 - To consider issues of propriety: such as the role of special advisers, the work of the Committee on Standards in Public Life and the honours system.
 - To scrutinise the work of the Office for Civil Society and take a thorough look at the state and regulation of the charity sector.
 - To continue our role as the “critical friend” of the Parliamentary and Health Service Ombudsman and to promote better complaint-handling in Whitehall.
 - To take an active role in scrutinising the work of the UK Statistics Authority and the Government’s statistics policy.
- Our objectives will be:
 - To scrutinise effectively the work of the Cabinet Office.
 - To achieve an acceptance by ministers of the need of a stronger centre of government to drive reform in the Civil Service and effective cross-departmental working.
 - A reduction in the number of ministers in proportion with the reduction in the number of MPs.

- To build a greater awareness of the need to promote and utilise strategic thinking in Whitehall.
- To build understanding of the need for good governance across Whitehall and a recognition of the need for Civil Service reform to reflect the principles of leadership, performance, accountability, transparency, engagement and empowerment.

How the Committee aims to demonstrate objectively to others the effectiveness and value of its work and the contribution it makes to achieving better government

- By focusing future work on the six principles of good governance: leadership, performance, accountability, transparency, engagement and empowerment, we will show directly how we work for good governance in Whitehall.
- Revisiting past reports will highlight progress made since the original inquiry.
- The annual analysis of Civil Service change programmes will demonstrate that the recommendations made by PASC in previous reports are being adopted by Departments.

March 2012

Written evidence by the Scottish Affairs Committee

1. This memorandum sets out the main highlights of the work of the Scottish Affairs Committee in the 2010–12 Session, outlining the Committee’s effectiveness to date and setting out its objectives for the remainder of the Parliament. In doing so, the memorandum aims to cover the points to be considered by the Liaison Committee as part of its inquiry into Select Committee Powers and Effectiveness.

2. The Committee’s work in 2010–12 has taken place against a backdrop of increasing uncertainty in relation to Scotland’s constitutional future within the United Kingdom. Since the creation of an SNP administration in Scotland, following the May 2011 Scottish general election, this issue has dominated the agenda in Scotland. While the Committee’s remit is to scrutinise the work of the Scotland Office, the Committee’s attention has also been very much focused on monitoring the devolution settlement and seeking to keep ahead of the fast moving and dynamic debate on this key issue.

3. With this in mind, one of the Committee’s key priorities during the session has been to increase the profile and visibility of the work of the Committee in Scotland, and we have undertaken an extensive programme of oral evidence and informal visits in Scotland in order to achieve this. Of the 42 formal oral evidence sessions held to date this Session, 14% have taken place in Scotland (the Committee held no formal oral evidence session in the 2009–10 Session). In addition we have undertaken informal visits to Scotland on a further 19 separate occasions—meeting with representatives from well over 150 organisations. We have travelled to as many parts of Scotland as possible, including: Glasgow; Edinburgh; Dundee; Aberdeen; Oban; Inverness; Stirling; Glenrothes; the Shetland Islands; Orkney; Wick; Thurso; Tiree; Barra; and, Lewis. While some of these were one day or overnight visits, some have been over an extended period, for example, we spent a week travelling through the Shetland Islands, Orkney and Caithness.

4. Furthermore, we have employed a number of different strategies to increase the profile and visibility of the Committee in Scotland, and thereby our effectiveness in reaching the public, engaging stakeholders and in increasing the effectiveness of our work in scrutinising Government policy and monitoring the devolution settlement. Some examples are outlined below.

PRE-INQUIRY SEMINARS AND PRESS LAUNCHES

5. Prior to publishing terms of reference, we have sought to arrange informal meetings with key stakeholders. This has not only improved the quality of the terms of reference and subsequently the quality and relevance of the evidence submitted to the inquiry—thereby enhancing the level of the scrutiny of Government policy. It has also served to increase public awareness of, and engagement with, the inquiry from beginning to end. For example, prior to the launch of our major inquiry into the *Crown Estate in Scotland*, we held an informal seminar with key stakeholders, including the Crown Estate themselves, in March 2011. This considerably influenced the drafting of our terms of reference, and high levels of media coverage of the event resulted in higher levels of public awareness of the inquiry, which meant we were able to take evidence from a wider range of witnesses rather than just the “usual suspects”. At the end of the inquiry, in March 2012, we formally launched our Report in the same venue. All of those who participated in the inquiry were invited to attend, and approximately 40 people as well as the press were in attendance. The launch was followed by an informal seminar in an attempt to generate further momentum behind the Committee’s recommendations—and we hope that the consensus which has been generated throughout the Committee’s inquiry and reflected in our Report will improve the efficacy of our work in influencing the Government’s policy and response.

6. In the context of another major inquiry undertaken during this session, *Health and Safety in Scotland*, we also made use of informal meetings prior to the formal launch of the inquiry. On this occasion, however, we commissioned the NAO to undertake a detailed piece of research clarifying the factual position in relation to the levels of major injuries and deaths in the workplace in Scotland, compared with the levels in England and Wales. Following an informal briefing with the authors of the report, we used this material as the basis for

consultation with a number of key stakeholders, again, in advance of the publication of terms of reference. In particular, I hosted an event at the TUC Scotland's annual congress in order to inform the terms of reference, and again, to raise awareness of, and levels of engagement with, the inquiry.

7. We are yet to agree our Report on this subject, but the inquiry has already proved effective in altering policy and practice. An example of this is that, through the Committee's evidence, and subsequent informal meetings, the NFU and Health and Safety Executive have taken concrete steps towards improving their joint-working in Scotland.

8. The Committee has made a commitment, wherever possible, to launch our reports in Scotland. Not only does this increase media profile, but makes the process of an inquiry transparent from beginning to end, and helps witnesses and others to see how their evidence has been used. We launched our Report into the *Video games industry in Scotland* in Abertay University, Dundee on 7 February 2011. Furthermore, the Chancellor of the Exchequer accepted the central recommendation of this Report, which was reflected in his budget statement on 21 March 2012.

PUBLIC ENGAGEMENT

9. In order to pursue our objective of increasing the profile of the Committee in Scotland, and in enhancing stakeholder engagement with the Committee, we were pleased to be able to take part in the first Parliamentary Outreach week. Several members of the Committee took part in a seminar style event in Stirling, where we discussed both the nature of the work of Select Committees and more specifically, the substantive inquiries currently being undertaken by the Scottish Affairs Committee.

10. As noted above, we have undertaken an extensive programme of informal meetings and visits, and in doing so have met with representatives of a multitude of organisations including: Dalmally Post Office; Glasgow Mail Depot; Loch Fyne Oysters, Highland Park distillery; Orkney lobster hatchery; Orkney Fishermen's Association; Universities Scotland; NUS Scotland; Dounreay Nuclear Power Station; Tullis Russell; Aberdeen Chambers of Commerce; Total oil and gas; Highland and Islands Enterprise; Stirling Castle and Wick Marina. We also held a surgery-style open meeting in the town hall in Tiree.

USE OF INNOVATIVE PRACTICES

11. In October 2011, we launched two inquiries on issues relating to the potential referendum on separation for Scotland. For the first of these inquiries, *The Referendum on Separation for Scotland: unanswered questions*, we were keen for members of the public to submit their concerns and questions in relation to issues which should be clarified before any referendum, in order to allow voters to make an informed choice. In order to reach a wider population, the *Daily Record* newspaper launched a campaign asking people to submit their questions and concerns. We received over 200 questions, and published these with our Report on 15 February 2012. In doing so, not only did we engage individuals who do not usually engage with Committees, but crucially, our Report has set the agenda going forward, both north and south of the border, in identifying key issues which need to be clarified prior to any referendum taking place.

12. We will report on the second of these inquiries, *The Referendum on Separation for Scotland*, which focuses on the mechanical and legal aspects of the referendum, and which will comment on both the UK and Scottish Government's consultation on these issues, before the end of the Session.

LINKS WITH PARLIAMENT AND THE CHAMBER

13. Two of our major Reports this session have focused on legislation. Our Report on *Postal Services in Scotland* was published in time to coincide with the Remaining Stages of the Postal Services Bill in the House of Commons, which were taken on the floor of the House in January 2011. Our Report was tagged to the debate, and served to highlight specific concerns in relation to the provision in the Bill which would change the Universal Service Obligation and would disproportionately impact upon remote and rural communities in Scotland. The Minister offered suitable assurances to the Committee, and safeguards were subsequently included on the face of the Bill.

14. Our report on the *Scotland Bill* was published on 15 March 2011, and was tagged to the Third Reading Debate on the floor of the House. The Report focused on the financial provisions of the Bill, and specifically recommended that the limits set in the Bill for the Scottish Parliament's borrowing power were too low, and should be increased. The Government agreed, and the Bill was amended accordingly.

URGENT INQUIRIES

15. We have been keen to ensure that the Committee is as able to be as responsive and flexible as possible in its work programme, so as to enable us to respond and report quickly when necessary. We have achieved this by often meeting more than once a week. During this session we have conducted three such inquiries. In *Student Immigration System in Scotland*, we drew the Government's attention to the potentially disproportionate impact and unintended consequences of its proposals for reform of the student visa system for Scottish Universities. The Government subsequently amended its proposals accordingly. In our Report *UK Border Agency and Glasgow City Council*, we highlighted key failures in the re-housing of asylum families in Glasgow,

and our inquiry was suitably timely in helping to ensure that appropriate steps were taken and an appropriate solution identified. We are currently drafting our report on *A robust grid for 21st century Scotland*, which comments on the response to the severe storms which caused disruption and power cuts in much of the Highlands and Islands during January 2012.

ISSUES RELATING TO SCRUTINY AND ACCOUNTABILITY

16. Although we have been successful in increasing public engagement with the Committee through a range of activities, our efforts have been somewhat frustrated in two ways. First, we have sought permission to use the facilities of the Scottish Parliament for our formal meetings in Edinburgh, however, to date, co-operation has not been forthcoming. A second, and related concern is the level of ongoing media coverage of the Committee's formal oral evidence sessions in Scotland. We are pleased with the level of interest and subsequent media coverage of our sessions in Westminster—we are regularly televised on BBC Parliament. However, given the crucial importance of the Scottish media to our work, we are keen that there be a more systematic approach to securing broadcast coverage of the Committee's formal evidence sessions in Scotland. We had hoped that we might be in a position to use Scottish Parliament facilities to this end, and will continue to explore this as a potential option, as well as pursuing options for the webcasting of evidence sessions outside Westminster.

OBJECTIVES AND PRIORITIES

17. As noted above, the potential Referendum on separation for Scotland is likely to dominate political discourse in Scotland for the foreseeable future. Our aim is to take a systematic and strategic approach to this, so as to improve the quality of accurate information which is available in order to inform public debate, and to hold the Government to account as it develops its policy in this area. Our approach to this is twofold:

1. In our Report *The Referendum on Separation for Scotland: unanswered questions*, we identified several major questions which need to be addressed prior to any referendum. We have already begun to take oral evidence on a number of those questions, and aim to publish a series of reports which will set out the key facts and issues in a concise and accessible way.
2. A number of other Select Committees have announced inquiries on the potential impact of separation for Scotland on the areas of policy which are within their remit. We welcome this, and will seek to co-ordinate these inquiries through the Liaison Committee, both to minimise overlap and to maximise the potential impact on public debate.

18. Finally, we are always keen to enhance the effectiveness of our scrutiny. With this in mind, Members of the Committee plan to undertake training in effective questioning—to make sure we get to the heart of the matter, hold the Government to account, and ultimately effectively address the issues that matter to the people of Scotland.

March 2012

Written evidence by the Transport Committee

1. This memorandum provides our assessment of our activities and effectiveness since the general election, based on the questions published by the Liaison Committee as part of its inquiry into select committee powers and effectiveness.

2. As an annex to this note we have analysed how we have met the core tasks for select committees.

WHERE WE HAVE MADE A DIFFERENCE

3. In assessing our effectiveness we have adopted the four outcomes of committee activity proposed by our Chair in her evidence to the Liaison Committee inquiry. Examples of how our work has contributed to these outcomes are given below.

INFLUENCING GOVERNMENT POLICY

4. In June 2011 we concluded that the Government's proposals for reforming the Coastguard Service should not proceed. In particular, we were concerned about the impact on safety of closing many coastguard stations at night and the consequent diminution of coastguards' local knowledge. We also called for any new proposals to be subject to further consultation. These recommendations were accepted and formed the basis of the revised proposals published by the Government in July 2011 and subsequently implemented.

5. Many of the recommendations in our report on the impact on transport of the adverse winter weather in December 2010 were accepted. These included recommendations on rail passenger information during periods of disruption; dealing with blockages on the strategic road network; and a Highways Agency publicity campaign on winter preparedness. The Civil Aviation Bill, which we scrutinised in draft at very short notice, includes provisions to improve the resilience of major airports.

6. Our call for a complete overhaul of the legislation under which taxis and private hire vehicles are licensed was accepted by the Government. Many of our detailed recommendations—for example, that there should be one Act covering both forms of licence and that national licensing standards should apply in relation to matters affecting passenger safety—were accepted. The Government has referred the matter to the Law Commission, which has taken our report as a starting point for its own investigation.

7. The Constitution Unit has devised a methodology for measuring the effectiveness of select committees based on the proportion of recommendations accepted by the Government.⁷⁴ In this study, 12% of committee recommendations were fully accepted by the Government and 56% were accepted to some extent or under consideration. A quantitative approach of this sort can only capture one element of the overall effectiveness of committees, but using this methodology our scrutiny work is particularly effective. Over 25% of our recommendations which have received a Government reply so far have been fully accepted and 54% have been accepted to some extent or are under consideration. We intend to continue monitoring how the Government treats our recommendations and how many go on to be implemented.

PUTTING ISSUES ON THE AGENDA

8. The cost of motor insurance was raised as an issue by our constituents but had attracted little attention from Government or in Parliament before our inquiry. Our work on this subject, which has included publishing two reports, has been extensively covered in the media and generated a considerable volume of correspondence from the public. The research on the motor insurance market published by Jack Straw MP extensively quoted our first report on motor insurance. We also commissioned a survey of young motorists from insurer Young Marmalade, the results of which we published with our second report. Our first report was the focus of a debate on the floor of the House which we secured via the Backbench Business Committee. The House agreed to our motion calling for the establishment of a cross-departmental ministerial committee aimed at reducing the cost of motor insurance and we are now following up how this will be implemented. The cost of motor insurance is an issue we continue to follow closely.

9. By keeping a close an eye on the Department for Transport's spending plans we were able to draw attention to the department's £1 billion underspend in 2010–11. Although some money had been used for other transport projects, over £500 million was returned to the Treasury. We also questioned other aspects of the department's financial plans, including whether funds allocated to the Regional Growth Fund and Growing Places Fund were delivering proportionate benefits to transport. These issues were the subject of a well attended Estimates Day debate and we intend to follow them up in our financial scrutiny work.

10. Our work concerning cable theft on the railway highlighted this aspect of increasing metal theft across the country. Our report was discussed in the context of a debate on metal theft on the floor of the House.

RAISING AWARENESS OF PARLIAMENT

11. Working with the parliamentary outreach service we used a variety of means to attract evidence from bus users who would not normally contribute to, or even be aware of, a select committee inquiry. Supplying leaflets to local citizens advice bureaus and libraries in areas most affected by cuts to subsidised bus services generated considerable interest in the inquiry and dozens of submissions. Several locations ran out of leaflets and asked for more and we heard reports of our leaflets being left at bus stops by people keen to generate further interest in our work. We identified local bus campaigners from petitions submitted to the House during our inquiry and encouraged them to send evidence. We also used Facebook to attract evidence from younger people, many of whom commented on the difficulty of reaching their workplaces or colleges because of cuts to services. We received positive feedback about the inquiry process from the people who contacted us and their contributions enriched our report, ensuring that it was focused on the impact on bus users of changes to services.

12. As soon as the Government published its initial proposals on reform of the Coastguard Service we began to receive correspondence from individual coastguards and small groups of coastguards alerting us to the impact of the changes and asking us to step in. Our inquiry engaged coastguards from almost every station in the UK. We took oral evidence at two stations—Falmouth and Stornoway—visited the night watch at Clyde station, and also met coastguards from numerous other stations. Again, we received positive feedback from coastguards about the important role Parliament played in influencing how their service would be changed.

13. We have travelled extensively in the UK to ensure that we hear a wide range of views, engage with people who might otherwise not contribute to a select committee inquiry, and demonstrate the important role of select committees. For example, during our inquiry into the links between transport spending and economic growth we heard oral evidence in Hull and Birmingham; we visited Halton and Liverpool to discuss how the local authorities in both districts are implementing the Government's road safety strategy; we have visited several airports; and we have held extensive discussions on their work with the Driving Standards Agency, Driver and Vehicle Licensing Agency, and the Met Office.

14. Developing links with the media, particularly regional media, has been essential to promoting our work with the public. We have received excellent support from our media officer to achieve good coverage for our

⁷⁴ <https://www.ucl.ac.uk/constitution-unit/publications/tabs/unit-publications/153.pdf>

reports and other activity, particularly evidence away from Westminster. Our inquiries on the coastguards, the cost of motor insurance, high speed rail and cable theft on the railway all received extensive media coverage.

PROVIDING A FORUM FOR DISCUSSION OF GOVERNMENT POLICY

15. Select committees are often the only public forum for the discussion of new Government policy. For example, our inquiry on high speed rail attracted over 200 submissions of evidence plus hundreds of emails and letters from members of the public. We commissioned research on the strength of the Government's business case for HS2 which framed the terms of our inquiry clearly from the outset. The research findings also became a focal point for a vigorous debate where we heard oral evidence from a wide range of experts and organisations with an interest in the issue. Similarly our inquiry into the coastguard service and related matters became the primary opportunity for a national public debate on the issues to which all interested parties could contribute.

16. The Government's decision to award the contract for the manufacture of Thameslink rolling stock to Siemens rather than Bombardier caused concerns to be expressed about the viability of Bombardier's factory at Derby. Our inquiry provided the only opportunity to bring both firms, trades unions, procurement experts and ministers together to discuss the decision and the Government's intention to reform how it procures for major projects. We also received evidence from firms in Bombardier's supply chain and the Derby MPs, local authority and business groups.

INNOVATIVE WORKING METHODS

17. We have given examples of innovative working methods above. In summary, our main innovations have been as follows:

- *Outreach*: leaflets in libraries and citizen advice bureaus, use of Facebook, and contacting petitioners to the House to gather evidence.
- *Research*: commissioned an analysis of the high speed rail business case; commissioned a survey of young motor insurance customers.
- *Media*: strategy for high speed rail inquiry included a briefing at the outset on the structure of the inquiry, likely witnesses etc; focus on regional media; and an announcement of a new inquiry by the Chair on YouTube.
- *Connecting with the House*: two reports launched on the floor of the House via Backbench Business Committee; debated votable motion on cost of motor insurance via Backbench Business Committee; initiated well-attended debate on financial scrutiny of the Department for Transport on an Estimates Day.

FUTURE PLANS

18. In choosing inquiries, we aim to cover all transport modes and to divide our time between longer, more in-depth inquiries and shorter inquiries into topical issues, such as recent Government announcements.

19. Our next major inquiries will be into the Government's rail White Paper and its draft sustainable framework for aviation. These are likely to continue into the autumn. Later in the Parliament, we are likely to look at cross-modal issues such as disability access to public transport and transport security.

20. We are planning further innovations in working methods, including using Twitter to gather information about the main issues with cycling safety ahead of an evidence session on the issue after Easter.

21. We are also committed to following up our previous recommendations, by means of further oral evidence and reports, correspondence with ministers and debates in the House.

13 March 2012

Inquiry/activity	Task 1: examination of policy proposals	Task 2: emerging policy	Task 3: draft bills	Task 4: specific output	Tasks 5/6: DfT expenditure and performance	Task 7: work of other public bodies	Task 8: major appointments	Task 9: Implementation of legislation	Task 10: debates
Network Rail/priorities for rail				X			X (Network Rail - not technically pre-appointment)		X
Out of the jam: reducing congestion on the roads		X		X		X (Highways Agency)		X	
Ports NPS									X
Road safety	X							X	
Sulphur emissions by ships	X								
Taxis and private hire vehicles		X							
Thameslink rolling stock procurement				X					
Transport and the economy		X			X				X

Written evidence from the Welsh Affairs Committee

WHERE WE HAVE MADE A DIFFERENCE

1. This memorandum provides our assessment of our activities and effectiveness since the 2010 general election. In doing so, the memorandum aims to cover the points to be considered by the Liaison Committee as part of its inquiry into Select Committee Powers and Effectiveness.

2. In assessing our effectiveness we have adopted four criteria: our role in overseeing the devolution settlement; our influence over government policy; informing debate; and our commitment to raising the awareness of the work of the Committee and of Parliament. Examples of how our work has contributed to these outcomes are given below.

OVERSEEING THE DEVOLUTION SETTLEMENT IN WALES

3. A central and important part of our remit is to oversee the devolution settlement in Wales. In March 2011 Wales voted “yes” to devolving further law making powers to the National Assembly for Wales (NAW). Before the referendum took place we held an inquiry into the proposed amendment of Schedule 7 of the Government of Wales Act 2006. We were keen to ensure that the Government’s proposals to amend Schedule 7 had sufficiently taken account of changes in powers conferred upon the NAW since 2006. The Government accepted our key recommendation that it should revise and update the Devolution Guidance Notes which set out advice on working arrangements between the UK Government and the devolved administrations.

4. Since July 2010 we have monitored closely the effectiveness of the Wales Office in both Wales and within Whitehall. To that end we have held frequent evidence sessions with the Secretary of State for Wales where we scrutinised the Secretary of State’s work in a range of areas under her responsibility. During these evidence sessions we sought assurances on the preparations for the referendum on law making powers and on relations between the Wales Office and the Welsh Government.

5. Following the establishment of the Commission on Devolution in Wales there is the prospect of further changes to devolution in Wales. The Commission was established by the Government to consider first the case for devolving fiscal powers to the National Assembly and later to review the powers of the Assembly itself. In January 2012, shortly after the establishment of the Commission, we sought assurances from the Chair and Independent Commissioners that they would gather views on devolving powers from an extensive range of people and organizations.

6. In 2006 the executive and legislative functions exercised by the National Assembly for Wales were split between the Welsh Government and the National Assembly. Our own relations with the National Assembly for Wales and its scrutiny Committees have been positive. We are grateful that the Assembly has provided us with the use of committee rooms and transcription services on a number of occasions. We have also recently held a joint meeting with the Enterprise and Business Committee, looking at transport issues in Wales and look forward to cooperating further in the next Session.

7. Because significant areas of legislative competence are now the responsibility of the NAW, we consider taking oral evidence from Welsh Government Ministers to be an important aspect of our inquiries. During this Session we have regularly taken evidence from Welsh Government Ministers. However, this level of co-operation has not been forthcoming from all areas of the Welsh Government and it is an aspect of our work that we will continue to monitor closely.

INFLUENCING GOVERNMENT POLICY

8. In January 2011 we published a report on the future of the Newport Passport Office, part of which was under threat of closure under plans by the Identity and Passport Service. In the light of the potential impact on the local economy, we strongly urged the Government to scale-down its proposals to close the passport application processing centre at Newport. We were pleased when, some months after our Report, the Government revised its plans for the Newport centre.

9. Our inquiry into the Severn Crossings Toll put the future ownership and funding of this vital transport infrastructure between Wales and England at the forefront of public debate. Following our Report, the Government agreed to our recommendation that it should consider the potential application of free-flow technology on the Severn Bridge so that unnecessary delays caused by vehicles queuing at toll booths on the bridge were minimised.

10. Our inquiry into Inward Investment in Wales also raised this important economic issue up the political agenda in Wales and in Whitehall. Although we are yet to receive the Government’s response to our Report, our extensive inquiry into the causes of Wales’ underperformance in attracting investment and our positive suggestions for the future, received a great deal of media coverage and stimulated substantial comment from, among others, think tanks, businesses and universities in Wales.

11. Our influence is wider than that of the UK Government. Our inquiries, including those into Inward Investment in Wales and the Severn Crossings Toll, also made recommendations in policy areas which were within the remit of the Welsh Government and are relevant to other public bodies in Wales, businesses and interest groups.

INFORMING DEBATE

12. In 2011, S4C (Sianel Pedwar Cymru) came under our scrutiny in respect of its funding, management, accountability and the quality of its output. The broadcaster, which is accountable to the Department for Culture, Media, and Sport, had not received parliamentary scrutiny for a number of years. In a well received report we argued that, regardless of its new funding arrangements with the BBC, procedures must be established to ensure that S4C maintain its independence from Government. Our Report called for greater parliamentary oversight of S4C and we were pleased that the Government accepted our recommendation that we should hold a pre-appointment hearing with the proposed new Chairman of S4C. We subsequently held a joint session in May 2011 with our colleagues from the Culture, Media, and Sport Committee.

13. Our inquiry into the representation of Consumer Interests in Wales, brought the uncertain future of Consumer Focus Wales to public attention. Our Report called for greater clarity about how the interests of consumers in Wales would be represented should Consumer Focus be abolished under the Government's proposals. We await keenly the Government's response to our recommendations.

14. Our Reports on the Severn Crossings Toll, Schedule 7 of the Government of Wales Act 2006 and Inward Investment were used to inform Members in debates held in Westminster Hall and on the floor of the House.

ENGAGING WITH THE PUBLIC

15. A key objective of the Committee has been to become central to the political debate in Wales and in particular, that people in Wales would take notice of what we said on the issues that really mattered to them. We have been fully committed to increasing our profile and visibility in Wales. One of the ways that we have set out to achieve this was by leaving Westminster more frequently in connection with the inquiries and other work that we have undertaken.

16. We have travelled away from Westminster regularly, holding evidence sessions in different locations in Wales and making our 15 visits a practical, "first hand" part of our inquiries. To that end we have visited a range of locations including Tata steel works in Port Talbot, St Dunstan's Hospital in Llandudno, the AHVLA laboratory in Carmarthen, universities in St Asaph and Swansea and the new BBC drama village in Cardiff Bay. These visits have provided an invaluable understanding of the concerns of people when meeting them in their natural environment rather than the more formal setting of Parliament.

17. In November 2011 the Committee held events at the National Museum in Cardiff and at Venue Cymru in Llandudno, as part of Parliament Week. We used these events to explain the work of Members of Parliament and Select Committees and to launch an important new inquiry into the support services for armed forces veterans in Wales, our major inquiry for the first half of 2012. At this Outreach event we met with a wide range of Armed Forces Service charities, former Service personnel, and other interest groups, thus gaining an invaluable insight at first hand into the issues that face Service personnel as they adjust from serving in the forces to civilian life.

OUR FUTURE PLANS

18. In choosing inquiries, we aim to be relevant to the concerns of the people of Wales encompassing a breadth of issues—from scrutinising the work of Government and the mechanics of devolution, to economic and cultural topics. We divide our time between longer, more in-depth inquiries and shorter inquiries into topical issues, such as recent Government announcements.

19. Our next major inquiry will be into Cross border transport services. Later in the Parliament, we plan to consider further the evolving devolution settlement in Wales. We also intend to continue our programme of visits to all regions of Wales, gathering evidence for our inquiries.

20. We are also committed to following up our previous recommendations and activity. We intend to do this in the summer by re-visiting our Report into S4C and analysing whether or not the Governments plans for the organisation and funding of that organization are meeting their objectives.

Written evidence from the Work and Pensions Committee

KEY ACHIEVEMENTS AND IMPACT

The Committee completed eight inquiries in the 2010–12 session and will carry a further two inquiries over to the next session. The Committee also completed a pre-appointment hearing, scrutinised the Departmental annual accounts and estimates, and held several one-off evidence sessions covering the DWP's wide-ranging and complex remit.

Following the 2010 election, the Coalition Government embarked on major reforms in relation to welfare, employment programmes and pensions. In terms of welfare, this has included significant changes to housing benefit, the reassessment of people receiving incapacity benefit and disability living allowance, and the replacement of existing welfare-to-work schemes with the new Work Programme. The Government also announced a process to simplify the benefits system by introducing the Universal Credit. In pensions, the Government announced plans to reform the state pension, as well as implementing requirements on employers to enrol their staff in a workplace pension.

Each of these reforms will have a significant impact on large sections of the population, as well as having cost implications for the Government. The Committee has held Ministers to account in each of these areas, and contributed towards policy change, the effectiveness of implementation and delivery, and increased transparency and accountability. For example, the Committee's inquiries and reports have made the following specific contributions in relation to welfare and pensions:

- On housing benefit, the Committee raised a series of concerns in its December 2010 report. These included the Government's plans to cut housing benefit by 10% for claimants who had received Jobseekers' Allowance for over a year. The Committee's report made a significant contribution to the debate around this issue, and the Government withdrew its plans in March 2011. The Government also agreed to an independent review of the impact of the housing benefit changes.
- On youth unemployment, the Committee's 2010 inquiry led to Government commitments in relation to the transitional arrangements for young unemployed people, the delivery model for the Work Programme and the inclusion of young unemployed people in apprenticeships. The Committee's report also contributed to the debate on effective interventions to support youth employment by querying Government assumptions around the cost-effectiveness of the Future Jobs Fund approach for the long-term unemployed. The Government's Youth Contract which began in April 2012 is the now the focus for a new inquiry into youth unemployment.
- The Committee's inquiry into the Work Programme led to Government assurances around the involvement of the voluntary sector and a commitment to a full and transparent evaluation of the programme. The Committee's report highlighted a gap in welfare-to-work provision before the introduction of the Work Programme, which the Government subsequently took steps to address. The report also highlighted the financial risks involved in the programme which will continue to inform the debate around the programme during its initial years. The Committee plans to follow up this report later this year.
- On pensions, the Committee gained an important commitment from the Minister in oral evidence that the timetable for auto-enrolment in workplace pensions would remain on track, without any further postponements. The Committee was also invited by the Minister to make a recommendation around the possibility of lifting restrictions on the National Employment Savings Trust, (NEST) which it did in its Report published in March 2012. It is anticipated that this recommendation will inform the Government's next steps in relation to NEST.
- The child maintenance inquiry highlighted the Government's plans to charge parents to use the statutory Child Support Agency service, questioning the level of proposed charges and the proposal that they would fall most heavily on parents with care. The report received significant attention among stakeholders and the media. The Committee understands that the Government now plans to reduce the level of charges. The Committee will revisit many of the issues raised in the Report in a forthcoming evidence session with the Minister as part of the draft Orders under the Public Bodies Act procedure.
- In relation to incapacity benefits, the Committee highlighted weaknesses in the Work Capability Assessment and received Government assurances that the process would be refined alongside ensuring there was adequate employment support for people with disabilities and long-term health conditions. The Committee also identified irresponsible and inaccurate media coverage and held the Department to account for the way it releases statistics to the media.
- In the June 2010 Budget, the Government announced its intention to reform Disability Living Allowance by introducing a new assessment for eligibility. DWP later announced proposals to replace DLA with the Personal Independence Payment for working-age claimants and the broad framework for the new benefit and its eligibility assessment was included in the 2010 Welfare Reform Bill. The inquiry looked at the Government's policy objectives for PIP, considered the effectiveness of its consultation process and examined the quality of its impact assessments. It also considered the draft criteria for the new assessment and how it will be administered and made recommendations aimed at ensuring that the new assessment is fair and accurate.

LINKS WITH THE CHAMBER AND WESTMINSTER HALL

The Committee's report *Changes to Housing Benefit announced in the June 2010 Budget* was debated in Westminster Hall in March 2011. The Committee's reports on incapacity benefit reassessment also informed a Westminster Hall debate on Work Capability Assessments (1 February 2012).

In addition, the following reports were tagged for debate in the Chamber:

- *The Government's proposed child maintenance reforms*; Consideration of Lords Amendments to the Welfare Reform Bill
- *Evidence taken by the Work and Pensions Committee on the White Paper on Universal Credit*; Second Reading of the Welfare Reform Bill

ENGAGEMENT WITH THE PUBLIC

The Committee held two public meetings during the session:

Burnley (March 2011)

This visit was part of the Committee's inquiry into the migration from incapacity benefit (IB) to Employment and Support Allowance. Burnley was one of the two trial areas for the migration process. As well as hearing from groups which represent disabled people, the public meeting enabled the Committee to learn about the experiences of local people who were IB or ESA claimants who had been through the Work Capability Assessment (WCA) process. The meeting was very well-attended and covered in the local and national media.

Neath Port Talbot, Wales (November 2011)

The Committee held a similar open meeting in Neath Port Talbot on the Government's proposal to introduce Personal Independence Payments to replace Disability Living Allowance. Around 150 members of the public attended, and the BBC and ITV filmed parts of the event.

In addition, the Chair and other members have conducted media interviews on many occasions, from the BBC and national press to trade press and local media. The Committee has used its website and the House of Commons Twitter account to help inform the public about the Committee's work.

ONGOING ASSESSMENT OF PERFORMANCE AND EFFECTIVENESS

The Committee assesses its effectiveness against the core objectives and tasks defined by the Liaison Committee as follows:

- *Objective A: to examine and comment on the policy of the department*
The Members are confident that the Committee has been effective in identifying and examining the most pressing areas of DWP policy, expenditure and implementation. This has included significant policy developments in relation to welfare reform, pensions and employment programmes.
- *Objective B: to examine the expenditure of the Department*
The Committee has scrutinised the Departmental annual accounts and estimates, and held evidence sessions with the Secretary of State and Permanent Secretary, to hold the Government to account on its expenditure.
- *Objective C: to examine the administration of the Department*
The Committee has examined the work of Departmental agencies and contractors, including the Child Maintenance and Enforcement Commission, and the effectiveness of Jobcentre Plus and Atos Healthcare in reassessing incapacity benefit claimants. The Committee also held a pre-appointment hearing for the Chair of the Social Security Advisory Committee.
- *Objective D: to assist the House in debate and decision*
As outlined above, the Committee has contributed to debates in Westminster Hall and the consideration of the Welfare Reform Bill.

There has been a high level of engagement with the Government, stakeholders and the public and the Committee has published a series of comprehensive, credible and robust reports.

The Committee has drawn on the expertise of the Scrutiny Unit, the National Audit Office and its own specialist advisers in delivering a high level of scrutiny. As outlined earlier in this paper, the Committee has already had an impact, and it also has plans in place to follow-up its work to date, particularly around the Universal Credit, the Work Programme and pensions reform.

18 April 2012

Written evidence by The Constitution Society

1. Founded in 2009, The Constitution Society is an independent, non-aligned educational trust. It promotes public understanding of the British Constitution and works to encourage informed debate between legislators, academics and the public about proposals for constitutional change. It does not take any position on the merits of specific reform proposals, and it neither supports nor opposes the introduction of a written constitution. Its principal objective is to stimulate and inform discussion about constitutional change.

2. Although neutral about substantive constitutional issues, The Constitution Society strongly supports due process and good government. It believes that constitutional changes should only be introduced to address genuine deficiencies, and then only after careful analysis and broad consultation. Legislation should be properly prepared and clearly drafted, and Parliament given adequate time for scrutiny and debate. New laws which affect the structure of our constitution should be designed to meet the requirements of future decades; not the short-term political interests of the government of the day.

FOCUS OF THIS EVIDENCE

3. The purpose of this evidence is to address one of the questions posed by the Liaison Committee for its short inquiry into select committee powers and effectiveness, namely “Do select committees have the powers and resources they need to carry out their scrutiny function effectively?”

4. The Constitution Society welcomes the Liaison Committee’s inquiry, because it considers that this is an important area, and one which would benefit greatly from analysis. Before the Liaison Committee’s announcement of its own inquiry, The Constitution Society had embarked on a project of its own work on this topic. It plans to publish a report by the end of April and hold a seminar in May 2012, to which all members of the Liaison Committee would be invited. It is hoped that the report and seminar will be of assistance to the Liaison Committee in its considerations and in writing its report.

5. In this evidence, the intention is not to set out The Constitution Society’s full analysis, but rather to outline the nature of the relevant issues which will be addressed further in its report.

CORE ISSUES

6. Events of 2011 have provided a salutary reminder of the importance of select committees and their potential to play a central role in terms of informing the public and engendering Parliamentary debate. But these events have also, to an extent, highlighted apparent deficiencies in the current position as to select committee powers, three of which are outlined below.

7. First, there is a lack of clarity about what powers select committees actually have.

— Example: When the Culture, Media and Sport Committee summoned Rupert and James Murdoch to attend to give evidence in July 2011, there was widespread speculation and confusion about the powers available to the Committee and Parliament as a whole if they refused to comply.⁷⁵

8. The key difficulty lies in the uncertainty as to whether select committees have compulsory powers and the extent to which any such powers would be compatible with the requirements of (in particular) the European Convention on Human Rights.

9. Secondly, there is an apparent lack of some powers which might be considered important.

— Example: The Public Accounts Committee has strongly criticised HMRC for “trying to avoid scrutiny” and “insist(ing) on keeping confidential the details of specific settlements with large companies, even where there have been legitimate concerns about the handling of cases”.⁷⁶

10. An independent observer might ask why the Committee could not insist on the relevant details being given to it in private, in the first instance at least. More fundamentally, this example raises the question of how select committee powers “fit” with existing legislative provisions. HMRC may have been reluctant to make disclosure because of legal advice relating to its duties under statute. But a witness before a select committee appears to enjoy absolute Parliamentary privilege. There is, therefore, the possibility of legislative prohibitions (if they exist) being overridden by Parliamentary privilege in appropriate instances. Again, the position is very unclear. If and to the extent that Parliamentary privilege covers the position, this needs to be spelled out in some detail. If it does not, there is a clear lacuna which may render some high-profile Committee inquiries ineffective.

⁷⁵ See *eg*, “Could Rupert Murdoch face jail for refusal to meet MPs? Rupert and James Murdoch’s non-acceptance of committee summons leaves legal experts divided over untried sanctions”, *Guardian*, 14 July 2011.

⁷⁶ *Public Accounts Committee 61st Report*, HM Revenue & Customs 2010–11 Accounts: tax disputes, Summary.

11. Thirdly, there is an apparent lack of any effective mechanism to resolve a dispute about, and thereby give teeth to, some select committee powers.

— Example: Continuing the preceding example, the Public Accounts Committee concluded:

“As it stands, the Department’s decision to withhold details from us reduces transparency and makes it impossible for Parliament to hold Commissioners to account. This situation is entirely unacceptable.”

This gives the clear impression that the Committee—despite advancing grounds on which it appeared to consider that the relevant Department had acted inappropriately—appeared, at the same time, to consider that there were not even any means by which it could seek to have its powers clarified.

CONCLUSION

12. An absence of clear powers and clarification mechanisms for select committees is undesirable both because it risks undermining the effectiveness and legitimacy of select committees, and also because there is an increasing value in this important part of the constitution working within defined parameters.

13. The Constitution Society suggests that a clear case can be identified for addressing select committee powers and mechanisms. Any changes should follow careful analysis and consultation, and should be informed by thinking from a constitutional perspective. This may mean, for example:

- First, deciding what powers for Parliament (through its select committees) are both necessary and appropriate.
- Then deciding what procedures and rules need to be put in place to effect this.

14. As indicated, The Constitution Society will be publishing a fuller report on these issues and would be happy to discuss its work with the Liaison Committee at a later stage.

27 January 2012

Written evidence by the Regulatory Policy Institute’s Better Government Programme

SELECT COMMITTEE POWERS AND EFFECTIVENESS

The Better Government Programme, a free-standing entity within the Regulatory Policy Institute, focuses on the machinery of government and regulation and on improvements to policy and regulatory processes. In 2009, a commission established by the Programme produced a series of recommendations on improving trust in institutions and processes. As part of its work, it considered the role and functions of Select Committees and this submission draws on that analysis.

This submission does not necessarily represent the corporate view of the RPI.

SUMMARY

- Select Committee recommendations are invariably ignored.
- Some committees debate their authority through political point scoring, bullying of witnesses, or apparently deciding on recommendations in advance.
- Limited support resources force members lacking the time to immerse themselves in the subject of inquiries to live on their wits.
- The planned reduction in constituencies may limit the availability of competent candidates to fill committee seats.
- It may be desirable to supplement PMQs and departmental question times by increasing to monthly the frequency with which the Prime Minister and his departmental counterparts appears respectively before the Liaison and departmental Select Committees and allowing any backbencher or Peer to participate in such sessions.
- All those at the top of the system should have to prove their qualification for office. Pre-appointment hearings should cover Ministers, senior officials, regulators and NDPB leaders and should allow for public input.
- Chairmen must take a strong line in relation to their members treating some witnesses as sport, making accusations under protection of Privilege or seeking to force admissions in a manner that would be considered improper in a court. Allowing committee expert advisers to handle some aspects of questioning could lead to more forensic proceedings and more revealing answers.
- Joint committee inquiries have not apparently increased the limited respect accorded to their recommendations.
- There is merit in implementing the recommendation of the Public Administration Select Committee that Parliament should be able to establish Parliamentary Commissions of Inquiry on major issues.

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- There should be a significant extension of joint working by combining some overlapping Commons and Lords committees and turning others into joint committees which could offer combined expertise and the moderating influence of the Lords on partisanship and on susceptibility to pressure from Ministers.
 - Select Committees should be allowed to appoint a larger panel of specialist assistants.
 - The Treasury Committee's experiment of inviting public questions should be adopted by all Commons and Lords investigative committees.
 - Select Committees should publish all written evidence ahead of witness sessions.

Are select committees effective in achieving better government? What can they do to be more effective?

1. Select Committees have performed a valuable scrutiny role in certain respects, but across the board their effectiveness has been limited. They provide a more orderly forum for examination of policies and actions than is possible in the Chamber; they call Ministers, officials and particularly public bodies to account and force them to prepare for cross-examination to an extent that is rarely required elsewhere; and they can use suasion to persuade witnesses to take public interest actions that might otherwise be resisted. But there are weaknesses to the system:

- Findings and recommendations in committee reports are invariably ignored, with Government responses usually drafted as models of evasion.
- Some committees debase their authority through political point scoring, bullying of witnesses, or apparently deciding on recommendations in advance and guiding witnesses towards them.
- While the availability of expert advisers has improved, committee members lacking the time to immerse themselves in the subject of inquiries too often have to live on their wits in oral examination.
- There are inconsistent practices about publication of evidence.
- And, perhaps critically, the planned reduction in constituencies may limit the availability of competent candidates to fill committee seats.

2. We would suggest the following changes to improve the effectiveness of a Select Committee-led scrutiny process:

- Prime Minister's Questions have little to do with informing and calling to account and more with point scoring and conveying an image of the legislature as children's playground. They may be part of the drama of politics, but analysis of comments on PMQs suggests the likelihood that such displays, and the way they are reported to the public, alienate more than they entertain outside the Beltway. If that is the case, it may be desirable to supplement PMQs and departmental question times by increasing to monthly the frequency with which the Prime Minister and his departmental counterparts appears respectively before the Liaison and departmental Select Committees and allowing any backbencher or Peer to participate in such sessions by submitting questions (which would be vetted to eliminate planted or empty questions) to the committee in advance or seeking to ask supplementaries.
- Some committees run appointment hearings for nominees to senior public posts, but with few exceptions they are run as Q&A sessions rather than in the manner of Congress's confirmation hearings, where the legislature can veto nominations. All those at the top of the system should have to prove their qualification for office. In order for both Parliament and citizens to assess the experience of those charged with decision making and delivery in the system, Select Committee pre-appointment hearings should cover Ministers, senior officials, regulators and NDPB leaders and should allow for public input. There would be no need for committees to be given US powers to block appointments: just calling into question (with a formal report to the Civil Service Commissioners and Commissioner for Public Appointments) a nominee's competence would probably force the system (and the candidate) to reconsider. That extension of scope should not stop at nominations: in examining the work of departments, regulators and agencies committees should be able not only to call all Ministers, officials and NDPB members to account as at present, but if necessary to recommend disciplinary action—including dismissal.
- Chairmen must take a strong line in relation to their members treating some witnesses as sport, making accusations under protection of Privilege or seeking to force admissions in a manner that would be considered improper in a court. While the experience of using Counsel to question witnesses in inquiries such as Hutton and Leveson has not always been satisfactory, our suggestion below that committee expert advisers might handle some aspects of questioning could lead to more forensic proceedings and more revealing answers.

3. Further recommendations fall under responses to the Committee's other questions.

How can select committees scrutinise cross-cutting issues more effectively?

4. Joint committee inquiries are run from time to time but the combining of committees has not apparently increased the limited respect accorded to their recommendations, perhaps partly because supplementary reports

expressing concern that initial findings have been ignored seem rarely to be taken up by Today or Newsnight and follow-up hearings (which can attract uncomfortable media attention) are seldom held.

5. There is merit in implementing the recommendation of the Public Administration Select Committee that Parliament should be able to establish Parliamentary Commissions of Inquiry on major issues⁷⁷. This would complement a more prominent role for departmental Select Committees in cases where their calendars would not permit intensive and lengthy reviews. We believe that such inquiries should be run by a committee of both houses.

Are the core tasks set by the House for select committees in 2002 still realistic given the limitations on Members' time?

6. Provided adequate expert research and questioning resources are available (see 7. below), we believe the core tasks are realistic—indeed, as seen above, we suggest an expansion of their scrutiny remit. However, the respect accorded to Select Committees has (with some exceptions) to some extent been based on the acceptance by their members that they should operate on a multipartisan basis. An extension of Committees' power (for example, giving them a veto over senior appointments) might encourage them to split on party lines and a more influential role might tempt them towards headline-grabbing confrontational evidence sessions. While the occasional witch hunt session is probably unavoidable, it is important that the extension of their power that we propose does not tempt them to move from their most valuable role—as cross-party committees of inquiry. Furthermore, the impending significant reduction in the number of constituencies, rather than lack of time, may limit the availability of willing and competent candidates for committee places. In order to avoid these potential problems, we would suggest a significant extension of joint working by combining some overlapping Commons and Lords committees and turning others (Commons departmental committees and the Lords EU committees) into joint committees which could offer combined expertise and the moderating influence of the Lords on partisanship and on susceptibility to pressure from Ministers. Given that there is growing acceptance that a reformed Lords would have fewer working Peers and that the number of parliamentary constituencies may be reduced, applying to policy scrutiny the same principle that has been successfully introduced to pre-legislative review (and there are already four joint Select Committees) would appear to be sensible, desirable and feasible.

CURRENT COMMITTEE OVERLAPS

<i>Lords</i>	<i>Commons</i>	<i>Extent of overlap</i>
Communications	Culture, Media + Sport	Substantial
Constitution	Public Administration	Partial
Delegated Powers+Regulatory Reform	Regulatory Reform	Substantial
Economic Affairs	Treasury	Substantial
Liaison	Liaison	Substantial
Science + Technology	Business Innovation + Skills	Substantial

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?

7. It has often been suggested that Select Committees should be allowed to appoint a larger panel of specialist assistants, although we appreciate that at a time of austerity Parliament would have to explain to the public the value of better resourced committees in scrutinising the Executive and public bodies on their behalf.

8. Furthermore, there are occasions when it might benefit the inquiry process if specialists were empowered to question organisations on behalf of their committee—akin to Committee Counsel in Congress.

9. It would, however, clearly be unrealistic to expect that bodies akin to the National Audit Office, whose relationship with the PAC gives that committee unique authority, could be established to service other committees.

How can select committees get the public engaged more actively in their work?

10. We were impressed with the Treasury Select Committee's innovation in inviting public questions to be put to a session with the Chancellor, Bank of England and the FSA. Some 5000 were received and the experiment should be adopted by all Commons and Lords investigative committees.

11. Select Committees should publish all written evidence ahead of witness sessions. It would further improve user-friendliness if they sent links to evidence and reports to all those who email them in connection with an inquiry.

⁷⁷ Parliamentary Commissions of Inquiry—Ninth Report of Session 2007–08
<http://www.publications.parliament.uk/pa/cm200708/cmselect/cmpublicadm/473/473.pdf>

Should select committees have an increased legislative role?

12. The evidence suggests that joint pre-legislative scrutiny committees work well and, most importantly, have established an expectation that their recommendations are normally accepted. We do not therefore see a need for a strengthening of their position.

19 December 2011

**Written evidence by Dr Ruth Levitt and William Solesbury,
visiting Senior Research Fellows, King's College London**

SUMMARY

The scrutiny of public appointments is a core task of select committees. Our Memorandum focuses on so-called “Tsars” that is, prominent individuals from outside government who are publicly appointed by a government minister to contribute to policy development or delivery on the basis of their expertise. Their role was considered by PASC in the 2009–2010 session, but the Government was largely dismissive of the committee’s recommendations. Our research reveals the growth in number of “Tsar” appointments continues and they have become an increasingly important source of expert advice to government. We recommend that the work of “Tsars” be brought unambiguously within the remit of select committees and that departments be required to provide information to committees to enable this scrutiny.

ABOUT THE AUTHORS

Dr Ruth Levitt and William Solesbury are currently working on a research project that critically examines the UK government’s use of “Tsars” (prominent expert advisers on contentious issues; other titles include Commissioner, Reviewer, Ambassador, Champion). The project is developing an inventory of individual profiles and a typology of Tsar appointments since 1997 and analysing Tsars’ influence on policy and practice. Their previous research includes “Evidence for Accountability”,⁷⁸ which investigated the uses of evidence in audit, inspection and scrutiny, and a study of “Outsiders in Whitehall”.⁷⁹ They submitted evidence to PASC’s inquiry into Goats and Tsars.⁸⁰

INTRODUCTION

1. This memorandum focuses on the role of Select Committees in scrutinising public appointments. More particularly it concerns that role in relation to the work of so-called “Tsars”, that is individuals from outside government who are publicly appointed by a government minister to contribute to policy development or delivery on the basis of their expertise. Appointees may be given the title of Adviser, Advocate, Ambassador, Champion, Commissioner, Envoy, Reviewer or Voice. We follow others in using the term “Tsar” as a generic descriptor.

2. Our research reveals that well over 200 “Tsar” appointments have been made by Ministers in the fifteen years since 1997, and the rate is increasing. Labour ministers appointed at least 75 “Tsars” between 2005 and 2010, and over 55 “Tsars” have so far been appointed by the Coalition Government since mid-2010.⁸¹ Tsar appointments are acquiring increasing influence in the development of public policies and the delivery of many public services.

3. Our evidence responds to the first two questions posed by the Liaison Committee, viz:

- 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?

4. Our memorandum draws on our current research into the role and achievements of “Tsars” in advising governments.⁸²

THE ROLE OF SELECT COMMITTEES IN PUBLIC APPOINTMENTS

5. The new edition of the Cabinet Manual published in October 2011 states that:

“A public appointment is an appointment to the board of a public body or to an office...Public appointees of this kind are not employees but office-holders. Most public appointments are made by ministers.”⁸³

⁷⁸ R Levitt, S Martin, S Nutley, W Solesbury, Evidence for accountability: using evidence in the audit, inspection and scrutiny of UK government, Nuffield Foundation, 2010.

⁷⁹ R Levitt and W Solesbury, Evidence-informed policy: what difference do outsiders in Whitehall make? ESRC UK Centre for Evidence Based Policy and Practice, Working Paper 23, 2005.

⁸⁰ House of Commons Public Administration Select Committee, Goats and Tsars: Ministerial and other appointments from outside Parliament, Eighth Report of Session 2009–10, HC 330, 2010, Ev44–48.

⁸¹ Please note that these totals are provisional: our analysis is in progress and we will be able to confirm the information in due course.

⁸² R Levitt and W Solesbury, “Debate: Tsars—are they the “experts” now?” Public Money and Management, January 2012, 47–8.

⁸³ The Cabinet Manual, 2011, para 7.18.

Tsars' are not employees but office holders and are therefore public appointments that should be subject to select committee scrutiny. The scrutiny of public appointments was stated in a Resolution of the House of Commons of 14 May 2002 as one of the core tasks of select committees (Task 8); the work of "Tsars" also relates to Tasks 1,2,7 and 9.⁸⁴

PASC'S REPORT ON "GOATS AND TSARS" (2010)

6. In the 2009–10 Session the Public Administration Select Committee held an inquiry into Ministerial and other appointments from outside Parliament. Although its main focus was ministerial appointments through peerages, it also examined the appointment of "Tsars":

"...an individual who has a high profile in a particular field, and who is asked by a minister personally to co-ordinate or promote ("champion" in officialise) a particular area of policy. Such appointments are different from other advisory roles in two respects—first the direct appointment by the minister or Prime Minister and second a degree of public personal identification with a particular policy or piece of work which would not normally be expected from a civil servant or special adviser."⁸⁵

7. PASC concluded that:

"At present there is little transparency concerning the informal and ad hoc appointments made by government to lead on, review or promote particular policies. Job titles are often uninformative, appointment processes informal and the work undertaken opaque and not clearly linked to results. The allegation that some of these posts might have been created for the sake of a press notice may be unfair, but it is difficult to refute without greater transparency."⁸⁶

The Committee made three recommendations:

"We recommend that the Cabinet Office continue to maintain a list of such appointments and that guidelines should be issued to clarify how far "tsars" speak for themselves or for the Government. Where "tsar" do not speak for the Government they should be able to express their own views freely.

We further recommend that each department produce, in its Departmental Annual Report, a brief account of the work undertaken by such appointees during the year and the support from officials they have received. Finally, we recommend that upon appointing such an individual the appointing minister should write to the Chairman of the relevant select committee giving details of what will be expected from the appointee, their responsibilities and the support they will receive from the department."⁸⁷

8. The Coalition Government's responded thus in relation to "Tsars":

"The Government does not support the Committee's recommendations at this time but does seek to ensure that such appointments are announced publicly, and Select Committees can be expected to examine their work."⁸⁸

PASC was:

"...disappointed with the quality of the Government Responses, which are inadequate and devoid of merit."⁸⁹

SCRUTINY OF TSAR APPOINTMENTS: THE CURRENT POSITION

9. The expectation in the Government Response quoted above that select committees would examine the work of "Tsars" has hardly been realised. One case is the Business, Innovation and Skills Committee, which is currently looking into the work reported by Professor Ian Hargreaves on intellectual property in 2011 and the government's response.⁹⁰

10. Tsar appointments continue to be announced publicly and noted in the media, but are only very occasionally the subject of parliamentary debates or questions.

⁸⁴ House of Commons Liaison Committee, The work of committees in 2007–08. First Report of Session 2008–09 Report, HC291,2009, paras 12 (Table 3) and 58–63.

⁸⁵ op.cit., para 93.

⁸⁶ ibid., para 101.

⁸⁷ ibid. paras 102–103.

⁸⁸ House of Commons Public Administration Select Committee, Government Responses to the Committee's Eighth and Ninth Reports of Session 2009–10: Goats and Tsars: Ministerial and other appointments from outside Parliament and Too Many Ministers? Second Report of Session 2010–11, HC150, 2010, p 8,

⁸⁹ ibid., para 2.

⁹⁰ <http://www.parliament.uk/business/committees/committees-a-z/commons-select/business-innovation-and-skills/inquiries/parliament-2010/hargreaves-review-of-intellectual-property/>.

11. Despite PASC's recommendation, we are not aware that the Cabinet Office has continued to maintain a list of such appointments. PASC was rightly critical of the inadequacy of the list of 24 "Tsar" appointments that the Cabinet Office produced for its inquiry in December 2009.⁹¹ Our research suggests that the Cabinet Office's list significantly underestimated the total.⁹²

12. Nor have any guidelines been issued to clarify how far "Tsars" speak for themselves or for the government, which had been a contentious issue for some appointees.⁹³ The Cabinet Manual's coverage of public appointments says nothing on "Tsars" specifically.

13. Regarding PASC's recommendation about departments' reporting on "Tsar" appointments, we have examined a sample of recent departmental Annual Reports. These reveal very little information on the work of "Tsars" appointed by ministers in those departments and what there is usually just notes that work by the Tsar is underway.⁹⁴

RECOMMENDATIONS TO THE LIAISON COMMITTEE

14. The appointment and work of "Tsars" should be brought unambiguously within the remit of select committees as they scrutinise other types of public appointments. Such scrutiny should be selective, at the discretion of Committees, rather than automatic.

15. Clearly the absence of any formal reporting on the appointment and work of "Tsars" by the Cabinet Office or departments makes it difficult for select committees to monitor and scrutinise their work in a systematic way. Select committees need to be systematically informed of "Tsar" appointments. PASC's recommendation that:

"...upon appointing such an individual the appointing minister should write to the Chairman of the relevant select committee giving details of what will be expected from the appointee, their responsibilities and the support they will receive from the department."⁹⁵

remains appropriate. The Cabinet Manual states that:

"The specific responsibilities of individual public appointees should be set out in letters of appointment and in related documents."⁹⁶

The relevant select committee should receive that information.

30 January 2012

Written evidence by Parliamentary Outreach

BACKGROUND

1. Parliamentary Outreach is a bicameral service operating within the Department of Information Services in the House of Commons.

2. The remit of Parliamentary Outreach is to spread awareness of the work, processes and relevance of the institution of Parliament, encouraging greater engagement between the public and the House of Commons and House of Lords.

3. Members of the public that have received information and training from Parliamentary Outreach on the work of Select Committees do value the contribution they make in holding the Government to account.

4. Parliamentary Outreach aims to increase participation in Select Committee inquiries in a number of ways, including:

- Promoting relevant calls for evidence directly to the 3,000 local and national organisations that Parliamentary Outreach has worked with and trained;
- Using the local knowledge and contacts of Regional Outreach Officers to add value to Select Committee regional visits; and
- Working with relevant external websites and web forums to explore opportunities to generate user or consumer-led contributions to Select Committee inquiries.

SUGGESTIONS

5. Based on feedback received from the public, we have identified a number of obstacles to the public engaging more actively and effectively in the work of Select Committees.

⁹¹ op.cit, Ev 41–42 and para 95.

⁹² Please note that our analysis is in progress and we will be able to confirm the information in due course.

⁹³ *ibid.*, para 96.

⁹⁴ BIS, DCLG, DfE, Home Office, HMT.

⁹⁵ *op. cit.*, para 103.

⁹⁶ *op.cit.*, para 7.21.

6. A key factor in persuading the public of the value of engaging with Select Committees is being able to show how the work of committees can and does effectively hold the Government to account. However, this kind of information can be difficult for the public to identify and interpret.

7. *We think that Select Committees could, where appropriate, place more emphasis on highlighting occasions where their scrutiny of Government has had tangible results. A “success stories” section on each Committee’s website could be a possible way of doing this.*

8. There is an expectation from the public that current calls for evidence should be simple to find online, easy to search and straightforward to navigate. However, there is no single location for all Committees calls for evidence, which leads to confusion as to which inquiries are actively looking for public participation.

9. *Whilst Select Committee information on the parliamentary website has improved substantially in recent years, it can be improved further. A dedicated online portal for current calls for evidence,⁹⁷ would increase public awareness and engagement.*

10. A repeated comment from members of the public is that the process of drafting and submitting evidence, especially for the first time, can be intimidating. They are keen to structure their evidence to make it most useful to the committee, but are unsure how.

11. *Adding to the existing guidance to submitting written evidence to Select Committee inquiries would clarify this process. Guidance could be specifically aimed at people submitting evidence for the first time and include previous examples of well-structured evidence, templates and contributions from Members explaining what they look for in written evidence.*

12. There is considerable public interest in suggesting subjects for Select Committee inquiries although very little understanding of whether this is possible or welcomed by the Committees themselves. At the moment, some organisations informally lobby Committees but there is no official guidance as to how or when the public should approach a committee for this reason.

13. *Alongside continuing to stress a Select Committee’s prerogative to choose its own subjects for inquiry, we think that consideration could be given to actively promoting specific opportunities at specific times, for the public to submit ideas for Select Committee inquiries.*

14. Select Committee inquiries that do not attract media coverage can, as a consequence, struggle to engage the wider public, even though the subject matter may be important and highly relevant to certain interests.

15. *Parliamentary Outreach has achieved some success in working with external websites such as Money Saving Expert and The Student Room to generate extra coverage and useful contributions for relevant Select Committee inquiries. Working directly with external websites and web forums can be an effective way of bypassing traditional media to draw attention to inquiries that resonate with specific communities. We would suggest routinely factoring in the opportunities for online engagement when creating the overall media strategy for an inquiry.*

CONCLUSION

16. Due to a number of recent high-profile inquiries, interest in the work of Select Committees is very high. There is significant opportunity for Committees to capitalise on this interest and engage the public, to the benefit of their own inquiries. The recommendations outlined above suggest a number of small changes which would make the work of Committees less intimidating and more accessible to the general public

23 January 2012

Written evidence by Dr Michael Pinto-Duschinsky

1. In general, select committees are capable of carrying out valuable functions. However, their success and expanding role brings problems which need to be examined. They will be expressed briefly in this short memorandum. Since it is my objective to bring underlying issues to the attention of the Liaison Committee rather than to raise questions about the past conduct of particular committees concerning specific matters, no factual evidence is given.

2. The development of select committees has occurred at a time when the sovereign role of the UK legislature has been under serious challenge. The exercise of limited—albeit often valuable—roles on aspects of policy and administration can be no substitute for the exercise of Parliamentary Sovereignty by the House of Commons at large. We are living at a time when the Westminster Model is under threat both from supra-national and sub-national forces. The core role of the House of Commons as the democratic body which emerges from national UK elections must be safeguarded and must be exercised by the House of Commons as a whole. Select committees are at their most useful when they explore in detail lines of inquiry which are in keeping with the

⁹⁷ For example, the Government’s consultation portal on the *Directgov* website:
http://www.direct.gov.uk/en/Governmentcitizensandrights/UKgovernment/PublicConsultations/DG_170463

views of a majority of members of the entire House. The dangers arise when a committee becomes a mouthpiece for a particular viewpoint supported by a special sectional interest.

3. Since my own expertise is in the area of political science, I am most aware of the problems concerning some—not all—committees concerning legal, human rights and constitutional matters. In a few cases, select committees seem to have been excessively influenced by academics and by well-funded lobby groups which have supported the assault on Parliament Sovereignty or have favoured far-reaching constitutional reforms. (I gave evidence to this effect in 2011.) In a few instances, these committees have come to be regarded as overly responsive to special outside interests. Arguably, this influence has sometimes been reflected in the timing and subject matter of inquiries and in the selection of witnesses and advisers. On some matters, this may have helped to produce an effective divorce between the views predominating within the relevant committees and those favoured by the majority of MPs.

4. This note expresses my personal experience alone and does not bear on the work of, or opinions within, anybody with which I am associated.

30 January 2012

Written evidence by Dame Julie Mellor DBE, Parliamentary Health Service Ombudsman

As Parliament's Ombudsman, I very much welcome the Committee's inquiry into the powers and effectiveness of select committees and I value the opportunity to submit written evidence to the Committee.

When my Office was created under the 1967 Parliamentary Commissioner Act, it was, according to the then Lord Chancellor, to be guided by three aims:

- To enhance the ability of Parliament to scrutinise the actions of the Executive;
- To provide a means of securing remedies for citizens treated unjustly by a public body; and
- To improve general standards of public administration.

My evidence will focus on how the work of my Office, the Parliamentary and Health Service Ombudsman, could be more effectively utilised to assist select committees in scrutinising government.

- Are select committees effective in achieving better government? What can they do to be more effective?
- Do select committees have the powers and resources they need to carry out their scrutiny function effectively?

THE OMBUDSMAN'S CASEWORK

In operating at the apex of the system for complaints about government departments, other public bodies and the NHS in England, my Office is in a unique position to provide select committees with information about how government is performing. My Office publishes this casework information periodically through themed and annual complaint handling reports.

I believe that select committees would benefit from considering the information that my Office holds both when deciding what inquiries to carry out and in the process of undertaking them.

OWN-INITIATIVE INVESTIGATIONS

Currently, my Office can only undertake an investigation if we receive an individual complaint. However, most other national Ombudsmen in Europe and in the Commonwealth have the power to launch an investigation on their own initiative. This allows them to use evidence gathered through their own research, by another agency or regulator, by Parliament, or prompted by a specific public concern, to carry out a systemic investigation. The decision to carry out an own-initiative investigation would of course need to be both evidence based and taken independently by the Ombudsman. The subsequent report would provide select committees with further evidence with which to scrutinise government, as it does in other countries.

PARLIAMENTARY DEBATE IF THE OMBUDSMAN'S RECOMMENDATIONS ARE REJECTED

In December 2009, the Public Administration Select Committee (PASC) issued a report entitled *Parliament and the Ombudsman* in which it made the recommendation that when "Parliament's Ombudsman" takes the unusual step of indicating that the Executive is failing to remedy injustice (ie the government has not accepted the Ombudsman's recommendations), then the Executive should make a commitment to providing a three-hour debate, in government time and on a substantive motion. It was also suggested by PASC that the Procedure Committee should examine ways in which such a debate could be triggered under Standing Orders.

This proposal, although consonant with the broader reform of the handling of parliamentary time contained in the report of the "Wright Committee", has not been pursued further. If it was it would further strengthen Parliament's role.

 PARLIAMENTARY SCRUTINY OF THE OMBUDSMAN

Currently, PASC both holds my Office to account and champions it within Parliament. This is in contrast to the relationship that the National Audit Office has with the Public Accounts Committee and the Public Accounts Commission.

An alternative model of parliamentary accountability and “championing” is offered by New Zealand, where there is a separate Officer of Parliament Committee (determining budget, resources and appointment) and a dedicated Ombudsman Committee (dealing with reports, considering policies and administrative performance by the Executive).

This may be something that the Liaison Committee may wish to explore.

- Are members of select committees given the training and support they need to operate effectively?

I would welcome anything that would help MPs fulfil their scrutiny function more effectively. After the General Election my Office provided all MPs’ constituency offices with information about the Ombudsman, our jurisdiction, and how to refer complaints to us. I would be open to explore what more we could do to contribute to any proposed training for MPs.

My Office is also exploring how we could provide individual MPs with more information about all the complaints my Office receives from their constituents, including identifying any trends.

I also believe that there is the potential for a group of Parliamentarians to undertake a study trip to explore the constitutional position and powers held by my international Ombudsmen colleagues to help them consider how my Office, and by extension Parliament itself, could be strengthened.

I stand ready to assist the Committee with the Inquiry in any way I can and to offer further written or oral evidence if the Committee would find that useful. Please do not hesitate to contact me if you require any additional information or clarification.

I have also written separately to the Chair of the Committee regarding my decision to commission a strategy refresh for my Office. The strategy refresh will not seek to change our fundamental purpose to provide individual and public benefit arising from our consideration of complaints about government departments, other public bodies and the NHS in England. But we do want to find ways to have more impact for more people and a crucial part of the strategy refresh will be to gain insight from others. In the process of this refresh we will be exploring some of the issues that I have mentioned above and I will of course inform Parliament and its Committees of our conclusions.

31 January 2012

**Written evidence from Dr Cristina Leston-Bandeira, Senior Lecturer in Legislative Studies,
University of Hull**

This submission addresses specifically the following two questions set out by the inquiry:

- 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?

The submission stems from the comparative research project that I am currently coordinating, entitled *Managing Parliament’s Image*, funded by the Economic and Social Research Council (ESRC)—(RES-000-22-4072; website at: <http://www2.hull.ac.uk/fass/managing-parliaments-image.aspx>). Some of this submission also draws from the submission I submitted to the Administration Committee’s inquiry on Visitors Access and Facilities.

How the nature of the parliamentary institution affects Select Committee’s engagement with the media and the public. Before we address the two specific questions, we need to consider first the difficulties that are inherent to parliament’s public engagement. One of the difficulties faced by parliamentary public engagement stems from the very nature of this institution. Parliaments are collective, visible and politically accountable institutions; the combination of these three elements makes parliament particularly vulnerable in terms of defending its image. In the specific case of Select Committees this is less pronounced as the collective nature of a committee is more manageable and the Chair can play a leadership role which enhances the committee’s visibility. Furthermore, despite being by essence a political institution, the promotion of parliamentary work needs to be unbiased politically, often resulting in an a-political portrayal. The promotion of a political institution through a-political messages raises considerable difficulties in the ability to communicate effectively; neutrality of views does not engage and does not make news headlines.

Integrating parliamentary activity with public engagement. Our research shows that parliaments have invested considerably in initiatives of public engagement, but sometimes with a danger of divorcing this from parliamentary business—core to what parliament is about. Whilst we lack studies assessing the impact of public engagement, we hypothesize that the more effective public engagement activities are likely to be those that integrate parliamentary business as a core part of their rationale. The integration of public engagement activities into the Select Committee's core work is therefore to be promoted as an effective mechanism to engage with the public. Public engagement should be embedded into the Committees' own activity.

Integrating the political with public engagement. Although it is understandable that Parliament may wish to follow an a-political approach in the way it promotes its parliamentary activity (in order to ensure unbiased coverage), there should be consideration of ways of integrating the political side of the Committees' activity into their public engagement activities. This is a key problem in many parliaments: how to promote political activity without resorting to politics. Some parliaments have achieved some success in doing this though, for instance through the inclusion of views of every single political faction in a particular forum (committee). The Houses of Parliament's own Education service does well in integrating the political voice into its activities. Though not simple, it is possible to portray parliamentary activity in an unbiased manner but still invested with political meaning, and Select Committees provide us with a privileged forum for this. The public engages with politics through political actors and party politics.

Getting the public more engaged in the work of Select Committees. Select Committees already have a good record in engaging with the public, but here we list a number of examples of activities that could be promoted, all of which aim to embed public engagement into the Select Committees' normal activity and some of which are already being practised. *Taking the Committee outside Westminster.* This is a simple way to get the public more actively engaged with the work of the committee: rather than taking evidence only in Westminster, to also go out to the country. This already takes place and could be promoted further. *Use of eConsultations.* This is a very effective use of technology by committees to reach out to a public who may otherwise not get involved with parliamentary work. Its use could be further reinforced and promoted. A small note should be made on the recent use of Twitter to collate questions by the Education Committee. Whilst this has had considerable publicity and an impressive response, it is important to (1) be able to manage expectations and (2) to ensure that the due parliamentary process is understood. Whilst some techniques of public engagement may be very effective in their visibility, they do not always necessarily promote an understanding of parliamentary work. The due respect and understanding of parliamentary process need to be as promoted as the actual engagement with the public. *Committees' websites.* Comparatively with other parliaments, the web pages of committees in the HoC are much less specific to each committee and look lost in the wider context of parliament's website; the development of more individualised committee sites may be one way of promoting the different committees. *Consideration of petitions.* This would require larger changes that go beyond Select Committees and engagement, but the distribution and consideration of petitions (and e-petitions) per committee according to subject areas may go some way in not only promoting this tool, but also in establishing firmer bridges between the work of a committee and the public. It would also provide a more suitable context for petitions to be considered.

Media coverage. Poor, negative and irregular media coverage is a perennial issue that affects many parliaments and a very difficult one to address. Not only is this a paradox of our liberal-democracies, that the more transparent they are, the poorer media coverage is, but also it is one that realistically parliaments and staff can do little to address. Still, research shows that Select Committees' coverage tends in fact to be positive and that it has been on the increase (though this could be due to increased work load of the committees, rather than a more thorough media coverage). In any case, the creation of a media and communications service to support committees has no doubt made the relationship with the media more professional and more effective; and the direct support of a dedicated media service to committees distinguishes the British case as good practice. To improve further on this, one would suggest working more closely with the journalism profession. This could entail engaging more directly with journalism associations to develop, for instance, training sessions on parliament specifically tailored to journalists, but also media training for parliament's own staff (who do not necessarily deal with the media directly); or accepting journalists in the parliamentary space more openly and having less of a divide culture. Also, adopting more an unbiased (all political factions represented equally) perspective over Select Committees' work rather than neutral (non-party political), that is with representation of all, making its activity more political, less procedural, and therefore more interesting to cover. However, it should also be accepted that this is a much wider issue and that parliament should not necessarily change its practices dramatically just to ensure better media coverage. The responsibility should also be invested upon the media itself to develop a sense of duty towards covering parliament. The investment should therefore be more at the level of working together with media representatives and training.

Written evidence by Louise Ellman MP, Chair of the Transport Committee

I thought it would be helpful to submit a written memorandum to the Liaison Committee's inquiry into select committee powers and effectiveness. This is a personal contribution, drawing on my experience as a member of the Transport Committee and its predecessors since 1997 and as chair of the Committee since 2008. It has not been discussed with or approved by other Members of the Transport Committee.

EFFECTIVENESS

In my view, a useful outcome for the inquiry would be to provide a definition of effectiveness which spanned all areas of committee activity and which a committee could refer to in deciding its future programme and in reporting on how it has done. In drawing up such a definition we should focus on outcomes. From our recent work on Transport I would give the following examples of such outcomes:

- *Influencing Government policy*: the recent research by the Constitution Unit provides a methodology for measuring the impact of recommendations on Government policy which I hope the Transport Committee will use when reporting to the Liaison Committee at the end of the session. One area we will point to is the part we played in changing the Government's position on reform of the Coastguard Service, particularly in relation to the importance of retaining 24 hour coastguard stations.
- *Putting issues on the agenda*: our inquiry into the cost of motor insurance first drew attention to this issue and led to Government action on a variety of related issues.
- *Raising awareness of Parliament*: in our inquiry into bus services after the Spending Review we deployed a number of innovative outreach techniques to attract evidence from bus users, young and old, in different parts of the country. As well as improving the evidence base for our work we were able to engage with local communities and help explain our role in holding Government to account for its decisions.
- *Providing a forum for discussion of Government policy*: select committees often provide the only forum in which all of the parties with an interest in a specific Government policy or activity can express their views and hear the Minister questioned about his or her intentions. Our coastguard inquiry was a good example of this, in that we heard evidence from serving coastguards and people affected by the coastguards' work and were able to question the Minister closely on the basis of the views we had heard. As well as helping to improve the quality of policy-making, this activity can help make the decision-making process more transparent and legitimate.

CORE TASKS

I do not think that the core tasks are particularly helpful as they simply describe what we do (or might do) rather than what we are trying to achieve. There is also a danger of committees taking a tick-box approach to their work in order to ensure that every aspect of the core tasks is covered in each session. For some committees, including my own, some of the core tasks are of little or no importance. I am also concerned at the increasing tendency for the Government to add to the responsibilities of select committees—the latest being responsibility for scrutiny of orders under the Public Bodies Act. There is a risk of committees losing control of their agendas and being required to undertake a significant amount of work which has little or no political importance, diminishing effective scrutiny rather than adding to it.

LEGISLATIVE ROLE?

The call for evidence asks whether select committees should have an increased legislative role. I am not convinced that it is useful or appropriate for select committees to become involved with the detailed consideration of legislation. We have just conducted an inquiry into the draft Civil Aviation Bill which, in my view rightly, focused on some of the broader policy questions about economic regulation of airports and transport security rather than line-by-line scrutiny of the draft bill. I think that our final report gives the House a helpful overview of the issues and leaves the public bill committee to do the more detailed work. If we become involved with that work there will be unnecessary duplication and some of our scarce resources will be diverted away from other inquiries.

I am also sceptical about whether select committees should be able to table amendments to bills in their own name. Although the amendments may be agreed by the committee, committee Members may have different reasons for supporting them which could come out in debate, undermining the committee's unity. It is unlikely that the committee will have agreed whether or not an amendment should be withdrawn or pressed to a division after debate and it is also unlikely that a committee would have agreed whether or how to pursue the issue raised in an amendment at a later stage, for example at report stage or Lords Amendments.

CROSS-CUTTING ISSUES

The call for evidence also refers to scrutiny of cross-cutting issues. This question is often addressed in terms of institutional structures—new committees or mechanisms for committees to meet jointly—which are not easy

to set up and operate. An alternative approach would be 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. For example, our inquiry into the cost of motor insurance has led us to consider legal issues, including referral fees, which are within the remit of the Justice Committee. As part of our inquiry we have heard from a minister at the Ministry of Justice. I alerted you to this possibility at an early stage and we drew on your committee's oral evidence with the Information Commissioner in our second report. I think this has been a more effective way of dealing with this issue than attempting to hold a joint inquiry.

However, I think there is a significant difficulty with cross-cutting issues involving the Treasury because of the Treasury's longstanding reluctance to allow its ministers to give oral evidence to committees other than the Treasury Committee. This effectively prevents my committee from scrutinising issues to do with Air Passenger Duty, which the Department for Transport regards as a Treasury responsibility. I think this is something the Liaison Committee could take up with the Chancellor of the Exchequer.

POWERS

Turning to committee powers, it must be borne in mind that the overwhelming majority of committee activity is conducted without recourse to the formal powers to send for persons, papers and records. Problems which arise in this area are rare but when they do occur they threaten the credibility of committees and the House, particularly if an order to attend or to produce papers is flouted. I would support moves to make such orders enforceable, with criminal sanctions for non-compliance.

RESOURCES

The Transport Committee is well resourced for inquiry work and we receive a very good service from our staff. Where I think there is a gap is in relation to support for me in my role as chair, for example in drafting magazine articles and speeches for transport debates and conferences. The Committee staff help with this when they can but they rightly must prioritise committee work. More support would be very helpful for such activity.

My suggestion would be that the Clerk's team should include a member of staff who works from Tuesday to Thursday in my office, acting as a point of liaison between my office and the Clerk, and who would be primarily responsible for my committee-related correspondence, speeches, and other such work relating to my role as chair. I think this would be a good opportunity for House staff to learn more about a Member's day-to-day work at close hand and would improve co-ordination between the two offices as well as supporting me in my role. This arrangement may not suit all Chairs but I would be willing to participate in a trial to see if it could work.

MEDIA

I put considerable effort into promoting Transport Committee reports to ensure that our voice is heard in debates on transport matters. Media coverage of committee work helps build public confidence in select committees and in Parliament. However, not all of our work is newsworthy. Our report on the draft Civil Aviation Bill received little media coverage but has played an important role in informing the House about forthcoming legislation and has also enhanced our credibility with the aviation sector. I think more resources could be devoted to explaining to the public what Parliament does, without raising false expectations that we can solve every individual case, as well as in continuing to promote reports in the media, including the specialist press. But I am not persuaded that it is worth trying to attract media coverage for aspects of our work which are too detailed or technical for the press to pick up.

PUBLIC ENGAGEMENT

My final point relates to public engagement where I think there is considerable potential for committees to do more. During the last year we have tried numerous ways of attracting evidence from a wider range of people and engaging with the public including taking evidence away from Westminster; using Facebook and leaflets in libraries and citizens' advice bureaux to publicise inquiries; and contacting people who have petitioned Parliament on transport issues about contributing to our inquiries. We have also chosen inquiries on the basis of contact from the public, such as our cost of motor insurance inquiry. I am also conscious of how many people watch our proceedings by webcast.

These methods generally worked well in engaging more people with our work. Our bus services inquiry particularly benefited from evidence from a wide range of bus users. However, these methods are resource-intensive and more activity in this area will require more staff resources. This is perhaps best organised centrally by adding to the small parliamentary outreach team. I think the benefits to the House of doing so would outweigh the cost.

Written evidence by Mr Jack Simson Caird

My name is Jack Simson Caird and I am a PhD student at the School of Law, Queen Mary, University of London. My doctoral research is on the constitutional role of the United Kingdom Parliament.

SUMMARY

My evidence responds to following question from the call for evidence: should select committees have an increased legislative role? The argument made in this evidence is that parliamentary scrutiny would be greatly improved if the House of Commons Departmental Select Committees routinely produced reports on Bills from their respective departments in time for their second reading in the House of Commons, and alongside this developed other effective methods of influencing the legislative process.

1. The House of Commons Departmental Select Committees (Commons Select Committees) should routinely produce reports on Bills from their respective departments in time for their second reading in the House of Commons.
2. As it stands Commons Select Committees do not routinely produce reports on bills during the legislative process. However, they do have an existing legislative function. They are tasked with examining any draft bills produced by their departments.⁹⁸ They also occasionally produce reports on bills after they have been introduced. For example the Political and Constitutional Reform Committee has produced three bill scrutiny reports in the current session.⁹⁹ This shows that Commons Select Committees are capable of producing reports on legislation.
3. My first argument for a regular legislative role for Commons Select Committees is that their current lack of legislative responsibility is a waste of resources. The majority of committee systems in the parliamentary world have a formalised legislative role, and it seems illogical not to give the Commons Select Committees a legislative function which enables them to put their expertise to use in the legislative process.
4. The House of Lords Select Committee on the Constitution is an excellent example of the impact that a parliamentary committee can have on legislation. The legislative role of the Constitution Committee is to “to examine the constitutional implications of all public bills coming before the House”.¹⁰⁰ The Committee has used this remit to develop an effective process of scrutinizing legislation. When a Bill is introduced to the Lords the Committee considers whether a Bill raises an issue on which it should report. If it is decided that it should then the Legal Adviser(s) drafts a report in consultation with Chairman and the rest of the Committee.¹⁰¹ This is often done in a very short period of time. Over the eleven years since it was established these reports have played an invaluable role in the legislative process in the House of Lords.
5. The primary function of the Constitution Committee’s reports is to inform the constitutional debate on bills in the House of Lords. The expertise within the Committee enables them to draw attention to the constitutional implications of the particular aspects of the Bill which may otherwise go unnoticed and therefore under-scrutinised. The reports represent a parliamentary alternative to government information on legislation. A good recent example of their impact would be the Committee’s reports on the Health and Social Care Bill.¹⁰² On the face of the Bill it would not appear to raise any constitutional issues, but thanks to the legal expertise on the Committee attention was drawn to the issue of ministerial responsibility and it appears this will lead to major changes to the Bill.¹⁰³ This informational role is vital to the legitimacy of the legislative process. It is vital that there is a parliamentary alternative to government information on legislation. A good example of the dangers of such reliance would be the parliamentary debates on the European Communities Bill in 1972. Parliament was misinformed by the executive over the legal implications of Community membership, as Danny Nicol’s book on the subject explains.¹⁰⁴ Nicol states that one of the key reasons why so many Parliamentarians did not go into the EEC with their eyes open was that “Parliament was ill served by government and Whitehall’s army of lawyers.” For Nicol, this is major problem for the legislative process’s legitimacy as “executive power needs to be offset by the pressure of informed debate in a

⁹⁸ Liaison Committee, *Annual Report 2002*, 1 April 2003, HC 558 2002–03, para 13

⁹⁹ Political and Constitutional Reform Committee, *Parliamentary Voting Systems and Constituencies Bill*, 2 August 2010, HC 422 2010–12; Political and Constitutional Reform Committee, *Fixed-term Parliaments Bill*, 16 September 2010, HC 436 2010–12; Political and Constitutional Reform Committee, *Parliamentary Voting Systems and Constituencies Bill*, 11 October 2010, HC 437 2010–12.

¹⁰⁰ House of Lords Select Committee on the Constitution, *Reviewing the Constitution: Terms of Reference and Method of Working*, 19 July 2001, HL 11 2001–02 para.1.

¹⁰¹ House of Lords Select Committee on the Constitution, *Sessional Report 2009–10*, 21 July 2010, HL 26 2010–12 Appendix 1.

¹⁰² House of Lords Select Committee on the Constitution, *Health and Social Care Bill*, 30 September 2011, HL 197 2010–12.

House of Lords Select Committee on the Constitution, *Health and Social Care Bill: follow-up*, 20 December 2011, HL 240 2010–12.

¹⁰³ House of Lords Select Committee on the Constitution, *Health and Social Care Bill: follow-up*, 20 December 2011, HL 240 2010–12.

¹⁰⁴ D Nicol, *EC membership and the judicialization of British politics* (Oxford University Press, Oxford; New York 2001)

representative assembly which understands the legal implications of the measures on which it is voting.”¹⁰⁵

6. The situation today is clearly much better than it was in the 1970s, however, this does not negate the need for further improvements to the system of legislative scrutiny in Westminster. Parliament needs as much legislative expertise as it can possibly get, and this is what makes the under-use of Commons Select Committees in this regard so problematic. The passage of Part 1 of the Legislative and Regulatory Reform Act 2006 is a more recent example of the danger of relying upon the government to provide adequate legal information. In this case it was the House of Commons Regulatory Reform Committee that spotted the mischief within Part 1 of the Bill, in what became known as the “the Parliamentary Scrutiny (Abolition or Avoidance) Bill”.¹⁰⁶ The story of the passage of that Bill is largely a positive one, as a number of parliamentary committees made a major contribution in pressurising the government to change the Bill. The lesson though is the same from the EC Bill example, the presence of parliamentary legislative expertise dedicated to examining legislation in detail and informing debate is vital to effective scrutiny.
7. Another lesson from the Constitution Committee’s experience is the benefit of a committee conducting both own-initiative investigations and legislative scrutiny. It provides an opportunity for the maximisation of expertise. Legislative scrutiny can provoke investigations, see for example the Constitution Committee’s investigation into Fast-Track legislation, and these investigations can in turn serve to inform legislative scrutiny.¹⁰⁷
8. The role of the Legal Adviser would be crucial in producing legislative bill reports for second reading. Every Commons Select Committee should have a permanent legal adviser.
9. The example of the House of Lords Select Committee on the Constitution highlights a number of other ways that the Commons Select Committees could influence the legislative process. Under the chairmanship of Lord Goodlad the Committee adopted the practice of the Chairman tabling amendments in the name of the Committee.¹⁰⁸ This maximises the benefit of the respect generated by the Committee’s work and expertise on a particular subject. One notable example of this practice being used by Commons Select Committees is the Health Committee’s role in the smoking ban legislation.¹⁰⁹ If the Commons Select Committees had a formal legislative role then it is likely that many would follow the example set by the Constitution Committee and the Health Committee.
10. Another method of legislative influence used by the Constitution Committee is through direct engagement with the minister responsible for the Bill. While this is obviously dependent on the attitude of the minister in question, the point is that the committee must be able to put forward workable legislative amendments for this dialogue to occur. Without this ability, even if the minister is willing, no legislative influence of this sort can be achieved. The Constitution Committee has secured such changes through correspondence with ministers, and most recently in relation to the Health Bill through meetings between the officials from the Committee and from Department of Health.¹¹⁰

1 February 2012

Written evidence from the Web and Intranet Service

1. The Web and Intranet Service (WIS) is a bicameral service operating within the Department of Information Services in the House Commons.
2. The team aims to ensure that Parliament is able to use the web to support its work effectively, provide accessible online information and engage with the public.
3. The Web and Intranet Service support select committees in number of ways:
 - Promotion of key content via editorial supervision of news stories on reports and key evidence session (chosen in collaboration with the Media and Communications Service) promoted to the homepage of the UK Parliament website and via corporate social media channels. These stories include links to relevant content on the website, such as links to coverage of the session on Parliament TV for those who cannot attend.

¹⁰⁵ D Nicol, *EC membership and the judicialization of British politics* (Oxford University Press, Oxford; New York 2001) p. 13.

¹⁰⁶ House of Commons Regulatory Reform Committee, *First Special Report: Legislative and Regulatory Reform Bill*, 6 February 2006, HC 878 (2005–06).

¹⁰⁷ House of Lords Select Committee on the Constitution, *Fast-track Legislation: Constitution Implications and Safeguards*, 7 July 2009 HL 116 (2008–09).

¹⁰⁸ House of Lords Select Committee on the Constitution, *Sessional Report 2009–10*, 21 July 2010, HL 26 2010–12 Appendix 1.

¹⁰⁹ Meg Russell and Meghan Benton, *Selective Influence: the Policy Impact of Select Committees*, (The Constitution Unit UCL; 2011) p. 96.

¹¹⁰ House of Lords Select Committee on the Constitution, *Health and Social Care Bill: follow-up*, 20 December 2011, HL 240 2010–12.

- Optimisation of inquiry pages that act as a hub for inquiries and provide links to all relevant information and have archiving capabilities.
- Promoting inquiries through digital channels, eg producing YouTube films to launch inquiries.
- Gathering evidence/material for inquiries via Parliament’s online channels eg via web forums or crowdsourcing questions for evidence sessions via interactive online channels.
- Working with nominated staff on the Committee Office Web Group to capture requirements for new pages and improvements in the committee section then see that technical development through to release onto the live website.

SUGGESTIONS

4. The Parliament website a unique online platform from which committees can communicate their work direct to the public.

5. The aim of the WIS is to help committees effectively organise and structure their online material to effectively communicate, to an online audience, the work and effectiveness of select committees.

6. Member of the public are often interested in particular inquiries rather than the body of work of a particular committee, to this end we need to ensure that inquiry pages are a hub for all information related to an inquiry and searchable so that outside organizations can easily find them. (see annex 3 for examples of outside organisations linking back to our content).

7. We are moving towards improved inquiry pages with examples such as the football governance inquiry by the Culture, Media and Sport Committee <http://www.parliament.uk/business/committees/committees-a-z/commons-select/culture-media-and-sport-committee/inquiries/parliament-2010/football-governance/>

8. Improvements have already been made but there is still more that can be done to improve the way committees use online channels to communicate and engage with people. The WIS are working with committee staff to produce model inquiry pages which can be used as an example for others to follow (for example the Treasury’s Committee’s inquiry into the ICB Final Report <http://www.parliament.uk/business/committees/committees-a-z/commons-select/treasury-committee/inquiries1/parliament-2010/icb-final-report/>). At the outset of an inquiry the Committee team should consider how they will cover the inquiry online, as part of their wider communications strategy, and contact WIS for any advice/assistance required.

9. Important select committee work is not always covered by the mainstream media as there may not be deemed to be enough public interest. This is where Parliament online news stories from committees are particularly important; the public interest in this area is evident in the fact that in the past year there have been almost 1.3 million views of Commons committee news stories. (See annex 1 for the background to the Parliament news service)

10. The Web and Intranet Service works with committee teams to “optimise” news stories promoting key evidence sessions, publications and calls for evidence. This work ensures that they are picked up by search engines such as Google (around 50% of the traffic to the Parliament website comes via Google). Should a member of the public search for a particular story we will have anticipated the “keywords” they will enter into a search engine and included those words in the story itself and the key places of online “real estate” analysed by search engines (for example the URL, the title of the page) so the story on the Parliament website is likely to appear near the top of any search results. (See annex 2 for examples of Parliament news items returned in Google search results)

11. We promote key online stories using the @UKParliament twitter channel (currently 62,000 followers) using hashtags (words or phrases that are prefixed with the # symbol that will cause the tweet to feed into a discussion stream fed by everyone using the same hashtag) where appropriate. This often results in retweets that feed into online conversations on the topic concerned.

12. This approach means that where there is public interest in a subject on twitter, committee online content will be included in the discussion.

13. Involvement from Members in terms of providing quotations to be included in online news stories is to be encouraged as it can add important context to a story if there is comment from the committee concerned. This is already a matter of course in the case of reports with a quotation from the Chair but would be useful for evidence sessions and the publication of important correspondence.

14. Where Members are active on Twitter it should be encouraged that they are aware of the committee coverage on the @UkParliament channel and retweet where they feel appropriate in order to generate interest in the committee content amongst their followers who might not already follow the @UKParliament channel.

15. WIS are always keen to assist committees on using the corporate Parliament social media channels when appropriate to their work, be that to invite evidence to an inquiry via a YouTube video or the use Twitter to crowdsource questions for an evidence session. We currently use Twitter (64,000 followers), Facebook (10,000 followers), Youtube (over 1.5 million views of our videos) and Flickr (over 1000,000 views of images)/ These channels allow us to reach an audience who might not

otherwise engage with the content of the Parliamentary website as they will search for content within a channel itself rather than through a search engine such as Google.

16. This proved useful when working with external websites such as The Student Room (in collaboration with Parliamentary Outreach) to generate discussion around a Select Committee Inquiry and finding interest where awareness of an inquiry may not previously have existed.

17. WIS recently assisted in the use of Twitter to crowdsource questions for an Education Committee evidence session with Education Secretary Michael Gove by asking for suggestions for the Committee to put to the Minister, with respondents adding the hashtag #AskGove to their question. This generated over 7,000 tweets (including retweets from influential bodies such as teaching unions and the education sections of major newspapers) making it one of the most successful question crowdsourcing exercises ever carried out on twitter in the UK.

18. The quality of questions submitted was high and many were used during the evidence session, the nature of twitter also meant questions were short and succinct. The Committee staff sorted the questions into categories prior to circulation to the Committee who used the questions to great effect throughout the evidence session. See here for more information <http://www.parliament.uk/education-committee-askgove-twitter-questions> This exercise proved quite resource intensive for both WIS and Committee staff so any similar future exercises would need to be balanced against other ongoing work, although as Twitter is a public forum there is no need for resource intensive moderation of responses.

19. Where there is an opportunity to engage via social media channels this should be encouraged in order to break down any perceived barrier between the public and Select Committees. Using Twitter to source questions via the @UKParliament channel is a quick and easy way to reach interested audiences in order to both broadcast information and encourage receive succinct replies.

CONCLUSION

20. There is strong evidence of online public interest in work in the work of select committees (there were 3.5 million page views of Commons Committee pages in the last year). We want to ensure that the Parliament website is the trusted destination for impartial information on committee business and provide a portal to impartial information on inquiries. The way information is found and consumed online is constantly evolving and we want to help committees to ensure that the online community can find content and participate in inquiries. Members of the Liaison Committee interested in our work and how we can work with specific committees are welcome to get in touch with the Web and Intranet Service.

February 2012

Annex 1

PARLIAMENT WEBSITE “NEWS”

What online users wanted (2007)

An Optimum Web (usability and accessibility consultants) report from June 2007 stated that the public “who make little use of the site” needed to be “won over by a clear, visually appealing site with accessible, changing content”.

Internal users said the site should “give daily and up-to-the-minute news on what is happening in Parliament about topics of national interest, flagged on the website homepage”.

Public users “wanted the site to be livelier and visibly up-to-the-minute. The current site is seen as dull, static and generally dormant. Most participants want a site that has current, changing content, and that is visibly up-to-the-minute, eg with a scrolling ‘Sky News style’ banner on the homepage providing the latest breaking news from Parliament.”

Parliament news from Dec 2008–May 2010

In December 2008 the web team launched a “news” site using the CMS/blogging platform Wordpress. The news items were compiled by the web team, using where possible pre-existing Parliament content eg select committee press notices. These news items were used to more effectively promote key parliamentary assets (online) such as Hansard, video and audio, Library briefing papers and committee reports. News items incorporated three key areas of web best practice to optimise their impact: writing for the web, search engine optimisation (SEO) and accessibility.

Parliament news from May 2010–present

A new Content Management System (CMS), Episerver, was delivered in May 2010. This allowed the web team to start devolving the creation of news items outside of the web team. News items are now created via news template pages rather than through Wordpress. Over the past 18 months we have trained 370 staff across

Parliament in how to use the new CMS. This training incorporates presentations and guidance on writing for the web, SEO and accessibility delivered by the web team.

Role of the Web & Intranet Service

The role of the Web & Intranet Service continues to evolve in relation to news. The aim of WIS is to successfully devolve the day-to-day creation of news items to Commons and Lords staff. This will allow WIS staff to focus on the following key areas:

- Co-ordinate news on high level landing pages to reflect Parliament priorities eg Parliament homepage.
- Effectively manage the promotion of news via highlights and corporate social media channels.
- Ensure quality and consistency of news content.
- Train and support devolved editors across Parliament in production of news.
- Set strategic direction of news to ensure it supports Parliament corporate communication objectives.
- Use expertise to further enhance news service and increase online reach and impact.

PARLIAMENT NEWS STATS

Over two million unique page views of news content in past year. Peaks relate to phone hacking news stories, traffic peaks every Wednesday around PMQs.

Written evidence by Rt Hon Keith Vaz MP, Chair of the Home Affairs Committee

SELECT COMMITTEE POWERS AND EFFECTIVENESS

The Committee clerks and I spend a great deal of time and effort persuading witnesses to attend on the relevant date. The reasons offered for non-attendance often amount to no more than the witness's personal convenience and they can usually be persuaded to attend at a time which is convenient for the Committee, but I believe that greater clarity about the formal powers of committees to summon witnesses would avoid much of this time-consuming negotiation. It would be unthinkable for a trial to be adjourned because a key witness had another engagement and I do not think that the House and its committees should be satisfied with what appear on the face of it to be substantially weaker powers than the courts.

I therefore think that the Liaison Committee should give active consideration to the statutory model used in Scotland and Wales [Scotland Act 1998, s. 23–26 & Government of Wales Act 2006, s. 37–40]. This gives the Parliament and the Assembly the right to summon witnesses, who can be prosecuted in the courts if they fail to attend. In the case of Scotland, the legislation allows the Parliament to empower a committee or sub-committee to issue a summons directly, without having to seek the approval of the Parliament. This would give committees far more operational independence and would, I believe, be a significant step in enhancing the status of select committees.

An alternative approach would be to give the House an express, statutory power to punish contempts, which is the position in Australia, under the Parliamentary Privileges Act 1987. Although the Australian approach would more clearly protect the House's exclusive cognisance of its own proceedings, I think that delegating the punishment of contempts, but statute, to the courts would provide clearer protection for the accused's right to a fair trial, reducing the risk of a challenge under Article 6 of the European Convention on Human Rights.

The same considerations apply to the production of documents and other information. It is quite common for the government to withhold information from committees in a way that can seriously undermine the effective scrutiny of departments. It is a major weakness of the current arrangements that a committee cannot order the production of papers by a Secretary of State, when they are the very people who we are supposed to be scrutinizing. This is something which the House might resolve by means of a humble Address with standing effect so that committees had the right to call for papers from departments whenever it was necessary for them to do so.

Finally, I support the moves by the Backbench Business Committee to allow select committees to launch reports on the floor of the House. However, the use of this procedure so far has been patchy and I believe it would be better to place it on a more formal footing. I would welcome a change to the Standing Orders to set aside every week one or two slots of perhaps 20 minutes each, immediately after Questions, to allow committee chairs to launch their reports on the Floor of the House.

23 April 2012

Written evidence by Tim Yeo MP, Chair of the Energy and Climate Change Committee

Nearly two years after the first elections for chairs of select committees, it is a good time to look back at the effectiveness of the new arrangements and to reflect on how well the powers of committees serve us in holding the Government to account.

The new system of elections for select committees has certainly strengthened the role of select committees at the heart of our parliamentary system. My Committee has gone about its business with a new sense of legitimacy, which has enabled us to take an active and forward-looking part in the policy-making process, as well as looking back through scrutiny of the Government's decisions. The feedback we have received from important stakeholders in the energy and climate change sector suggests that our own feeling of legitimacy is shared both inside and outside Westminster.

As outlined in the Committee's memorandum on its work in the 2010–12 Session, it has striven to be forward-thinking and to play a role in the development of policies, alongside the more traditional select committee focus on scrutiny with hindsight. In respect of Electricity Market Reform in particular, this approach has enhanced our effectiveness. Our recommendations fed directly into the Government's plans that were set out in its White Paper.

The Government could do more to recognise and facilitate the role of committees in contributing to policy format in the extent to which Departmental plans are shared with committees. Committees' effectiveness would be improved by a better knowledge of the future agenda of Government Departments, such as planned publication dates and consultation periods.

My Committee has an informal arrangement with the Department, where DECC notifies us about forthcoming business, but there are still times when our planning could be improved by greater foresight. The inquiry process is quite rigid once an agenda has been agreed and it can be difficult to cover major policy areas that emerge after our forward programme has been decided.

I would not expect DECC to share its entire forward programme with the Committee. However, under an agreement to respect the Department's confidential information, it would be helpful to have a more formal arrangement for receiving planning information from the Government.

I would also like to highlight the influence of select committees beyond government. My Committee's reach extends into public debate and industry practice. In particular, we have developed our role in holding the major energy companies to account. The Committee has championed the needs of the consumer within an energy market dominated by the "Big Six" and has been instrumental in bringing about an end to mis-selling on the doorstep. The volume and content of correspondence that I receive from members of the public indicates a high level of public awareness of the Committee's work and influence.

On the issue of engaging the media, I believe that if Committees had greater access to the time of media officers (a resource currently shared between Committees), it would be easier to explore creative ways of obtaining coverage for work that appears, at first glance, to be less newsworthy.

On Committee resources more generally, the Committee receives a very good service from its staff. This includes support for me in my role as chair (for example in drafting relevant articles and speeches). However, I note that staff must prioritise committee work, and have some sympathy for the Chair of the Transport Committee's suggestion that more support in this area would be beneficial.

My remaining response to your inquiry focuses on an aspect of committees' work which is not raised in your terms of reference: committee travel.

Travel forms an integral part of the work of many select committees. My Committee and I are extremely grateful to you for the opportunities we have been given to travel over the last two years. Our visits to the US and China have been a crucial part of our inquiries, as have our visits within the UK.

However, I believe that the present system—where your Committee examines travel applications under delegated authority from the House of Commons Commission—is inefficient. Giving select committees control over their own travel budgets could save money and make Members more responsible for expenditure.

The Commission should agree an appropriate budget for each committee, reflecting the international aspects of its work. This could also be combined with new guidelines for Members about committee travel, emphasising that visits that have been booked should be prioritised over all but the most pressing business. The system of pairing could also be improved to reduce nugatory expenditure arising from parity problems.

28 March 2012

Written evidence from the Better Government Initiative

Much of English political history has been about parliament winning control over taxation and public expenditure. Yet it is common to hear disappointed reactions to parliament's use of its powers and the contribution to it made by departmental select committees (SCs).

This note contains some suggestions from the Better Government Initiative (BGI) which are designed to strengthen the contribution of the departmental SCs. The BGI's 2010 report *Good Government* made wider recommendations about SCs (eg on enhancing their ability to present reports to the House and to propose substantive motions when they do so; and raising pay of the chairs), but this note deals with two specific issues relating to the quality and delivery of public services.

CLARIFYING THE CORE TASKS AND MAKING THEM MORE SPECIFIC

The 10 core tasks currently assigned to SCs were set out in 2002. This note is concerned with the matters covered by tasks 5–7, ie

“the expenditure... and the administration of the department”,

These include examining

- expenditure plans and outturn of the department, its agencies and principal NDPBs;
- the department's Public Service Agreements, the associated targets and statistical measurements employed; and
- monitoring the work of ...Agencies, NDPBs, and regulators.

In addition Tasks 1–2 mention the department's “policy proposals” and “emerging policy”, Task 4 mentions “any specific output”, and Task 9 mentions “implementation ...of major policy initiatives”.

In our view these tasks give the SCs very extensive scope to enquire into the work of Departments but a decade on they are both out of date; for example, public service agreements (Task 6) are no longer in force; and they are expressed abstractly without a clear sense of underlying purpose. In our view it would be timely to revise the core tasks and express them more directly in terms of the public services to which they relate.¹¹¹ The serious aim of this revision would be to help convey that the work of the SCs is for the most part not about “bean counting” or the micro management of Departments but about holding Ministers and Officials accountable for the public services, in the broadest sense, experienced by households and by enterprises, nearly all funded by taxes or user charges.

Each SC should, as now, be able to cover the whole range of services delivered by the department itself, any agencies and NDPBs (non-departmental public bodies), its regulators and any other associated public bodies.

Within this broad field, we suggest the main focus could be briefly defined on the lines of:

- (a) public service output and outcomes;
- (b) the expenditure used to achieve those outputs and outcomes; and
- (c) the relation over time between a. and b. , and hence value for money (vfm).

These topics will always be of great importance for people's lives, the economy, and politics. But they are particularly so in a lengthy period of deficit reduction. The SCs can aim to illuminate the implications of changing expenditure levels and priorities for:

- (a) the quantity and quality of public service outputs;
- (b) the identification of gains in efficiency, whether by changing the method of delivery or by other means, with most scope for reducing the impact on service users; and
- (c) the distributional effects of the choices made.

From this concern with the outcome of spending and investment decisions SCs would be able to examine:

- how performance in practice relates to stated policy objectives and operational plans;
- the choices made in the use of available funding;
- the evidence relied on for current monitoring of performance and value for money; and
- make recommendations for longer term decisions about changing programmes; and adopting new methods of delivery, new investments and the use of both regulation and deregulation.

By using such information from departments SCs can help to raise the profile of these highly topical questions and to hold the executive to account for the quality and rigour of its work on them.

SCs could do this under the existing Core Tasks. But our impression is that, with a few exceptions, they have not done so in the last two years. We believe that clarifying the tasks by making them simpler, more vivid, and more specific in the ways we have suggested should help to enhance SCs performance.

¹¹¹ Public services would include all department's spending, including, for example defence, the FCO, the arts, and in the case of the DWP the transfers it distributes in the form of cash benefits. It could also include the public costs and benefits of regulatory activity

The chances of success would be increased if proposals by the Hansard Society—that SCs should publish strategic plans for their work, consult about them and report more fully on their achievements—were simultaneously put into effect.¹¹²

They might also consider the working and possible extension of agreements made between spending departments and the Treasury which act as incentives to effective use of tax-payers' money (commonly described as “earned autonomy”).

The Role of Permanent Secretaries and other accounting officers in explaining departmental spending decisions; programme and project management

Traditionally Permanent Secretaries and other Accounting Officers have seen their principal relationship with Parliament as lying with the Public Accounts Committee. Their responsibilities, however, go well beyond issues of regularity and propriety. Accounting Officers, notably Permanent Secretaries, have personal responsibility for:

“selection and appraisal of programmes and projects: using the Treasury's Green Book to evaluate alternatives and good quality project and programme techniques...to track and where necessary adjust progress...”¹¹³

We suggest that departmental SCs 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 approaches¹¹⁴ 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 like the use of the Treasury Green or Magenta Books.

The NAO and PAC would continue their usual work, concentrating on past performance.

We believe that one benefit of this would be a cultural change in departments leading to greater attention being given to the quality of project and option appraisal both by those undertaking them and by Permanent Secretaries who would take a greater interest in ensuring that their department had the necessary processes and the skills in place. They would be likely to do this, if they anticipated a tougher challenge from SCs and expected to face this challenge themselves. These changes would also be likely to improve the quality of information in the public domain.

It would be consistent with these suggestions for the SC to be able to go beyond, throwing light on the specific expenditure decisions and having the ability in a few cases to make a report recommending that the relevant Request for Resources should be reduced or perhaps even rejected.

CONCLUSION

We invite the Liaison Committee to consider our suggestions for:

- (a) clarifying and making more specific the core tasks of departmental SCs on public services: the quantity and quality of their outputs and outcomes, their funding, value for money and the departments' information for monitoring current performance and for making longer term decisions, notably about efficiency gains, including new methods of delivery, and new investments;
- and
- (b) encouraging departmental SCs to rely more on evidence from permanent secretaries and other accounting officers, who are personally responsible for the appraisal of programmes and projects; and to seek information about departures from established practices for example in the making of investment decisions.

27 June 2012

¹¹² “Reviewing Select Committee Tasks”, Alex Brazier and Ruth Fox, Parliamentary Affairs Vol 64 No 2, 2011 pp354–369

¹¹³ *Managing Public Money* para 3.3.3

¹¹⁴ These should include legislation, regulation and expenditure. In principle they should also include so called “tax expenditures” but they raise different accountability issues with respect to the Treasury.

Written evidence submitted by the Clerk of the House

Glendower: I can call spirits from the vasty deep.

Hotspur: Why, so can I, or so can any man.

But will they come when you do call for them?

King Henry IV, Part One, Act III, Scene 1

Bernard Jenkin, the Liaison Committee's Rapporteur on Select Committee powers, has asked me to prepare this paper. I have had the benefit of discussing the issues with Mr Jenkin and with other Chairs at several meetings.

Is there a problem?

1. For much of the last century select committees have encountered little difficulty in securing the attendance of the witnesses, and the evidence, that they need. Since the hugely more active and demanding departmental select committee system was established in 1979, thousands of select committee inquiries have been concluded successfully, with tens of thousands of witnesses ready or even eager to participate by contributing written and oral evidence across a very wide range of subjects.

2. There have been occasional—but only very occasional—incidents where committees have been disappointed or frustrated by witnesses who have been unhelpful or unwilling to co-operate fully.¹¹⁵

3. Where the issue has been one of attendance, exposure has usually been effective—a witness realises quickly that attending is far preferable to a committee's continuing criticism, often backed by the media.

4. Where credibility of evidence has been at issue, select committees frequently have to weigh up the evidence they have received. In doing so they may give greater credence to some witnesses than to others. Committees have never been scared of making strong criticism of unhelpful or evasive witnesses, or of those whom they suspect have not told the whole truth.

5. Whatever conclusions select committees come to, their comments may not be impeached or questioned in court. There is not even a right of reply, let alone a right of redress, for any damage done to the reputation of an individual or an enterprise by what may be published in a select committee report, or in the evidence accepted by a select committee. The corollary must be that due process of investigation and weighing of evidence needs to be all the more exacting, and it usually is.

6. So is there a problem?

HIGH-PROFILE EVENTS

7. Some recent events have given a higher profile both to the securing of attendance and to the veracity of witnesses. Irene Rosenfeld, CEO of Kraft Foods, did not agree to appear before the Business, Innovation and Skills Committee in March 2011 to answer questions about the takeover of Cadbury (although the Committee was able to question other witnesses from Kraft extensively).

8. In the Culture, Media & Sport Committee's 11th Report of Session 2010–12, *News International and Phone-hacking*, HC 903-I, that Committee concluded that certain of its witnesses had misled the Committee, and on 22 May 2012 the House referred those conclusions to the Committee on Standards and Privileges.

9. The engagement between the Public Accounts Committee and HMRC in November 2011 was of a rather different character. The Committee put a witness on oath after the Chair expressed frustration that answers were not forthcoming. I think the circumstances were unfortunate. I would simply observe that administering the oath will not of itself produce answers; the discipline of having taken the oath may make a difference to the content, but a witness may also simply refuse to answer.

10. The issue of select committee powers has arisen pretty regularly during my forty years here. On almost every occasion either the committee has got what it wants (possibly after some straight talking) or it has decided not to pursue the matter.

11. However, recent events, and the reference of the CMS issue to the Standards and Privileges Committee, have now heightened expectations. The Government's proposal for a joint committee on banking, explicitly as an alternative to a judge-led investigation, may also be a factor.

¹¹⁵ For an example, see the First Special Report from the Social Security Committee, Session 1991–92, *Conduct of Mr Ian Maxwell and Mr Kevin Maxwell*, HC 353. The House was dissolved before it had time to consider the Special Report. By the time Parliament convened after the 1992 general election, the matter was *sub judice*. Both witnesses had been charged with offences of which they were eventually acquitted.

A paper tiger?

The process

12. Recent events have shown to a wider audience what all insiders always knew; that there were considerable doubts about whether the House could really impose its will on those whom a Committee wished to summon, or punish those who gave (unsworn) false or misleading evidence to a Committee. I deal separately with evidence given on oath.

13. It is sometimes alleged that the *process* is unclear. It is not. What is unclear is how far it can be taken.

14. If a Select Committee wishes to require the attendance of a witness, an informal request is issued. If the witness is unwilling, a period of negotiation usually follows. If it is clear that the witness is not willing to attend, and the Committee wishes to insist, an order for attendance is made by the Committee, signed by the Chair, and then served upon the witness by the Serjeant at Arms or the Serjeant's representative.

15. Provided the witness is "within the jurisdiction"—that is, within the UK or the Dependent Territories (or, in strict theory, on UK diplomatic premises)—the order can be effectively served. If the witness does not comply, the Committee can report the matter to the House, and can ask the Speaker to give the matter precedence over the scheduled business. A motion may thereby be debated which either immediately expresses a view about the witness's conduct, or which refers the matter to the Committee on Standards and Privileges. (The House has agreed that a separate Committee of Privileges shall once again be appointed after lay members have been added to a separate Committee on Standards.) The Committee inquires into the matter, and reports its view to the House. The House considers the report on a debateable (and amendable) motion, and may at that stage decide that a contempt has been committed.

16. False evidence is treated in broadly the same way (most recently in the phone-hacking case). A Committee reports that it believes that it has been lied to or deliberately misled, seeks reference to the Committee on Standards and Privileges, and that Committee's judgement is considered by the House, which may decide that a contempt has been committed.

How can a contempt be punished?

17. It is important to remember that there is no such thing as an "automatic" contempt. Something is a contempt only if the House finds it so, which is why *Erskine May's* examples are of behaviour which has been found in the past to have been a contempt. And although this paper is about contempts which arise in the proceedings of Select Committees, there are many other ways in which a person or a body may be found to be in contempt, such as obstructing or threatening a Member or Officer in his or her Parliamentary duties, improper influence, and so on.

18. In the nature of things, most people who fall foul of a Select Committee will be people in public life, or who in some way carry public responsibilities. The finding by the House of Commons, after due inquiry by the Committee on Standards and Privileges, that an individual is in contempt, and making specific criticisms of the individual's conduct, must be hugely damaging to that individual. The finding by the Culture, Media and Sport Committee that "Rupert Murdoch is not a fit person to exercise the stewardship of a major international company"¹¹⁶ was deeply damaging to him, and probably had financial implications far beyond what any tribunal would have imposed as a fine.¹¹⁷

19. But is that enough? What else can the House do? What are its present powers?

Calling to the Bar of the House

20. This was last done in Session 1956–57 (the Junor case¹¹⁸) and I think must be regarded as having fallen—I would say unregretted—out of use. In modern circumstances, as a televised proceeding, it would risk being a pantomime. Consider: the miscreant is brought to the Bar, accompanied by the Serjeant with the Mace, and is admonished by the Speaker in front of the House. Even assuming that the miscreant is prepared to come (and a refusal would be a further embarrassment) the proceedings are not controllable, and the House would risk looking like a lynch mob. The Speaker stands and delivers a rebuke, at a range of some thirty yards. Then what? The individual at the Bar, in prime TV time, may decide to have a go at the House and the treatment he or she has received. If the individual really does have a case, or perhaps produces some surprise piece of evidence which makes it clear that the House has got it wrong, the result could be a reputational disaster.

¹¹⁶ Eleventh Report from the Culture, Media and Sport Committee, HC 903-I of Session 2010–12, paragraph 229.

¹¹⁷ It may be that a "tariff of misbehaviour" is worth exploring further. See paragraph 62.

¹¹⁸ CJ (1956–57), 64 and 66.

Fining

21. The Commons has not imposed a fine since 1666, and its power to do so as “a court of record” is doubtful; in 1762 it was held in terms no longer to exist,¹¹⁹ and the Supreme Court recently described it as “theoretical”.¹²⁰ Select Committees in 1967 and 1977, and the Joint Committee on Parliamentary Privilege in 1999, have recommended that the House should have a statutory power to fine.¹²¹

Imprisonment

22. This was a power freely exercised by both Houses in the 16th, 17th and 18th centuries, and by the House of Commons until late in the 19th century (there were 80 cases of committal between 1810 and 1880). The last case of committal of a Member was of *Bradlaugh* in 1880¹²² and, of a non-Member, of *Grissell* in the same year.¹²³

23. The Commons are regarded as not having the power to imprison beyond the end of a Session.¹²⁴

24. Were the power to imprison to be used in modern times, the objections would be several and powerful. Could a process acceptable to the House—in effect, a full adversarial trial by a House of Parliament—be devised to meet the requirements of fairness in a procedure which could end with someone being deprived of liberty? And would it be possible for the House to take any such step without speeches being made which would be taken to demonstrate predetermination (as was certainly the case in the debate on whether to refer the CMS findings to the Standards and Privileges Committee)?

25. Although the Human Rights Act 1998 would not apply (there being a specific saver for Parliamentary process) the prospect of breaching the requirements of Articles 5 and 6 of the European Convention on Human Rights, and the high probability of the United Kingdom being taken to the Court of Human Rights¹²⁵ is a substantial reputational risk, most of all for a Parliamentary institution all of whose Members would support the fair and equal treatment of citizens as a fundamental requirement of modern society.

26. The fact that the House’s power to imprison, being until the end of the Session, is indeterminate (that is, no-one can say, when a penalty is imposed, for how long exactly it will run) also has a human rights implication, and would be open to challenge on grounds of arbitrariness.

27. The possibility of directly securing attendance of a witness (sending the Serjeant at Arms physically to enforce a Committee’s order to appear) falls at all these fences, and one other; the police might not intervene (save to avoid a breach of the peace) but he would be at risk of civil proceedings for assault and false imprisonment, from which it is very unlikely that a claim of Parliamentary privilege would protect him.

Evidence on oath

28. I conclude this survey of the current situation, and its practical implications, with a consideration of the taking of evidence on oath. This is rarely done in investigative select committees, but is routine in private bill committees.

29. The debate on 5 July on the method of investigating LIBOR rate fixing and related matters demonstrated in some quarters a confidence that the taking of evidence on oath in Parliamentary proceedings avoids all the difficulties I have so far touched upon. It does not.

30. The Parliamentary Witnesses Oaths Act 1871 empowers the House of Commons and its committees to administer oaths to witnesses, and attaches to false evidence the penalties of perjury. Section 2 of the Perjury Act 1911 provides maximum penalties on conviction of a false statement on oath, otherwise than in a judicial proceeding, of seven years penal servitude, or imprisonment for two years, or a fine (or a fine combined with one of the other two penalties).

31. On the face of it, this looks like a solution. But there are problems. The *first* is that, however cross or frustrated a committee may be, the decision whether to prosecute rests not with Members but with the prosecuting authorities outside the House. If, applying the normal tests, they decide that there is insufficient prospect of a prosecution succeeding, they will not waste public funds by proceeding. This would probably be a damaging and very public setback for the committee concerned.

¹¹⁹ By Lord Mansfield, in *R v. Pitt*, 97 ER 861.

¹²⁰ *R v Chaytor*, [2011] 1 AC 684.

¹²¹ HC34 (1966–67), paragraph 197; HC 417 (1976–77), paragraph 15; and HL 43-I, HC 214-I (1998–99), paragraphs 279 and 303.

¹²² CJ (1880) 235.

¹²³ CJ (1880) 77.

¹²⁴ See Lord Denman CJ, in *Stockdale v. Hansard*, (1839) 112 ER 1112, especially at 1156.

¹²⁵ The relevant case is *Demicoli v. Malta* (1991) 14 ECHR 47, where a penalty of 60 days’ imprisonment or a fine (effectively a criminal penalty), imposed by the Maltese House of Representatives on an editor who had criticised the behaviour of two MPs, was found to have breached Article 6 ECHR by virtue of unfair process, because the MPs concerned had participated in the proceedings, even though the process allowed for adversarial challenge, including legal representation.

32. *Second*, the prospects of a successful conviction will depend on the degree of fairness that a committee is able to demonstrate in the proceedings that led to the alleged perjury. Did the witness know in advance, before coming to the committee, that he or she would be put on oath? Were the questions asked clear, and designed to elicit fact and not opinion? Did the Committee at any stage badger or harass the witness? Was the witness under any constraint or duty that made it difficult to answer? Did the witness have access to advice (possibly legal advice)? The failure of a prosecution, once embarked upon, would be embarrassing to the committee and to the House.

33. *Third*, the committee may think that the false evidence was on a material issue. The court may disagree: and s1(6) of the Perjury Act explicitly gives to the court the duty of deciding whether or not an allegedly untrue statement is material.

34. *Fourth*, the trying of a case of perjury would mean that the court had to examine Parliamentary proceedings—something explicitly prevented by Article IX of the Bill of Rights.¹²⁶ *Erskine May* says that this obligation upon the courts “is statute law and, unless there has been amending legislation, the protection it confers cannot be waived or not insisted upon by either House”.¹²⁷ However, *May* also says that the passing of the Perjury Act “impliedly” amends the Bill of Rights. There is of course a difference between using Parliamentary proceedings as a means to establish a fact¹²⁸ and exploring the details of the questions and answers in evidence before a select committee. It would be for the court to decide how far it could consider such material.

35. These considerations may have been factors in there having been no prosecutions for perjury in respect of Parliamentary proceedings since the passing of the 1911 Act.

How did we get into this situation?

36. The simple, if unsatisfying, answer is “lapse of time”. During the period since the House ceased regularly to exercise effective penal jurisdiction, the world has changed. Modern administrative law has brought with it profoundly different expectations of due process and natural justice, and adherence to the European Convention on Human Rights has buttressed those changes.

37. There are also broader, perhaps more philosophical considerations. The Select Committee on the Army before Sebastopol (1854–55) is usually considered to be the first “modern” select committee inquiry. It put reputations on the rack, and led to Lord Aberdeen’s resignation, but it was at heart an inquiry into *policy and administration*.

38. By contrast, the select committee inquiries into the Jameson Raid and the Marconi scandal at the end of the nineteenth and the early years of the twentieth century were about *wrongdoing*. The inquiries were both disasters for the House because the committees divided fiercely on party lines, and the development of the role of select committees was set back by some fifty years.¹²⁹

39. At the heart of the scrutiny role of the House of Commons is calling to account the Government of the day. The Orders of Reference of the Departmental Select Committees give them the task of examining the “expenditure, administration and policy” of Government Departments.¹³⁰

40. That is, emphatically, not to say that there should not be effective means to hand if a committee is lied to or obstructed, but it does suggest a centre of gravity. The broader changes I referred to in paragraph 36 have widened the gap between the work of Parliament and the authority of the courts, not least in the expansion of judicial review, and that at least poses the question of whether there are, or should be, limits to what select committees see as their role.

“As sparingly as possible”

41. The House has responded to the changing world. Its current practice of punishing contempts follows the recommendations of the Select Committee on Parliamentary Privilege in 1966–67, which concluded that the House should exercise its penal jurisdiction (1) in any event as sparingly as possible and (2) only when satisfied that to do so was essential in order to provide reasonable protection for the House, its Members or its officers from improper obstruction, or attempt at or threat of obstruction causing, or likely to cause, substantial interference in their respective functions.

¹²⁶ Which says that proceedings in Parliament may not be “impeached or questioned in any court or place outside Parliament”.

¹²⁷ 24th Edition, page 204. The Defamation Act 1996 allows a Member to use proceedings, but only for the purpose of an action for defamation.

¹²⁸ *ibid.*, pages 204–205 (1917 case). The extension of judicial notice of proceedings following *Pepper and Hart* ([1993] AC 593, [1993] All ER 42) does not go far enough to assist in this.

¹²⁹ Sir William McKay, Clerk of the House of Commons, in his Introduction to the 23rd edition of *Erskine May*, 2004, page 8.

¹³⁰ S.O. No. 152.

42. Until 2006 it was the practice of the House on the day of the State Opening to pass several Sessional Resolutions, including the following in relation to Witnesses:

That if it shall appear that any person has been tampering with any witness, in respect of his evidence to be given to this House, or any Committee thereof, or directly or indirectly has endeavoured to deter or hinder any person from appearing or giving evidence, the same is declared to be a high crime and misdemeanour; and this House will proceed with the utmost severity against such offender.

That if it shall appear that any person has given false evidence in any case before this House, or any Committee thereof, this House will proceed with the utmost severity against such offender.

43. The then Procedure Committee's rationale for dropping the Sessional Orders was principally that they were unnecessary.¹³¹ The Witnesses (Public Inquiries) Protection Act 1892 provides penalties for those who intimidate witnesses before Committees of the House, and perjury in evidence given under oath was thought to be able to be dealt with under the Perjury Act 1911.

44. But we have come a long way from the antique "high crime and misdemeanour" and proceeding "with the utmost severity against such offender" to "as sparingly as possible and only when..."

45. It may, of course, also be the case that the House's powers have survived in the form they have precisely because the use of them over the last century has been restrained.

Should something be done and, if so, what?

46. The options may be considered under three headings—**do nothing, proceed by Standing Order or Resolutions or legislate**.¹³² As I said when I first discussed these issues with Liaison Committee Chairs, the tests should in my view be those of **efficacy, proportionality** and **hazard**. I have suggested in the grid below how each might score

	<i>Efficacy</i>	<i>Proportionality</i>	<i>Hazard</i>
Do nothing	Difficult to tell at this stage: S&P on CMS may give an indication	Acceptable?	Difficult to tell at this stage: S&P on CMS may give an indication of hazards of no action
Standing Orders or Resolutions	Would bring clarity	Easily achievable	The "paper tiger" problem: would this be seen as enough?
Legislate	Select Committee processes would have to meet demanding standards of fairness	Depends on the answer to the "is there a problem?" question	Risks changing the nature of Select Committee proceedings

47. I now test each of the possible courses against the three criteria.

Do NOTHING

Efficacy—will it work?

48. The evolution of select committees over the past 40 years has been remarkably successful. The election of Chairs and Members in the present Parliament has given them an added legitimacy, and their collective confidence has in my view never been higher. The "do nothing" judgement must in effect ask: "will this change if coercive powers and penal jurisdiction, such as they are, remain undisturbed?"

49. A useful indication may be given by the outcome of the Standards and Privileges Committee's consideration of the possibility that witnesses before the CMS Committee gave false evidence. S&P has already decided that, if it finds the allegation proved, it will not recommend that the House exercise any power of committal to prison, and that the maximum penalty it will recommend is admonishment¹³³ (which does not imply calling to the Bar; it could be done more effectively by Resolution of the House endorsing the S&P Report).

Proportionality and Hazard

50. Both proportionality and hazard will probably depend on other events. If the S&P investigation finds that the allegation of giving false evidence to the CMS Committee is not proven, then the question of penal jurisdiction will become—perhaps only for the moment—much less important. On the other hand, if it is found that false evidence was given, the "do nothing" option will be under pressure.

¹³¹ Third Report from the Procedure Committee, Session 2002–03, *Sessional Orders and Resolutions*, HC 855

¹³² These three options broadly correspond to the "Models" advanced by Richard Gordon QC and Amy Street in the recent study *Select Committees and coercive powers—clarity or confusion?* Constitution Society, 2012.

¹³³ Minutes of Proceedings, 12 June 2012.

51. But, CMS aside, it is possible that any Select Committee inquiry could encounter difficulties at any time, and thrust the issues into the spotlight once again. The course of the inquiry to be undertaken by the proposed Joint Committee on Banking may be relevant.

52. Also relevant is the Constitution Society's recent study by Robert Gordon QC and Amy Street, one of the best considerations of the issues I have seen. Gordon and Street argue that "In the context of select committees, whose powers and practices may be subject to change, there is a strong case for ensuring clarity and certainty by more specific rules rather than through reliance on informal and often uncertain past practice or development of any system of constitutional conventions (which currently do not exist) in relation to select committees".¹³⁴

53. Authoritative comment of this sort from outside the House is bound to keep up pressure against the "do nothing" option.

STANDING ORDERS AND RESOLUTIONS

Efficacy

54. These could play two roles.

55. *First*, a Resolution of the House could set out the duty of all within the jurisdiction to co-operate with Select Committees of the House; to deliver up papers and records requested by a Committee;¹³⁵ to attend to give evidence when required; and to give evidence which is wholly truthful.

56. Such a Resolution would be of a character similar to those agreed by both Houses on Ministerial accountability to Parliament¹³⁶ and by this House requiring Ministers to be as open as possible with Parliament.¹³⁷

57. The case for such a course would be to give additional moral force and stated legitimacy to the activities of select committees.

58. *Second*, criticism of the Gordon/Street kind might be met by setting out in Standing Orders the process by which a committee secures the attendance of a witness:

- If informal request does not suffice.
- Order may be made.
- Served upon the witness within the jurisdiction.
- Non-compliance reported to the House.
- Reference to Committee of Privileges (as it will then be).
- Possibility of being found in contempt of the House.

59. But what punishment, other than one sanctioned by legislation, would be effective? I return to this point in paragraph 62.

60. Standing Orders might also set out the process whereby the Committee of Privileges might proceed if a case of alleged false evidence is reported to them, very much along the lines upon which the Committee on Standards and Privileges has said that it will proceed in the CMS case:

- Invitation to witnesses to make written submissions in their defence.
- Similar invitations to other relevant witnesses.
- Opportunity of oral evidence, accompanied by legal adviser(s) (but answering in person, not *represented* by Counsel).
- Oral evidence taken on oath.
- Committee comes to preliminary conclusions.
- Writes to a witness affected by those conclusions stating what the conclusion is, and the evidence upon which the Committee relies.

¹³⁴ *op. cit.*, page 69.

¹³⁵ That is, one with the power "the send for persons, papers and records" ("PPR").

¹³⁶ HC Deb (1996–97) 292, cc 1046–47, HL Deb (1996–97), 579, cc 1055–62.

¹³⁷ CJ (1997–98), 667.

- Response within a limited time from the witness.
- Consideration by Committee.
- Report to the House.
- Consideration by the House of that Report.

61. Once again, the unanswered question at this last stage is: and then what?

62. One possible route would be to make more explicit use of the moral effect of a Resolution of the House of Commons. I said in paragraph 18 that the CMS judgement on Rupert Murdoch as being “not a fit person” would have had financial implications far beyond any fine.

63. Perhaps we should consider a “tariff of misbehaviour”:

- Not a fit person to be a director of a public company.
- Not a fit person to hold public office.
- Not a fit person (depending on any statutory provision particularly applicable to the individual concerned).
- and so on.

64. Such a conclusion would be a powerful moral condemnation. It would not have executive force because it would not directly engage disciplinary or disqualification process provided for in statute. It would be thus less likely to have ECHR implications and, as an expression of the view of the House of Commons, it could not of course be challenged in the courts.

65. The perceived fairness of proceedings in select committees might be enhanced by the adoption of a code along the lines of the New Zealand practice, where select committees have a formal responsibility to follow the rules of natural justice.¹³⁸

Proportionality and Hazard

66. If the course of events shows that something more than “do nothing” is needed, this approach might be proportionate. It would have hazards: it could be seen as merely exhortatory if there were no effective punishment at the end.

67. There is a limit as to how far Standing Orders can go. The House of Commons agreed with the House of Lords in 1704 that “neither House of Parliament hath any power, by any vote or declaration, to create to themselves any new privilege that is not warranted by the known laws and customs of Parliament”,¹³⁹ and this has been amply recognised by the courts. It is therefore not possible to introduce by Resolution or Standing Order any new, certain, coercive or penal power.

LEGISLATION

Efficacy

68. On the other hand, coercive and penal powers can be provided by legislation. The way in which such powers might operate needs closer examination.

Proportionality and Hazard

69. Chapter 7 of the Government’s *Parliamentary Privilege Green Paper*¹⁴⁰ covers powers of select committees, and considers some of the issues. The Green Paper suggests that there should be no general offence of “contempt of Parliament,” enforceable by the courts, because the courts would then have discretion to decide what constituted such a contempt; and the uncertainty inherent in this would mean that it could not be made a criminal offence, because an individual would not know for certain that his or her behaviour was criminal.¹⁴¹

70. The Green Paper goes on to consider other possible offences of non-compliance and interference, drawing upon the Report of the Joint Committee on Parliamentary Privilege in 1998–99.¹⁴² They are:

- Failure or refusal, without reasonable excuse, to appear.
- Failure or refusal, without reasonable excuse, to answer.
- Failure or refusal, without reasonable excuse, to produce documents.
- Altering, suppressing or destroying documents requested.¹⁴³

¹³⁸ New Zealand Parliament, *Procedural Guides: Natural justice before select committees*, Office of the Clerk of the House of Representatives, 2010.

¹³⁹ CJ (1702–04) 555, 560 cited in the Report from the Joint Committee on Parliamentary Privilege, Session 1998–99, HL Paper 43-I/HC 214, paragraph 17

¹⁴⁰ Cm 8318.

¹⁴¹ Paragraph 272.

¹⁴² First Report of Session 1998–99, *Parliamentary Privilege*, HL 43-I, HC 214-I.

¹⁴³ Paragraph 273.

To this list might be added knowingly to give false or misleading evidence (unsworn), not separately dealt with in the Green Paper.

71. There would probably need to be a privilege against self-incrimination and a protection of legally privileged material, as in the Inquiries Act 2005.¹⁴⁴ Witnesses would be likely to come “lawyered-up” to evidence sessions to protect their own positions.

72. The Green Paper warns of potential difficulties of creating statutory offences in this way: where for good reasons a person was unable to appear; where the information requested was personal and not relevant to proceedings; where someone was under a legal or professional duty of confidentiality not to reveal information; or where the release of information would prejudice prospective or continuing judicial proceedings. The Government also indicates a strong view that civil servants should not be covered by such provisions, on the grounds that, except in the case of Accounting Officers appearing before PAC, it is Ministers who carry the responsibility.

73. These potential difficulties are seen from the government’s standpoint and not from ours, and we might not agree that any of these should be allowed to impede a select committee inquiry, and that the select committee should be the judge of whether any refusal in these categories was reasonable.

74. Unfortunately, once the offences were in statute, neither a select committee nor the House itself would be the judge of reasonableness; it would be a matter for the courts.

75. I have discussed the practicalities in some detail with senior members of the judiciary. For obvious reasons I do not want to attribute views individually or collectively. However, it is clear to me that, even if there were no explicit test of reasonableness, a court would wish to satisfy itself on a number of issues of fairness.

76. On “refusal to appear”:

- Was the witness “pertinent”¹⁴⁵ to the committee’s inquiry?
- Did the Committee offer reasonable alternative dates?
- Did the Committee give adequate notice, that would have allowed the witness to prepare properly for the oral evidence?
- Did the Committee say exactly why it wished to take evidence from the witness?
- Did the Committee offer the opportunity for the witness to be accompanied by advisers (including, depending on the circumstances, legal advisers)?

77. I think most committees would regard the possibility of their actions being second-guessed by a court in this way uncomfortable, to say the least. The possibility that the court might find that the committee had not in fact acted fairly, and throw the case out, would be no more welcome.

78. Similar considerations of “pertinence” and of fairness, attach to the production of documents, but it would be the assessment of fairness in connection with an allegation of giving false or misleading evidence that committees might find most intrusive and unwelcome.

79. For example:

- Did the question fall into a category, or was on a subject, which the witness could not reasonably have expected?
- Was it relevant to the committee’s lines of inquiry?
- Did the question seek a factual answer?
- Did the Committee ask its questions clearly and in an orderly way?
- Did the Committee badger the witness? Were the proceedings in any way oppressive?
- Did the witness have time to think before answering? If he wanted a short break to consider was he or she allowed it?
- Was the witness allowed to take advice?

80. It is not hard to imagine that a court which had to determine whether or not the witness was treated fairly would want to see a DVD of the evidence session.

CONCLUSION

81. In this paper I have sought to set out possible courses of action, and the advantages and disadvantages that attach to each.

82. If no action is taken, and the Committee on Standards and Privileges finds that the witnesses named by the Culture, Media and Sport Committee are guilty of contempt—or if in due course a similar finding is made in respect of other witnesses before another committee, it is possible that the House and the wider public will be frustrated at the House’s lack of capacity to impose a proportionate penalty.

¹⁴⁴ Section 22.

¹⁴⁵ The word used in equivalent circumstances in the United States.

83. But it is also important to bear in mind that, if the House is to be given penal powers by legislation, it will not be enough to have high standards of fairness at what one might see as the appeal stage; in other words, when the matter is referred to the Committee of Privileges (although fairness at that stage might reduce the likelihood of an ECHR challenge). The standards of fairness—possibly even including adversarial process—would need to be there from the start, if a prosecution were to be successful.

84. It might be possible to designate certain inquiries as “high-risk” and conduct them in a different way; but the implications of having “first-class” and “second-class inquiries” might not be attractive.

85. It might be, of course, that simply to have those powers in statute might mean that they would be unlikely ever to be needed, and that their mere existence would be sufficiently salutary. The Liaison Committee will not need me to tell them that this would not be an easy judgement to make.

86. I would of course be very happy to assist the Committee further in any way they may wish.

Robert Rogers
Clerk of the House

9 July 2012

Papers and briefing produced for the Liaison Committee’s Working Group on Committee resources and support

1. TERMS OF REFERENCE

On 3 March 2011, The Liaison Committee agreed to establish a working group to consider how select committees might use House services more effectively. The group would consider:

- staffing arrangements;
- recruitment;
- committee budgets; and
- use of external resources.

2. MEMBERSHIP

The group comprised the Chair, Sir Alan Haselhurst, Mr Bernard Jenkin, Andrew Miller, Mr Andrew Tyrie and Keith Vaz.

3. MEETINGS

The group met on 4 April 2011, 29 June 2011, 21 November 2011, 23 February 2012 and 22 May 2012.

4. BACKGROUND INFORMATION ON THE COMMITTEE DIRECTORATE (DEPARTMENT OF CHAMBER & COMMITTEE SERVICES): NOTE BY THE COMMITTEE OFFICE

This note contains some basic data on Committee Directorate (usually referred to as the Committee Office) staffing structures and costs:

- (A) Staffing costs in the context of the 2011–12 budgets.
- (B) Staff numbers by grade.
- (C) Entry routes to posts as Committee Clerks and 2nd Clerks.
- (D) Sources for extra external support provided to select committee teams.

The figures, except where stated, cover 24 committees: the 19 “departmentally-related committees” established under SO No 152, plus: Administration; Environmental Audit; PAC; PASC; Political & Constitutional Reform. Other committees managed from within the Committee Office—eg the Jt Cttee on National Security, ad hoc committees on draft bills, Liaison Committee—are generally staffed from within these resources.

[An additional four committees (European Scrutiny, JCHR, Regulatory Reform & Statutory Instruments) are staffed on a somewhat different basis from the Legislation Service. Similarly, the Procedure and Standards & Privileges Committees and the Speaker’s Committees on the Electoral Commission and for IPSA are staffed from the Journal Office. For greater clarity, they are omitted from the figures below except where otherwise indicated.]

A. Committee Office costs (FY 2011/12 budgets)

Staffing	10,439 k
Overseas visits	925 k
UK visits/conferences & entertainment	217 k
Printing	2,217 k
Witness expenses	36 k
Information, Specialist Advisers & research	373k
Other	19 k
Total:	14,226 k

nb: costs other than staffing costs cover the additional eight committees referred to above staffed and managed by other Offices

B. Committee Office staff numbers (by grade)

<i>Roles/grades</i>	<i>Numbers (inc. current vacancies)</i>		<i>Total</i>
	<i>Based with individual committees</i>	<i>Central functions inc. Scrutiny Unit</i>	
Principal Clerks (SCS1A and above)— <i>overall management of the Office and of its staff, quality control, clerking of the Liaison Committee and of the Commission and Finance & Services Ctees and other House duties</i>	1.5	3.5	5
Clerks of Committee (Deputy Principal Clerks (SCS1) & Senior Clerks (A2))— <i>overall responsibility for resource management of the committee's support from all sources; for managing relationships between Committee and (a) its staff (b) Govt Departments etc (c) the House and (d) its other client groups; for advice to Chair/Committee on programme, achievement of tasks set down by the House, delivery of programme, and compliance with House rules and practice; for quality of service to Committee.</i>	24	1	25
Second Clerks (Senior Clerks (A2) or Assistant Clerks (A3))— <i>deputising for Clerk and leading on certain inquiries under direction of the Clerk</i>	19	2	21
Committee Specialists & Inquiry Managers (B1&A2)* <i>Leading on certain inquiries, under direction of the Clerk, providing (particularly in case of Specialists) certain subject expertise</i>	36	9	45
Media Officers (B1) <i>Media and publication advice for a group of committees</i>	0	5	5
Senior Committee Assistants & Managers (B2 & B1) <i>Head of administrative team for committee, eg arranging meetings, visits, publications etc, line management of junior staff; and Office-wide leads</i>	22	3	25
Committee Assistants (C) <i>Support for the SCA and committee team, document preparation, circulation, printing, websites etc</i>	27.5	9.5	37
Support Assistants (D1 & D2) <i>General support to groups of committees or whole Office</i>	8	9	17
	138	4	180

Associated salary ranges (£k): SCS1A—67.6–105.6k; SCS1—58.2–93.4k; A2—46.1–61.3k; A3—27.2–38.8k; B1—34.6–42.4k; B2—28.4–35.7k; C—22.6–29.3k; D1—18.0–24.8k

* Note: most Committee Specialists & Inquiry managers are graded at B1, with some at A2: a grading review instigated under House-wide procedures to assess comparability with work carried out in other parts of the House and the public service requires the case to be examined for more of these posts to be graded at A2 (with significant budgetary consequences).

C. Entry routes to Committee Office clerk posts

Historically, virtually all Clerks and 2nd Clerks of Committees would have been recruited through the equivalent to the civil service “Fast Stream” graduate recruitment scheme. Over recent years, the pattern has been more varied, with Clerks being drawn from a wider pool, including:

- Internal promotions and transfers from House staff (DCCS & other).
- Civil Service secondees.
- Committee Specialists.

The proportion coming through other routes—either on a temporary or permanent basis—is growing, but time lags mean that the proportion who have reached Clerk of Committee (42%) is lower than the proportion at 2nd Clerk (58%). (Conversely, all Clerks—ie not just those currently in the Committee Office—are encouraged to broaden their experience in the other direction, by seeking outward secondments, eg to the civil service or to other House departments.)

The current position is as follows (figures exclude committees not staffed from either Committee Office or Delegated Legislation Office, and exclude Scrutiny Unit; note that five committees do not currently have two Clerks):

	<i>“Fast stream” graduate entry scheme</i>	<i>Committee Specialist</i>	<i>Other Civil Service secondee/transfer</i>	<i>Other House transfer/promotion (inc Library)</i>
Clerks of Cttee (24)	14	2	3	5
2nd Clerks of Cttee (19)	8	3	4	4

Since 2003 the Office and the Library have sought to increase Library placements with Committees, with an increase in Library staffing put in place for this purpose. Currently there are two posts held by current Library staff on secondment, with some other posts held by former Library Clerks.

D. Extra support provided to or available to Committee Office

The Committee Office has sought to tap into a range of sources of additional support of various kinds, ranging from full-time secondments of qualified people paid for by the sending organisation (eg NAO) through to sandwich students. The principal sources in recent years have included:

- NAO.
- Hansard Scholars.
- POST (Parliamentary Office of S&T) “fellows”.
- ESRC interns.
- Sandwich students.
- LSE post-graduate student placements.

The NAO has a special position in relation to the Committee Office. In addition to its readiness to supply an occasional staff person on secondment on its own budget (as noted above), it is also a regular source of supply for secondments (on the Committee Office’s budget) to the Scrutiny Unit and to the Environmental Audit and defence Committees. The Office has of course a particular role as the providers of reports, briefing and analysis to the Public Accounts Committee (which has no “policy” staff of its own).

June 2011

5. COMMITTEE OFFICE—COMPARATIVE MODELS: NOTE BY THE HOUSE OF COMMONS LIBRARY

This note summarises research into differing models of committee office provision, gleaned from earlier research and recent email contact.

Australia

Committee offices in both the Senate and the House of Representatives do not use the circulation model. Staff prefer either a procedural or committee career and there is only limited voluntary rotation. There are management initiatives to promote rotation to break down internal silos, and staff are asked at the end of each Parliament to indicate if they would like to move. Senior committee staff (Committee secretaries) are also able to serve as clerks at the table in House of Representatives Main Committee and chamber. The advantages are that staff become deeply engaged and interested in their chosen career, and the disadvantages are that committee staff may fail to grasp procedural opportunities to follow up reports for the benefit of their committees, due to lack of integration into the core processes of the House/Senate.

Inquiry secretaries manage the individual committees, organising inquiries and drafting reports and are a mixture of new graduates or transfers from the mainstream public service. Specialist support is often acquired from secondments from the relevant government department. The Library provides assistance but is not integrated into committee research. Committee secretaries (the clerk equivalent) manage two or more committees providing specialist advice and an overall management function. There is a separate recruitment process for these clerks. Budgetary constraints in the mid 1990s led to this model. Previously, committee secretaries worked for individual committees.

The Senate Table Office has 17 full time equivalent staff and the Committee Office 57. The House of Representatives Committee Office has 69 fte as at 2011.

Following a parliamentary reform agreement stemming from the minority government elected in Australia in 2010, an external review of committee services for the House of Representatives was commissioned and published early 2011. This recommended extra resources for an expected number of committees to undertake pre-legislative scrutiny and recommended limiting the Committee Secretary to a maximum of two committees. It also recommended resources for committees to access independent external advice.

New Zealand

There are 13 subject committees, headed by a clerk of committee which advises on parliamentary procedure, manages the work programme and notes proceedings. A report writer carries out research and drafts its reports. A management tier of senior parliamentary officers provide operational management and expertise and move staff as required to busy committees. The office recruits generalists, both as report writers and clerks, who usually have prior parliamentary or public sector experience. Before each new parliament, committee staff are sent on attachment to the relevant government department or agency to learn more and establish key contacts. There is a budget for accessing specialist advice, and assistance from the Auditor General and House legal staff. There are 50 fte staff in the Committee Office.

Canada

Each committee in the House of Commons has a clerk from the procedural services who is the procedural and administrative officer, and is also responsible for financial management. It also has between one and two analysts from the Library of Parliament responsible for assessing evidence and drafting reports. A formal decision is taken at the establishment of each committee to require the services of an analyst. The Library has 80 analysts from various professional backgrounds. There are 70 procedural clerks assigned to different directorates on a rotational basis. 30 of these work on committees for an average period of two to three years. The analyst is an appropriate subject specialist, who provides briefing material and identifies witnesses. Committee clerks and analysts generally collaborate very closely on their services to the committee and work as a team, although their roles and responsibilities are distinct. However, analysts report to the Library for management purposes. Library analysts also work for individual members and produce 80 briefings annually. There is a Parliamentary Budget Officer situated within the Library who provides independent advice to parliament on public finances and the state of the economy.

There is no formal career structure whereby analysts move across into the career structure of committee clerks. The Senate, the House and the Library of Parliament (a bicameral service) are separate employers and go through unique competition processes to hire committee clerks and analysts. Rotation of staff in the procedural offices is practised to develop flexible staffing models and build careers.

US

Useful comparisons are difficult given the US separation of powers model and the much wider remit of committees. Congressional committees tend to be partisan both in staffing and in membership. Two-thirds of the committee staff are selected by a majority vote of the majority committee members and one-third of the committee staff are selected by a majority vote of minority committee members. Each committee may have 30 plus staff, a mixture of subject specialists and counsel. Staff are appointed on merit within these parameters.

Scotland and Wales

Committees in the Scottish Parliament are typically headed by a clerk team leader, with specialist support from SPICe, which can commission external advice where necessary. The Research Service for the National Assembly for Wales undertakes similar work for committees there. Again, there is capacity to commission external advice if necessary.

Oonagh Gay

24 June 2011

6. COMMITTEE OFFICE REVIEWS SINCE 2000: NOTE BY THE HOUSE OF COMMONS LIBRARY

This note summarises the most recent reviews into the Committee Office function within the Commons.

2003 review

In 2002 the House recommended an increase in the resources available to select committees, to strengthen scrutiny work, following reports from the Modernisation and Liaison Committees.¹⁴⁶

¹⁴⁶ See Liaison Committee second report 2001–02 for a summary. On 14 May 2002 the House voted to increase the staff available to support select committees

There followed a review of select committee resources conducted by the Commons Internal Review Service with the NAO which was published in February 2003. The review provided some comparative overseas material, conducted interviews with selected staff and costed its recommendations. The review recommended substantial increases in capacity of between 30 and 40 new posts to fill perceived gaps in scrutiny. There were specific proposals as follows:

- a Scrutiny Unit to provide more specialist financial and pre-legislative support for committees.
- a new post of Inquiry Manager and extra research capacity by the appointment of more Committee Specialists.
- more structured placements of Library specialists on secondment in the Committee Office and more use of NAO staff.
- merging of committee assistant and secretarial roles.
- new media posts to promote committee work.
- a further review within five years.

Following the review, there was a major increase in specialist inquiry staff of 20 or so, roughly one for each departmental committee, composed of Committee Specialists on fixed terms contracts of two plus two years, and a small number of Inquiry Manager posts filled by internal recruitment as well as from up to five Library Clerks who undertook secondments to individual committees. The Library gained two posts and recruited additional Library Clerks to backfill. The Scrutiny Unit was established in November 2002, gaining a complement of 18 by 2003. Second clerk posts in committees were filled by those who had joined the House service earlier as fast streamers. By 2005–06 there were 175 full time equivalent staff in the Committee Office, compared with 87 in 1995–96.

2007 review

Rob Prideaux, an NAO Director, led this review designed to assess progress since 2003. It was published on the staff intranet in November 2007. An annex examined each 2003 proposal, concluding that there had been partial implementation. The 2007 review found that there was no argument for a further substantial increase in resources for the Committee Office. Its two main conclusions were as follows:

- more could be done to develop the potential and raise the productivity of resources within the Committee Office by using the skills of its specialist and administrative staff, whose contribution was often confined by role on a particular committee; and
- better use should be made of expert advice from the Library, NAO and other external sources.

More detailed recommendations included:

- more proactive management by the Committee Office Management Team (COMG) to deliver a more strategic use of resources. In particular a Director of Research, and Directors of Resource Planning and Corporate Services to develop a suitable staffing model for the Committee Office;
- changes in the culture and working practices of the Committee Office to promote sharing of knowledge and resources;
- a clearer focus for the Scrutiny Unit, with incorporation into a central Research Unit which would facilitate more diverse loans and attachments between the Committee Office and the Library, creating flexibility and collaboration; and
- a review of the media function.

The report found that Committee Chairs were in general happy with the level of support on offer, and valued the high quality of the work provided. Staff surveys undertaken for the report found evidence of two classes of staff co-existing within the Committee Office, with dissatisfaction among non-clerks about the possibilities of career progression. The survey evidence also found increasing blurring of the distinction between the roles of Second Clerks, Inquiry Managers and Committee Specialists. Annexes provided some comparative material, recommendations for achieving the appropriate mix of skills, proposals for more external support and the role of COMG, among other topics.

Following the 2007 review, Committee Specialists on fixed term contracts were made permanent and the number of internally promoted Inquiry Managers expanded. Library secondments of more than a year to individual committees declined, but more informal assistance was provided, and each committee has a distinct Library specialist link, who can advise on aspects of inquiries. The proposal for a research service spanning both the Library and Committee Office was not implemented, following work by both DIS and DCCS. The Library Director of Research joined COMG as a full member.

Oonagh Gay

24 June 2011

7. STAFFING ARRANGEMENTS: NOTE BY THE CLERK OF COMMITTEES

Leave arrangements

Staff are entitled to 28 days leave in their first full year of service. This increases annually to a maximum of 40 days leave.

Staff in the Committee Office are not allowed to take annual leave when the House is sitting.

Staff are occasionally permitted to work from home, when this would bring business benefit (for example, quiet drafting of reports).

Committee teams are normally also expected to be fully operational in the week immediately before the House returns from the recess.

Staff leave has to be fitted into the remainder of the recess. This means that there may be only skeleton staffing at times. However, we expect teams to ensure that there is always at least one member of staff available in the office or on call at home to answer urgent queries. And, of course, staff will be available if Committee business requires it (for publication of reports, for example).

In addition to taking their leave entitlement, staff may be permitted to work from home in the recess, when business allows it, or to take additional days leave in lieu of pay for additional hours worked during sitting times.

Clerks have been asked to discuss recess staffing arrangements with their Chair to ensure there is no misunderstanding about the arrangements made.

Leave arrangements across the House Service are currently being examined as part of the HR Policies, Processes and Practices Programme to ensure that they are fair, justifiable and meet business need. The Management Board is concerned, however, that staff morale—already affected by worries about the Savings Programme and by the pay freeze—should not be damaged by unnecessary changes to established terms and conditions.

Appraisal

There is a House-wide system of performance appraisal. The reporting year runs from 1 April to 31 March. The satisfaction of the Chair and Members is a key performance indicator for committee staff. When preparing for annual staff reporting at the end of the financial year, Principal Clerks will talk to committee Chairs to obtain their views on their staff team's performance. The Principal Clerks are also available to discuss any concerns which arise in-year. The opinion of other committee members is canvassed in the annual Survey of Members and through receipt of informal feedback.

Circulation of staff

Our aim is to nurture talent and produce the range of knowledge, skills and experience that are required to provide the House Service at all levels with staff who are able to help make the House effective in all its parliamentary functions. Committee clerks—apart from secondees from outside DCCS—and administrative staff are subject to “circulation” between Committee postings and roles in the Procedural Offices (Legislation Service, Table Office, Journal Office etc) and other parts of the House Service, to extend their professional competence and management experience.

Career development planning is one of the mechanisms we use to secure these objectives. Select committee staff may move every few years to meet overall House needs as well as to extend their experience. Junior staff are moved more frequently for training and career reasons. Factors outside our direct control also drive the circulation of staff. While our retention rates are good, staff sometimes leave or take up external opportunities, and others take maternity leave or career breaks, or are successful in applying for promotion: this means that we have to reallocate staff to fill vacancies, sometimes at quite short notice.

Career progression

The staff of committees are recruited by fair and open competition either as permanent members of the House service or on a fixed term contract. Permanent staff may apply for promotion within the DCCS or other parts of the House service or for level transfer to posts in other departments of the House. Historically most clerks entered through the civil service fast-stream process, but the pattern is changing with a number of clerks having been recruited through the administrative streams or as committee specialists and subsequently promoted to their present grades.

Jacqy Sharpe, Clerk of Committees

June 2011

8. COMMITTEE STAFFING: NOTE BY THE CLERK OF COMMITTEES

1. This note is based on my initial impressions returning to the Committee Office after five years absence in other posts. I have had meetings with many chairs and have taken their views into account in preparing this note.

How is the Committee Office staffed?

2. The Committee Office has some 185 staff supporting about 30 select committees. It includes the Scrutiny Unit which serves all committees as well as providing staff for temporary joint committees on draft bills. The staff can be categorised in different ways:

<i>A—Function</i>	<i>Number of staff</i>
Administrative (includes 4 BSG and 1 Exec Officer at band B1)	96
Specialist/Inquiry Manager (Includes 5 Media Officers)	53
Clerks (includes all A3, A2 and SCS)	61
Total	210

<i>B—Gender breakdown</i>	<i>Number of staff</i>
Women	126
Men	84
Total	210

<i>C—Age breakdown</i>	<i>Number of staff</i>
Under 25	5
26–35	73
36–45	68
46–55	43
55+	21
Total	210

<i>D—Nature of employment</i>	<i>Number of staff</i>
Permanent (includes 5 on loan, 21 part time and 1 unpaid maternity)	Headcount 166, FTE 157.93
Secondment out	6
Secondment in	13
Temporary contract (includes casual, fixed term and sandwich students)	15
Career break	10
Total	210
Total FTE	192.3

<i>E—Starting salaries</i>	<i>£k</i>
Band C (committee assistants)	£22k
Band B2 (senior committee assistants)	£28k
Band B1 (specialists and inquiry managers)	£34k
Band A2 (some clerks and second clerks)	£46k
SCS1 (more senior clerks)	£58k

3. Clerks serving in the Committee Office are far less homogenous in background than those working there 15 years ago, when most clerks were fast-streamers arriving straight from university. Currently almost half of the clerks in the Committee Office were not recruited directly into the House of Commons fast stream. At least five clerks of departmental committees joined the House service first at junior administrative grades and three of them are now SCS1s. At least two others joined as specialists and have been appointed as clerks after competitive internal competition.

4. We have rewarded talent amongst those working in administrative roles and those working as specialists or inquiry managers; we have chosen to second able people from elsewhere in the House service or from the Civil Service into our Department; and we have also benefited from staff taking up secondments outside the House before returning. Among second clerks there are at least five who were previously specialists. To illustrate the variety of routes into clerking, there are second clerks on select committees who arrived in four ways:

- Fast stream career entry.
- Promotion from non fast stream grades.
- Secondment from civil service.
- Loan from other House departments.

Support for chairs

5. My first priority is to promote effective scrutiny—to ensure that we continue to make a positive impact on Whitehall. It is clear that almost all chairs carry a significant workload in making speeches, receiving visitors and making media appearances beyond the immediate scope of their committee's current inquiries. I believe that this daily wider role is an important part of the committee's standing and influence with government departments and others.

6. Some chairs are content with the level of support they receive from the media officers, but others believe that more assistance would be helpful. This would involve increasing the number of media officers. Are there other ways in which media support for chairs could be improved?

7. From my conversations with chairs of committees, it does not seem that many make direct use of the Library as individual Members. Maybe this could be explored further.

8. I suggest attention needs to be given to whether chairs can be given more support from committee teams, from the Library or from extra staff in their own offices. Possibilities include:

- (a) A chair needing research for an external speech or media appearance (not related to a current committee inquiry) could turn first to the relevant Library research team for assistance, where there will probably be broader knowledge of the subject issues than in the Committee team.
- (b) A member of the committee staff, perhaps the second clerk, being explicitly recognised as the chair's chief of staff—though not all chairs will necessarily want to mix their personal and committee staffs or relinquish control over their diary.
- (c) Chairs of Committees are allocated an additional staff post in their personal office funded by IPSA to reflect the additional and wider duties they have to undertake.

Why do staff moves occur?

9. 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 individual staff taking the steps which lead to these moves; I can only try to fill the ensuing vacancies.

10. Circulation for career progression is rarely the sole reason for moving a member of staff, but it is a factor in selecting people to fill vacancies. People returning from maternity leave can often be fitted conveniently into current gaps but often want to work only part-time. There are currently six clerks at A2 on maternity leave. Some Clerks with young children are reluctant to work for committees which travel often.

11. The House service is currently going through a second voluntary exit scheme under the savings programme and this may lead to some further departures from the Committee Office—two committee clerks left earlier in the year under the first voluntary exit scheme.

Why do we need generalist committee clerks?

12. Under the House of Commons Administration Act 1978, the terms and conditions of staff have to be kept broadly in line with those of the Civil Service. The House deliberately recruits a small number of graduates each year through the same process as the Civil Service, FCO etc. The aim is to ensure that the House is served at all levels by staff of at least the same calibre as those working for the Government. They have a career separate from the Civil Service to ensure that their first loyalty is to the legislature rather than the Executive. Clerks appointed in other ways, largely through internal promotion from specialist and administrative grades or secondment, are expected to demonstrate similar skills and competences. It is not uncommon for Clerks of Committees to have to stand up to pressures from Whitehall which could not easily be borne if staff were not of the same ability and calibre as senior civil servants. I can give the Liaison Committee actual examples of this during my career.

Does a committee clerk need to have any procedural experience?

13. Clerks are recruited on the basis that they will have a mixed career of committee and procedural work. This is both to ensure that the House is served at a senior level by people of broad experience—comparable to their opposite numbers in the Civil Service—and to provide job satisfaction and variety to individuals comparable to the Civil Service. Procedural experience is not an encyclopaedic knowledge of the Standing Orders—it is a mixture of understanding of the competing pressures within the House and between the House and Whitehall and the principles by which those are resolved. It requires good political understanding and the ability to work with Members and others in a challenging environment. Being a Clerk of a committee also requires skills in project management, leading people and drafting documents.

14. Generally someone will only become a clerk of a committee if they have about 10 years' experience in the House. Any individual Clerk would be very disappointed if that period had not included at least one post in a procedural office. Indeed I would not want to appoint someone as a Clerk of a Committee unless I was sure they had a good understanding of the wider work of the House and the links between committee work

and the Chamber. There are however two clerks of committees (one at SCS1) who have not yet worked in a procedural office—and both of them joined the House first as specialists.

Can chairs play more of a role in choosing committee clerks?

15. All chairs I have spoken to have asked to be consulted more about the allocation of staff to their committees. This is certainly what my predecessors have sought to do. I apologise for the fact this does not seem to have been satisfactory recently. One factor was the number of changes which were made at the start of the new Parliament when there were also many changes of chair. In the past year quite a number of staff changes had to be made just as the House rose for the summer recess consequential on the retirement of the Clerk of the House in September.

16. I will certainly try and meet the expectations of one chair who said “I would like to be consulted or at least given an explanation of the options considered and the reasons for a staffing decision”. It might be possible to go further and offer some degree of choice. It is difficult to see how we could offer chairs a wide choice without allowing any interested Clerks to apply. In some government departments posts are filled by application rather than management decision. This may or may not be practical in a small organisation like the House, where the number of suitable people available to be clerk of a specific committee will always be limited.

17. The Liaison Committee needs to be aware that if we moved to a system of open application and gave chairs a formal role in appointment of clerks, there would have to be a formal process subject to HR rules. There might also be a number of chains—if half a dozen clerks of other committees applied for a vacancy on committee A, there might have to be several consequential appointment boards over the following weeks. This might increase the turnover of clerks throughout the Committee Office and reduce the time each spent in post. If several vacancies arose at the same time—as is often the case—the Liaison Committee might have to establish a pecking order of committees to see who gets first choice. It is unlikely that this would be straightforward.

Should committee chairs be involved in staff appraisal?

18. It has long been the practice for all Committee Chairs to be consulted annually by the responsible Principal Clerks on the performance of the committee clerk. More feedback from chairs and members of committees—both positive and negative—would be helpful in managing performance of all staff. There may be a case for formalising this and asking chairs to fill in a short form every six months on the performance of the clerk and other committee staff. It might make sense for other committee members to be consulted from time to time. These responses might be disclosable in any employment proceedings.

Flexibility

19. It is often difficult to predict which committees will be under most pressure in future. A committee with a sensible plan of inquiries, matched to the amount of Members’ time and staff resources available, may suddenly find itself engulfed in a major topical inquiry. This has happened to me several times in the past. I would like to retain sufficient flexibility to move staff to the committee of greatest need at short notice to ensure that that committee is as effective in its scrutiny as possible. This inevitably means that staff may have to be moved temporarily away from other committees.

Quality of committee papers

20. I have been struck over the last couple of months, reading the papers circulated to Members by committee staff, by the quality of the briefs for oral evidence sessions. They seem to me more comprehensive and better laid out than five years ago. What I cannot judge is how well they are used by Members of committees in questioning witnesses. Although much of this material will eventually be recycled into the draft report, I wonder if it would be worthwhile publishing these briefs on the website after the evidence session? Are there other documents on which staff spend time which are less useful and could be dispensed with? One chair has recently pointed out that we still send out too much material, often duplicate, on paper.

What use do we make of specialists?

21. Until about five years ago committee specialists were recruited on short-term contracts to work for specific committees for a maximum of four years. This meant that the House attracted bright young people with good contacts in their subject area who then moved on to other jobs and were replaced by someone with more recent outside experience. In 2008, a controversial decision was taken to offer committee specialists permanent contracts. This has meant that while some of the most able still move on, others have tenure. In practice, we have relatively few who have been with the House longer than five years.

22. Over the last two years a regrading exercise recommended that all 40 committee specialists and inquiry managers be advanced from B1 to A2. This recommendation has not been accepted and is unaffordable. A smaller scheme, covering six lawyers and economists and six others, is now being implemented, which will provide an element of career progression. While this should bring benefits in the long-term, this process has demoralised many staff.

23. There is a debate about whether committees need subject specialists (such as transport, health or education) or skill specialists (such as economists, lawyers, statisticians, accountants) who can operate across all committees as required. The Scrutiny Unit comprises the latter, working on demand for any committee and concentrating in particular on the scrutiny of draft bills. I have been impressed by the transcripts of recent evidence sessions in which committees have taken evidence from ministers and permanent secretaries on their department's annual report. Much of the briefing for these has come from the Scrutiny Unit.

24. Committees continue to appoint specialist advisers either for specific inquiries or for general use. They work for a few days a month, as required by the Committee. Is there scope to make more use of this source of advice for particular inquiries? There is also a modest budget for commissioned research, used most recently by the Transport Committee for its inquiry into High Speed Rail.

25. The National Audit Office has long been willing to extend its support for the PAC to some other committees. The Environmental Audit Committee and some of the Departmental Select Committees have also made some use of NAO support.

26. Ideally I would like more flexibility in pay systems to recruit, reward and retain individual specialists according to their abilities and the market rate for their skills. This is particularly true of economists. Realistically, current employment law, House-wide HR arrangements and the economic situation make it unlikely that I will gain more flexibility in the short-term. Provision is being made to upgrade two of the economist posts to A2 early next year.

27. Recently some committees have made imaginative use of other sources of external assistance. For instance the Treasury Committee has two staff working as committee specialists on loan without charge to the House from outside bodies. This example could be followed further, with people being lent from think-tanks, NGOs etc, provided there is complete transparency about their involvement. Although there may be no salary costs to the House, there are additional costs in terms of accommodation, training etc.

Could we make better use of the Library?

28. When the staffing of the Committee Office was last reviewed in 2007—by a team led by an NAO official—the issue of closer integration with the Library was considered. Some of us argued for much closer integration on the model used in the Scottish Parliament—where work for committees is given priority over work for individual Members—but that view did not prevail. A large number of Library Clerks have now worked in the Committee Office for a period of several years. Currently there are several Library clerks working directly for committees.

29. The Library provides a number of committee specialists on loan and committee staffs are encouraged to keep in contact with Library colleagues. Thus the Library provides significant informal advice for committees. There have been several attempts in recent years to accommodate the Library specialists in the same building as committee staffs but other considerations affecting the parliamentary estate have not yet made this possible. A senior member of the Library staff meets Committee Office Principal Clerks at least once fortnight to ensure close cooperation. The Library's capacity to give further assistance to Committees is limited, unless it is agreed to that it should have priority over work for individual Members (from whom enquiries to the Library have risen some 60% since 2010).

What impact will the savings programme have?

30. The Committee Office costs about £14 million a year. Printing of documents accounts for about £2 million of this, with travel and other costs taking another £2 million. The remaining £10 million covers the staff costs.

31. In an ideal world I would like the Committee Office to be exempt from the savings programme under which the House is having to reduce its costs by 17 % from 2011–11 to 2014–15. But I cannot be sure that we really are using our existing resources as well as we could be in support of effective scrutiny of Whitehall. Nor would I want to put any committee in the position where its criticism of a government department's spending plans could be deflected by reference to select committees not keeping their own house in good financial order. It is too easy to say that current funding must remain unchanged without further examination.

32. I have not been given a specific target for reducing costs in the Committee Office but it is reasonable to expect that the House of Commons Commission and the Management Board will at some stage ask for further cost reductions and it is inevitable that these will touch on staff costs.

33. As posts in the Committee Office fall vacant, I will expect Clerks at least to consider whether they need to be filled in the same way, whether the same service can be provided in other ways or from other sources, whether greater sharing of support staff between committees is possible.

34. Hitherto we have not produced costs for individual committees though much information on printing and travel costs is published annually. I intend to produce cost figures for individual committees to encourage clerks and chairs to discuss whether resources are being used as effectively as possible. One chair recently suggested that his committee could forswear an overseas visit if it could be allocated an additional member of staff.

35. Faced with a number of upward pressures, increasing activity levels and changing demands, in circumstances in which responding simply by increasing resources is not a realistic proposition, it is necessary for the Committee Office to examine searchingly how to make the best use of the resources at its disposal to enable committees to perform their scrutiny functions as effectively as possible. This is an environment in which I think we will have to be more imaginative in providing advice for committees from a range of outside sources.

What is wrong with morale?

36. A recent staff survey shows that morale in the Committee Office is relatively low, compared with the rest of the House service. A general factor affecting all staff in bands A-E is that their pay has been frozen, pay progression has been stopped, the performance award scheme has been withdrawn and promotion prospects are limited. The unhappiness of committee specialists and inquiry managers about their grading review is assumed to be another major factor.

37. My colleagues and I are tackling this by putting a greater emphasis on learning and development, bringing the SIMS review to a conclusion and pushing for greater delegation of responsibility. My second priority as Clerk of Committees is to improve training for staff—both for the immediate needs of select committees and for the personal development of individuals. A number of organisational changes over the past few years have led to us taking our eye off the ball in this area. I have re-introduced the practice of learning and development in the Committee Office being led by a Principal Clerk. I am encouraging a culture in which achievement is praised, innovation supported and poor performance challenged. It will take some time for any improvements to be noticed.

Andrew Kennon
Clerk of Committees

November 2011

9. SURVEY OF COMMITTEE CHAIRS: NOTE BY HOUSE OF COMMONS SCRUTINY UNIT

Text of questionnaire sent to Chairs in September 2011, with responses collated per question.

QUESTIONNAIRE FROM THE LIAISON COMMITTEE WORKING GROUP ON COMMITTEE RESOURCES

The Working Group is looking at getting the best use of resources for select committee Members and Chairs. We are looking primarily at parliamentary staff resources: clerks, specialists, and Library specialists especially.

Options for improvement include more meaningful consultation with Chairs before staff changes and enabling specialists further to develop their careers, for example by leading committee teams with procedural support from a clerk in the committee staff team. A more unified staff service could be considered, where staff recruited to different departments would be able to progress to senior positions without prior procedural experience.

BACKGROUND STAFFING INFORMATION

There is no standard committee staffing model—and different committees have different needs. Most departmental committees are led by a clerk, with specialists and inquiry managers working to them. Clerks and administrative staff are moved to new posts at regular intervals, specialists usually do not. While staff are increasingly moving between Departments of the House in the course of their careers, the Committee Office is still managed entirely separately from the research service in the Library and integrated with the procedural offices; senior positions in the Committee Office have till now been limited to those with procedural as well as committee experience; and opportunities for specialists to progress, as specialists, are limited.

Please note that a total of 13 responses were received. Not all questions were answered and so the totals for each question do not always match.

(1) *Does your Committee have the specialist knowledge it needs?*

Yes: 9 No: 3

Comments:

- It is much better—partly as a consequence of secondments. More to do.
- Yes and no. We do enjoy the knowledge of NAO officials and warmly appreciate that. However we have no independent advice as a committee and that limits our independence from the NAO.
- In most areas, but we cover a wide range and some issues require additional expertise. We currently have one of our key specialists on maternity leave.
- We could do with more knowledgeable research assistance (as opposed to drafting ability and military advice, where we are well served).
- Through the ability to appoint specialist advisers.

- However both specialists who have 13 years combined experience are leaving (maternity and secondment) which is a cause for concern.
- Overall, yes. As well as our Committee Specialist we have a number of specialist advisers and have access to the transport specialist in the Library.
- While the Committee generally has the expertise it needs, it could benefit from someone with experience in disability and special educational needs policy.
- We require additional resources on specialist areas—eg policy experts on policing and counter-terrorism.
- But given the scale of the workload and the Government abolition of the Sustainable Development commission and insistence that all that work is now to be done by EASC, much greater resource is needed.

(2) *Would you say that the current mix of clerks/specialists/inquiry managers in your team is about right or capable of improvement? If the latter, give details*

About right: 9

Capable of improvement: 4

Comments:

- Because we are so different from other select committees the calibre of our staff is different. They are primarily administrators who can process lots of papers. We do not enjoy advice and support independently of the NAO. That means I have nobody to help on quality and recommendations in reports; nobody to help draft press releases; nobody to provide “brain power” to support me as Chair of the Committee to better perform our duties.
- But losing both specialists could unbalance it.
- We have one inquiry manager fewer than in the last Parliament but we have been able to use staff from the Scrutiny Unit and elsewhere in the Committee Office to manage inquiries and smaller pieces of work. Our workload and output has remained high. It is very important that our staff is not reduced further.
- Clerks do not seem to be able to have co-ordinated communicating between policy and administrative staff in the Committee. It may also be useful to have additional researchers who would work under the clerks/specialists/inquiry managers to assist them with the leg work for one particular inquiry (eg conduct in depth research, provide news updates on specific subjects and then brief clerk/specialist/inquiry manager).

(3) *Do you think there is more scope to take advantage of the skills of the specialist staff and expertise drawn from the House of Commons Library?*

Yes: 10

No: 2

Comments:

- We have lost our best staff because of the limited scope in the current employment/grading system.
- House of Commons Library staff already provide good support.
- ... but we are already doing this.
- Because I believe the Committee Staff do this already.
- Already to take advantage—and it is very useful.
- Yes as long as it is not at the expense of dedicated advisers.
- Yes, but only if the staff concerned are able to focus their research on our needs and in the timescale required. I do not know if this is feasible.
- Greater efficiencies may be possible if the Library and Committee staff work more closely together. It may also be beneficial to have Committee staff work in the Library for a period of time.
- The Library has statistical staff that have been of great help to the Committee and my personal staff.
- Library resources should be utilised to analyse information—in particular collate statistics and produce graphs, and additional research.
- The resource there is very helpful, but it is always reactive. What is needed is more proactive work that is dedicated to the select committee requirements.

(4) *Should specialist staff be able to be promoted to the position of the clerk of the committee, heading the staff team?*

Yes: 10 No: 0

Comments:

- Yes, but I would expect this to be the normal pattern. It should be possible in some cases for a specialist to head the team without the expectation of a future post in a completely different function in the Clerk's department.
- The position of clerk of the committee should be open to anybody with the necessary skills.
- Not clear what is meant by question.
- As I understand it, some specialist staff are already promoted to become clerks.
- The position of clerk of the committee should go to the most qualified individual. There should not be arbitrary restrictions on who can serve in the post.
- Unsure—Yes provided there was a mix of administrative and specialist skills.

(5) *Would you welcome more external secondments to your committee, either as clerk or as specialist?*

Yes: 11 No: 2

Comments:

- We do need independent advice and support to properly fulfil our constitutional functions.
- We get as much as we need in any event.
- We should use outside research organisations providing we can be sure of their actual and perceived independence.
- Provided it doesn't compromise overall balance.
- I have no objection to staff being seconded to work for the committee, as long as they have the necessary skills to manage committee work effectively.
- That said, outside experience is always useful.
- Individuals with specialised knowledge of different aspects of the committee work could be most helpful and should be flexible enough to accommodate the wide remit of the Education Committee.
- There is a great deal of expertise that we need to tap in to. However there would be a danger that legitimising that would mean that such secondments were not independent, and there to pursue a lobby interest.

(6) *Would you welcome direct external recruitment to head your committee team?*

Yes: 2 No: 6

Comments:

- There should be scope for this.
- External recruitment might not understand the role of the Select Committees nearly as well as the current arrangements.
- Have no opinion.
- Probably not as knowledge of the workings of Parliament is very important.
- I am perfectly satisfied with the way my committee team is run so can see no benefit to this suggestion. If someone were recruited to head a committee team I would be concerned about how long it would take them to understand the parliamentary process and the political context in which we operate and the consequences for the committee of this transition period. The current system works well in this regard.
- As Q.5.
- As mentioned above, the chair of a committee should have a much greater role in determining who heads their committee team, and that individual should be the most qualified person for the position determined with a minimum of restrictions on who is eligible.
- Not really.

(7) *Clerks, inquiry managers (and administrative staff) in each committee are moved regularly, at least every four years, whereas specialists have usually remained with their committee. Could this movement of clerks have a significant detrimental impact on the work of your committee?*

Yes: 6 No: 6

Comments:

- It has in the past.
- ... because it is often much less than four years.
- We benefit from the range of experience this movement generates.
- If handled with regard to the committee's programme.
- The Committee has had three clerks in five years (now six). All good but changeover short and with no warning.
- This is possible, but I understand that most staff prefer to move jobs from time to time, because of career progression, promotion or variety, and it is up to senior management to ensure that staff moves do not have a significant impact on committees. There should be more scope for chairs to discuss this with senior management.
- Though "new blood" can be useful. I think it depends on the quality of the people.
- Moving staff around allows for the necessary shake up of Committee staff and ensures that they do not become complacent.
- There is no reason why new clerks cannot get up to speed very quickly on admin tasks.
- Staff should remain in place for one parliament (five years).
- In 6½ years as a Select Committee Chair I am about to have my 5th Clerk and 3rd in this particular session. Such discontinuity is very unhelpful.

(8) *Were you offered a meaningful choice about the appointment of the clerk of your committee?*

Yes: 9 No: 13

No comments.

(9) *Do you think Chairs should be able to choose their clerks?*

Yes: 7 No: 5

Comments:

- They should have some say.
- We should be able to choose between two candidates put forward by the relevant House authorities.
- I think they should be involved in the choice.
- I am as it happens perfectly happy with [the Clerk of Committee]. But I do believe Chairs should have a say—but not the decisive one that question 9 implies so I've marked yes and no—in the choice of clerks, and that should involve being part of a panel to consider possible choices (and to consider why, if it is a choice of one, the choice is so limited). Inevitably this would and should include the wider consideration of career paths generally within the Clerks' service, but Chairs should be up to that.
- Though some involvement would be helpful.
- Chairs could/should be consulted.
- Chairs cannot have a "meaningful" choice of clerk without knowing them all, which is impractical. I did not know my clerk before he started with my committee but am content that he is doing a good job. Chairs should be able to tell senior management what skills they want in a clerk and senior managers should be better at matching the clerk to the committee.
- Certainly we should have a veto, as necessary. I have not had a problem, though, but feel I should have some say.
- The working relationship between the chair and the clerk is critical. A chair should absolutely have the ability to choose between highly qualified individuals for this important post. The chair should also have the ability to determine if their clerk is not meeting their needs and should be moved.
- Now that they are elected for the parliamentary term then yes.
- I had no opportunity to meet any of the candidates and was presented with a fait accompli.

(10) *Is the Chair involved sufficiently in staff appraisal? If so, how should be it improved? Are there other appraisal methods which you think should be introduced?*

Yes: 4 No: 7

Comments:

- Direct appraisal needed—as in every other walk of life these days.
- We should have regular feedback sessions with senior staff to air our views; express our appreciation and voice our concerns.
- This seems to vary—I have been more involved in contributing to appraisal of some staff than others.
- I am always asked what I think—and in some detail—about the clerks, and given some feedback on my views. In one case in particular I have been particularly impressed by the fact that my tough complaints (about [a member of staff]) were heeded, translated into action, and resulted in his becoming instead of the weakest link in the staffing one of the strongest links in several committees.
- Some involvement but not final responsibility.
- I did not know I had a role and have not participated. However I would like an input into selection of *temporary* replacement advisers which is currently now allowed for.
- I am asked for views. I do not have feedback on what assessment is made, however.
- A bit more of a formal consultation on performance would be appreciated. Though again, I have not had a problem.
- The answer to this question is unclear to me. As Chairman I have never been asked to be involved in staff appraisal. Ideally I would be asked for input on how staff are performing, for suggestions on how any deficiencies could be improved and be kept informed of appraisal assessments.
- Chairs probably would not have time for detailed staff appraisal. However there is scope for more input into priorities, and corresponding person specifications and assessment etc.
- I have introduced a grading system conducted monthly.
- There could be more opportunity for Chairs to give a view about staff performance, though I am very unusual as a Chair who has also run labour intensive organisations in the voluntary and private sectors. Many Chairs would struggle to handle staff appraisals because of a complete lack of experience.

(11) *Most clerks in committees undertake occasional duties elsewhere in the House service, such as clerking in Westminster Hall or the Council of Europe etc. Does this detract at all from support to your Committee?*

Yes: 8 No: 4

Comments:

- To a limited extent.
- It does detract from that support when those duties pass from being occasional to being regular and routine.
- It has sometimes.
- Alternative duties must have some negative impact on clerks work for the Committee. I don't know enough about the frequency or length of these alternative duties nor about the wider benefits to the individual performing them to say whether, overall, these alternative duties are a positive or negative part of current arrangements. The chair should be informed in advance of all work carried out by staff outside of their Committee responsibilities.
- Clerks should not have duties in the House.
- Simply because it brings no benefit to the work of the committee, and in any case there is insufficient resource so why take it away?

(12) *Would you like the core data on costs and staffing for your committee?*

Yes: 10 No: 3

Comments:

- Would help me to assess whether I think resources are best deployed from the committee's point of view.
- I have enough to do.
- I am happy to have the data but I do not know what I would be expected to do with it.
- In order to evaluate whether funds are being well spent the chair should have full access to data on costs and staffing. He should also be able to influence how resources are deployed.

- An annual budget should be supplied to the Chairman, followed by monthly updates on a committee’s budgetary situation.
- Yes. There are other issues—including liaison with MPs staff. They are required to do a lot more work and it would be interesting to see how IPSA rates and conditions compare.

(13) *Substantial procedural experience (gained from working in the Table Office or Public Bill Office etc) is currently a requirement for senior Committee Office posts. Should the senior posts in the Committee Office be restricted to clerks who have worked in procedural jobs (the Table Office, Public Bill Office etc)?*

Yes: 3 No: 7

Comments:

- Where there is a Second Clerk, it would be sufficient for one or other to have some procedural experience.
- Though I don’t feel strongly about this “no”.
- Have no opinion.
- Procedural experience can be helpful but in team it probably does not have to be the leader who has it.
- See answer to (Q6).
- Is this question about committee clerks or their managers? I have often linked committee work to other parliamentary activity—eg tabling questions, or amendments to bills—and it helps if the clerk knows how to do this.
- To an extent. Certainly, experience gained in other departments is very useful.
- Experience of this type needs to be available on the Committee staff but it does not necessarily need to be had by the clerk.
- It is essential that clerks have this sound procedural knowledge.

The Committee Office strives to offer a responsive service to Members and Chairs. Any other comments on how to improve service to you—or on where you think that the current service is unsatisfactory—would be extremely welcome.

Further comments:

- I just don’t think that I get enough high level support to help me do the job well. I have no use of any House of Commons staff to supplement my work and IPSA will not award extra resources to Select Committee Chairs. I was much better supported by my Private Office as a Minister and the weak support inevitably damages our ability to hold the Executive to account.
- My principal view is that if I felt I did not have an open line to [a Principal Clerk] to make complaints and suggestions whenever necessary, then I might begin to worry. But I do feel I have that open line, so I have no worries. The fact that s/he has been the clerk of the Committee may help, of course, but I suspect that s/he maintains that link with all the committees under his/her remit.
- I think the current system broadly works well. I am concerned that the recent increases in staffing may be reversed and that this will diminish the quality of support we get for our scrutiny work, but we receive high quality briefing material in good time for each meeting and we publish reports for all our major inquiries which are critically well-regarded and which we have followed up, with media work, debates in the House, correspondence, and further meetings. This work could benefit from a modest increase in staffing.
- I am also concerned that there is sometimes too much focus on initiatives that emanate from outside the committee—eg the scrutiny of financial statements, which may not be politically important, or pre-appointment hearings where the committee appears to have influence over a decision but in reality does not. This could detract from issues Members wish to consider.
- As chair of a committee I need to be supported by a well run, professional, expert (both in transport matters and in parliamentary procedure) team. I expect that team to be managed well by the clerk and for he or she to be managed well by Committee Office managers. I do not wish to be involved in their management, I am interested in results. It want the committee to influence political decisions not be involved in management!
- Finally, although I know many of the senior Committee Office clerks, I cannot identify every name nor do I know exactly where they fit into the management structure. Perhaps we could be sent information identifying staff and their roles.
- It appears that Committee staff frequently “work from home” when the House is in recess. During August we frequently found that no one was available in the Committee offices. If staff have full time contracts they should be expected to fulfil them in the office as do my staff in my office.

- This review cannot be undertaken without relevance to MPs' own support staff. My one researcher now takes on a wider role, but that means my other work is restricted.

10. SUMMARY ANALYSIS OF SURVEY OF COMMITTEE CHAIRS: NOTE BY HOUSE OF COMMONS LIBRARY

The questionnaire was despatched to 33 chairs of select committees. 13 questionnaires were received by the cut-off date of 17 October, a response rate of 39%. Not all questions were completed. From the responses received, there are a number of salient points.

1. Access to specialist knowledge (Q 1,3,5)

A majority of chairs (9 to 3) considered that the committee did not have the specialist knowledge it needed. A number of comments expressed concern about the importance of retaining specialist staff. Chairs (10 to 2) wanted to take more advantage of the specialist skills and knowledge of the Commons Library.

Most chairs (11 to 2) welcomed more external secondments, but there was some concern about skills and independence of secondees.

2. Committee teams (Q 2,4,6,7,11)

A majority of chairs (9 to 4) thought the current mix of clerks/specialists/inquiry managers was about right. All chairs (10) responding to a question as to whether specialists should be able to be promoted to head the team as clerk of committee agreed that this was correct. Comments tended to suggest that the post should be open to anyone with the necessary mix of skills.

A majority of chairs (6 to 2) were against direct external recruitment to head the committee team. Comments expressed concern that an external appointee might not know about the parliamentary process.

The responses were divided equally (6 to 6) on the value or otherwise of regular circulation of staff. Comments from chairs expressed concern when circulation was more often than four years, which had the potential to cause disruption.

A majority of chairs (8 to 4) thought that occasional duties elsewhere in Council of Europe etc did detract from support to the committee. Comments expressed concern about potential rather than actual impact on committee resources

3. Senior staff in Committee Office (Q 13)

Some chairs appear to have misunderstood this question. It referred to the staffing of the Committee Office Management Group (COMG), but some responses thought the question referred to the senior clerk of committee. A majority of chairs (7 to 3) thought that substantial procedural experience should not be a requirement for senior posts.

4. Role of the chair in staffing/costs (Q 8,9,10,12)

No chairs thought they were offered a meaningful choice in the appointment of the clerk of the committee, but only seven thought that they should be able to choose their clerks. Comments suggest that chairs would like some involvement, short of a full choice. A majority of chairs (7 to 4) would like more involvement in staff appraisal, but there was appreciation of prompt action where complaints were made.

Ten chairs wanted core data on costs and staffing. Comments suggested that chairs would then be better equipped to look at the use of resources, although not all favoured a hands-on role.

5. Miscellaneous comments

Other points made in response to the invitation for further comments included:

- The role of the personal staff of chairs in committee-related work.
- Belief that is the role of the Committee Office to provide well managed team for a chair.
- Concern about initiatives which were not directly related to committee business.
- Availability of committee staff in August.

Oonagh Gay

14 November 2011

11. RESULTS OF STAFF QUESTIONNAIRE ON COMMITTEE RESOURCES: NOTE BY SCRUTINY UNIT

Introduction

The questionnaire was sent to a targeted sample of staff who work for, or in close proximity to, select committees and captures a range of grades and professional backgrounds. It was also made available to all

other staff in the Committee Office, Procedural Office and Library who have experience of select committees. A total of 46 members of staff responded to the survey.

The responses made to this survey came from across this spectrum: career clerks (nine responses); secondees (four responses); committee specialists (11 responses); inquiry managers (one response); Administrative staff (13 responses); and others (eight responses).

This paper summarises the responses to the questions giving an indication of the comments made.

Key themes emerging from responses

From the responses given to the tick box exercise there is a general consensus on some of the issues, not so on other questions. Written comments revealed a range of views on how policies could be changed or developed. Below is a very brief summary of these views.

Question 1: *Committee teams need to be led by a generalist clerk, rather than a specialist*

Although the highest score is in the centre the majority of comments are broadly positive about each committee team being led by a generalist clerk. The positive response is shared by different post-holders across the committee office.

Most staff thought that a committee should be lead by a generalist clerk.

- Alternative suggestion: 1 Generalist Clerk and 1 Specialist Clerk per team; meaning the second/ senior clerk role could be open to both specialists and generalists.
- Management skills need to be at the core of this leadership role.

Question 2: *The current structure of Committee staffing makes the best use of the available talents*

55% of specialists and 46% of administrative staff disagreed with the statement, whereas 55% of career clerks agreed with the statement.

Some key themes that come through in the detailed responses given by staff were:

- Lack of official training programme for new staff; unless at clerk level.
- Lack of obvious career progression and career path; and opportunity to develop new skills due to heavy workload:
 - A possible solution might be temporary promotions rather than posts being filled with seconded staff.
 - An internal fast stream for House staff.
- Inequality of workload—lines are blurred about who has responsibility for what:
 - Specialist staff feel they are undertaking administrative role and often administrative staff feel their role is stretched too.
 - Division of work between Clerk and Specialist needs to be clearly defined at the beginning of the inquiry.
- Specialist knowledge should be drawn upon more by the generalist clerk to enable the committee to develop its policy knowledge:
 - Recognition for the quality of their technical advice.
 - Sharing of specialist knowledge between committees when inquiries overlap.
 - Utilising experienced administrative staff as they often hold specialist knowledge.

Question 3: *At present Committees have their own research staff and the Library operates mainly for individual Members. Should there be one research service across the whole House to serve both individual Members and Committees?*

A generally positive response across all the grades to this question.

Specialists, who would potentially be directly affected by this change, had a 54% positive response rate.

This attracted strong support from across the committee office. However, the written responses revealed doubts as to whether this could be implemented.

- Library and committee work is very different—this reduces the extent to which joint working can improve efficiency and scrutiny. Specialists are not research staff; as they perform a level of scrutiny:
 - Potentially Library staff should be involved on certain inquiries.
- Committee specialists have built good relationships with Members and staff of committees; and this may be lost if we moved to one research service.

- Committee clerks might not be able to gain the resource they need if relevant staff are working on another inquiry.
- Different grading levels in the DCCS and the Library would have to be addressed.

Question 4: *There should be more flexibility and sharing of staff (either procedural or research) between committees*

Very positive response to this question with 30 agreeing (65%) with the statement.

Question 5: *External secondments to committees should be encouraged, either as a clerk or specialist*

Sixty-three per cent agreed with this statement. This view is shared by a range of post-holders across the committee office.

Consideration is required when staff are seconded from organisations that may have a potential interest in the outcome of an inquiry, potentially creating a conflict of interest.

Question 6: *I would like more opportunities to work outside the Committee Office for a limited period*

A very positive response from staff across the committee office.

Staff believe there is a lot to be learnt from the opportunity to work outside of the Committee Office, and this should be encouraged in the future at all levels.

- Working in other departments across the House might develop a mutual understanding and broaden skills:
 - Staff could be encouraged to work on short-term project work.
- Promotion opportunities at administrative grades can be limited:
 - short term loans to other departments might give staff the opportunity to develop new and transferable skills.
- Staff may benefit from working for a period of time in NGOs and the civil service:
 - secondment opportunities, if available, should be advertised at all grading levels.
- Broader knowledge.

Question 7: *I would like more opportunities to become a clerk (with additional support)*

This question provided a range of responses at each level. There are mixed answers with regards to staff wishing to become a Clerk. It is clear from the detailed responses that for some members of staff this is a route they would like to take and think they should be given more opportunities to achieve this; whereas for others it is not their planned career path. Staff that would like this career opportunity have made some suggestions about how this might be achieved.

- As there are often limited promotion opportunities, external secondments and cross departmental working at all levels might give staff more transferable skills when going for promotions.
- Generalist clerks agree that circulation is a good thing.

Question 8: *It is a good thing that Committee Office staff are circulated regularly*

There is spread of opinion on whether it is good or bad; with almost identical results for the agree and disagree category.

Only 30% of administrative staff agree with this statement and 53% disagree that staff should be circulated regularly.

Career clerks have given a positive result to the process.

Question 9: *Instead of circulation, I should prefer to apply for positions in the Committee Office and/or DCCS more widely as and when they become vacant*

There was widespread recognition of both the pros and cons of circulation. Staff generally like the flexibility to move to different committees but sometimes feel the process benefits some and not others. Although staff have responded positively about an alternative process they are concerned about whether it would work practically. Staff have noted that:

GENERAL CIRCULATION

- More consideration should be given to career management.
- Provides opportunities to develop new skills but expertise can be lost.
- The frequent rotation of staff can sometimes hinder the effective support of committees, as the institutional memory of the committee can be lost when personnel are moved.

- Circulation can enable staff to develop their professional skills and competencies.
- Protected streams; and how can staff move from one stream to another needs to be examined.

ADVERTISEMENT OF POSTS

- For popular posts this could be the fairest way to proceed; but because the frequency with which positions can become available the committee office would have to react very quickly and therefore this might not be practical.
- How do you fill the vacancies that no one applies for?
- Timescale and cost: additional amount of time taken to advertise and fill a post and also the cost implication of running campaigns are a concern.
- Rather than a formal application process maybe “expressions of interest”—but should be throughout the DCCS and not just the committee office.
- The process would work for generalists but not for specialists—as they would wish to maintain their specialism.
- Compulsory circulation can be good for staff development but concerns were expressed as to the consistency with which it is applied.

Question 10: *Each committee should be allocated a budget including for staffing purposes*

Negative response from the majority of staff; highest response in “disagree” and “strongly disagree” category. This response is represented at all levels of staff in the Directorate.

Sixty per cent of staff who responded do not think that each committee should be allocated a budget.

Staff have reservations about committee teams being responsible for their own budgets, especially if this included staff allocation. Although there were some positive answers to the tick box exercise these staff are still highlighting concerns about how it would be practically managed. Overall the general response is negative to this suggestion/concerns raised include:

- Who is making the decision about how budgets are allocated; and what would it cover (staffing, printing, transcription etc)?
 - Who has responsibility for this budget: Clerk or Chair?
 - Should all committees be allocated the same budget? If not, how should budgets be allocated? Committees that have a bigger budget may be seen to be “more important”.
- Limited resource; what if more money is required and who would be responsible for making the budget allocation at beginning of session/financial year?
 - Currently resources can be easily redirected, centrally by DCCS, when a committees workload suddenly increases.
- Political impartiality; staff should remain working for the House as an institution rather for individual Members or Chairs of committees.
- It would require strict controls on pay rates and conditions.
- It may give greater flexibility in staffing structures; for example more external advisers and a skeleton staff versus more permanent specialists:
 - Additional resources would help procure research on an inquiry-by-inquiry basis.

Scrutiny Unit

15 November 2011

12. RESOURCING SELECT COMMITTEES IN 2015 AND 2020: NOTE BY CLERK OF COMMITTEES

At its meeting in November, the Working Group asked for a paper sketching out possible visions for select committee work in 2015 and 2020. In summary, this paper covers:

1. IMPACT

- Wider recognition.
- Earlier regular consultation by govt.
- Replace Chamber proceedings (eg statements).
- Enhanced status/role increases risk of politicisation (interference by Whips).

2. STRUCTURE

- Fewer Members leads to fewer smaller committees.
- Lords reform leads to overlap or share of responsibilities (eg abolition of Commons S&T).
- Govt policies/programmes increasingly cross departmental.
- Leads to challenge to departmental structure of Commons select committees and principle that Commons covers all of govt.

3. PROCEEDINGS

- Trend to increasingly informal, electronic, transparent.
- Challenged by a) politicisation and b) requirement to observe principles of natural justice (eg right of reply).

4. STAFFING AND RESOURCES

- Continuing financial constraint.
- Wider variety of specialist support.
- Co-location.

The Working Group is asked to comment on the likelihood of the various possibilities set out below and to advise on the implications for Committee resources.

A. KNOWN UNKNOWN—THE EXTERNAL ENVIRONMENT

1. Balance between chamber and select committee work for chairs and members may be affected by procedural changes or new sitting hours.
2. Current debate about powers and role of select committees, not least in relation to draft privileges bill, leads to further changes?
3. Public expenditure considerations maintain pressure on making best use of resources and limit new demands for staff and other resources.
4. Restricted options for accommodation on parliamentary estate.
5. IT developments at Westminster allow more electronic access to documents (IPads etc) and more use of social media.
6. Role of IPSA in determining pay for select committee chairs and in considering additional staffing provision for chairs.
7. Reduction of Commons to 600, impact of consequent boundary changes (particularly in run up to 2015) and Lords reform.

B. IN 2015

Probabilities

8. Committees produce shorter reports with fewer but more specific recommendations.
9. Outside demands on the time of chairs—to make external speeches and media appearances—will continue at the same or a greater level.
10. Committees will be more widely-recognised in the media and in Whitehall as having a positive impact on government.
11. Committees' programmes become more flexible to respond more quickly to outside events—staff work on some inquiries interrupted to handle newer priorities.
12. Social media will become a regular aspect of communicating about a committee's work.
13. Risk that quick response by committees to immediate events leads to factual mistakes, political challenge and reputational damage.
14. Documents will increasingly be considered within committees and published in electronic format without use of paper.
15. Committees will increasingly draw specialist staff support from a wider pool—with secondments from thinktanks and NGOs, not necessarily paid for by the House, but with transparency to avoid conflicts of interest.
16. Given the age and gender mix of committee staff, turnover continues at the same level as in the first two years of the 2010 Parliament. Economic climate helps both retention and recruitment.
17. Demands from individual members on Library staff continue at the same level, so Library staff support for committees cannot be increased.
18. Reduction in size of House to 600 after 2015 will provoke a debate about whether effective scrutiny is best achieved through committees with a smaller membership or fewer committees.

Possibilities

19. Blogs etc may subject committee activity and conclusions to stronger public criticism.
20. Coalition government may impose more demands on committees in terms of policy review or resolution of tricky problems.
21. Perhaps one major row between committees and government about one pre-appointment hearing.
22. Creation of additional committees puts pressure on resources.

23. Intelligence and Security Committee becomes a full parliamentary committee but needs additional staff and overlaps with existing committees.
24. Wider pool of specialist staff and greater variety of terms and conditions absorb more management time.
25. Media criticism of foreign visits forces committees to gather information in other ways.
26. Financial stringency may be drawing to an end, enabling planning for expanding resources on scrutiny by committees.
27. Even stronger competition in elections for coveted posts as committee chairs.

C. BY 2020

28. Ministers making major policy initiatives will consult select committees in advance.
29. Major policy announcements are routinely followed by oral evidence session in front of relevant committee.
30. It is rare for a government department not to implement a committee recommendation without substantial political debate.
31. Reformed Lords Committees often run over-lapping inquiries with Commons Committees.
32. Pressure for reform of Commons Committee structure to meet reduced number of backbench MPs and overlap with reformed Lords.
33. Liaison Committee representative one of backbench Members on Commons Commission.
34. Co-location of chairs and committee staff extended in specially adapted premises. Whips agreement to prioritise appropriate re-location following election of chairs.
35. Clerks have a broader knowledge of people, project & financial management. They will have undertaken placements in Whitehall and/or other House departments as part of their career development.
36. Media relations is a specific responsibility for one staffer in each committee team, with well developed contacts. Committees are regarded as up to speed with social media.
37. Improved economy increases turnover of specialist staff.

D. POSSIBLE CONSEQUENCES

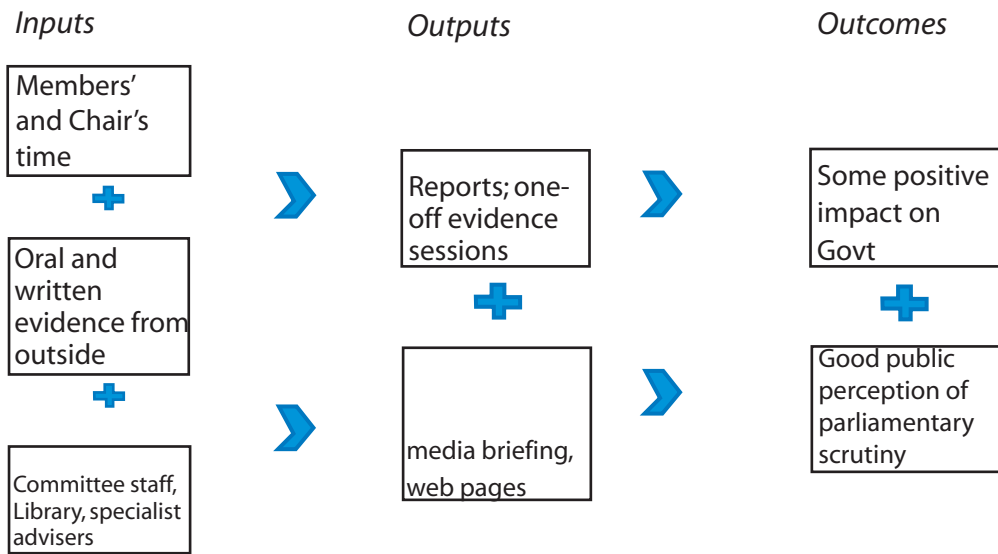
38. Some chairs may need greater support from media officers and committee staffs will need to be more media-aware.
39. Chairs may need to devote more of their time and personal staff to committee work.
40. Need for closer integration between chair's own research and constituency staff and committee staff.
41. A wider mix of permanent and temporary staff, specialists and generalists will be needed to meet the needs of each committee.
42. Greater demands on committee clerks to gather and deploy resources effectively.
43. More flexibility may be needed within and between committee teams with less emphasis on distinct roles—willingness to experiment with different models.
44. More long-term staff planning by Committee Office management.
45. Debate about merits of pooling specialist expertise in a central body such as the Scrutiny Unit rather than allocating individuals permanently to specific committee teams.
46. Greater flexibility in Library specialists providing appropriate support to chairs and committees, using expert knowledge. Library fast streamers undertake attachments in Committees or Scrutiny Unit, working on inquiries.
47. Some co-location in parliamentary estate of chairs and their personal staff with committee staff. Facilities Department to be tasked with responsibility as part of estates planning.

Andrew Kennon
Clerk of Committees

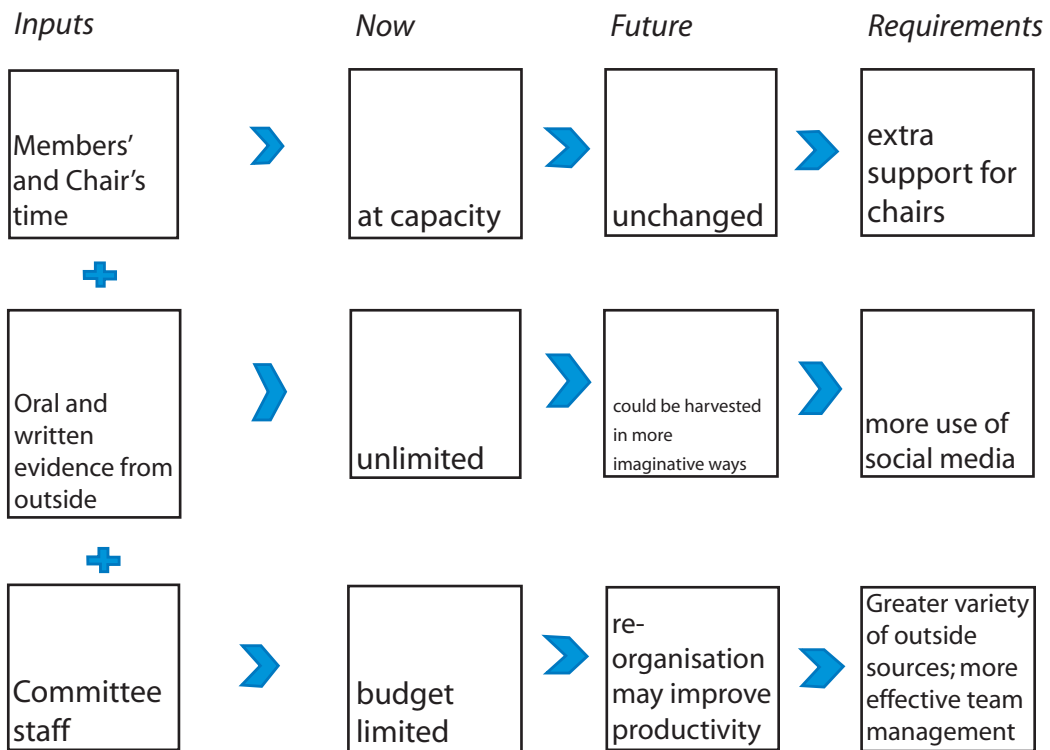
16 January 2012

13. SELECT COMMITTEE RESOURCES REVIEW: PRESENTATION BY THE CLERK OF COMMITTEES

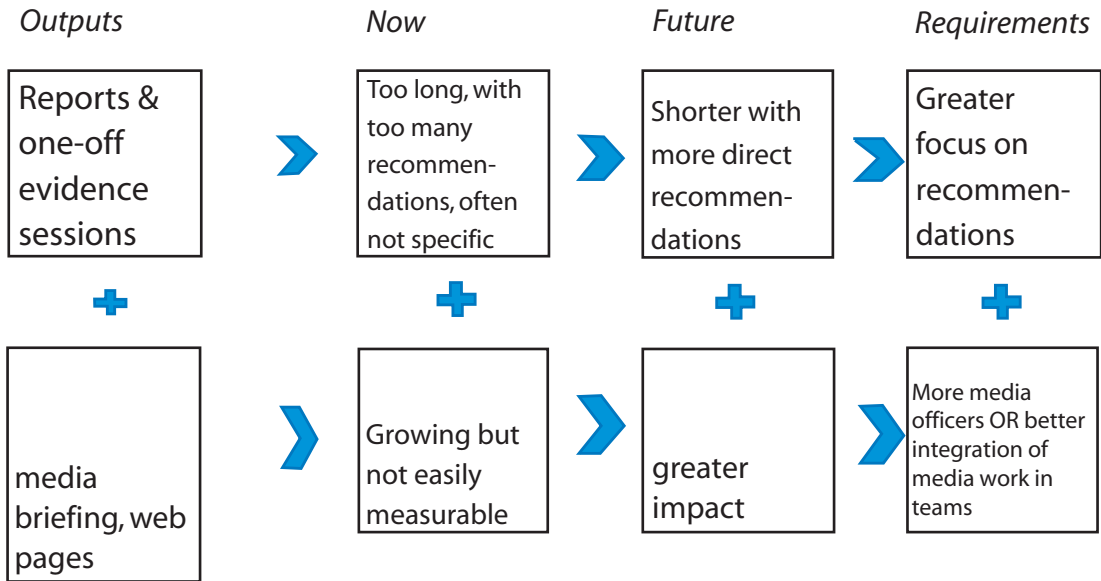
Select committee resources review 1: from inputs to outcomes



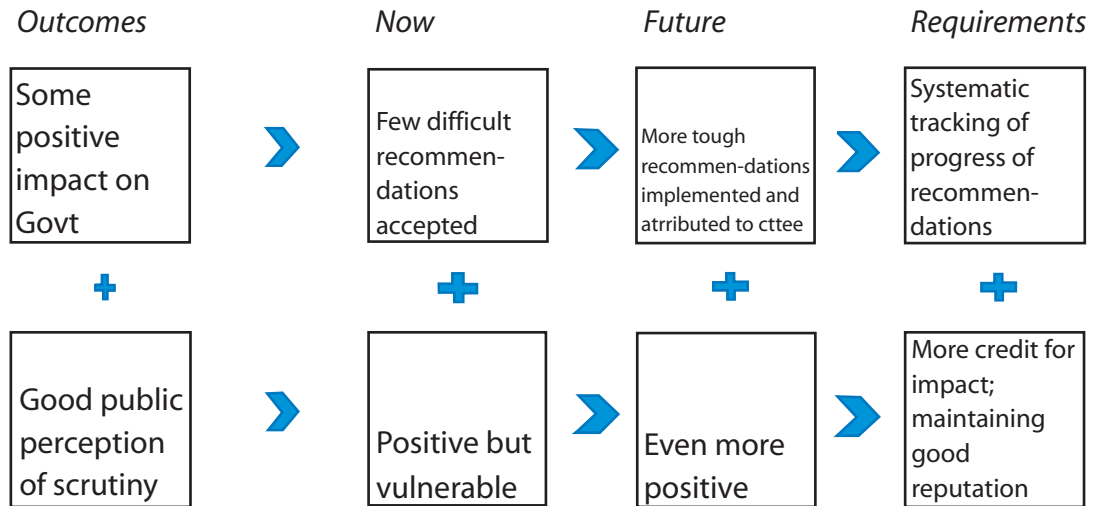
Select committee resources review 2: how inputs could change



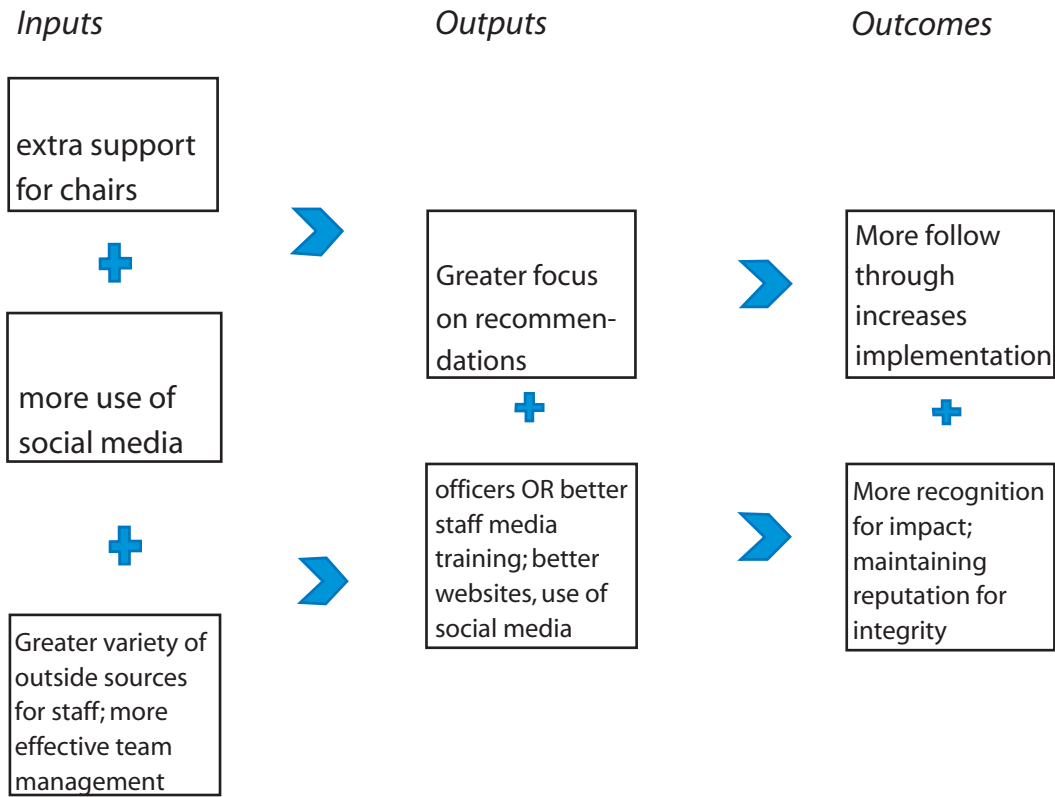
Select committee resources review 3: how outputs could change



Select committee resources review 4: how outcomes could change



Select committee resources review 5: how changed inputs could affect outcomes



Select committee resources review 6: what are the priorities for staffing?

IMMEDIATE	examples	
Drawing on wider sources of staff for loans and secondments	borrow people from NDPBs, NGOs, charities, think tanks, permanent	commission research from universities and other bodies
Greater flexibility within and between staff teams	Subject specialists working across teams	greater pooling of support staff for specific technical tasks
Increased training in team and project management for ctee clerks		

LONGER-TERM

examples

trials in co-location
of Chair's personal
and committee
staff

by 2015 three
Chair/ctee staff
suites in PCH or
Canon Row?

one committee
staffer working in
Chair's office for
several days a week

More media
officers OR better
media training for
ctee teams

dedicated media
team for groups of
committees

specific media skills
course for ctee
clerks

more delegation
to secondees and
Library

Andrew Kennon

May 2012
