



House of Commons  
Liaison Committee

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**Legacy Report**

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**First Report of Session 2014–15**

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

*Ordered by the House of Commons  
to be printed 11 March 2015*

## 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.

All publications of the Committee (including press notices) and further details can be found on the Committee's web pages at [www.parliament.uk/liaisoncom](http://www.parliament.uk/liaisoncom)

### 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 – [Rory Stewart MP](#) (*Conservative, Penrith and The Border*)

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 – [Sir William Cash MP](#) (*Conservative, Stone*)

Finance and Services – [John Thurso MP](#) (*Liberal Democrat, Caithness, Sutherland and Easter Ross*)

Foreign Affairs – [Rt Hon Sir Richard Ottaway MP](#) (*Conservative, Croydon South*)

Health – [Dr Sarah Wollaston MP](#) (*Conservative, Totness*)

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*)

Privileges – [Rt Hon Kevin Barron MP](#) (*Labour, Rother Valley*)

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 Lee Scott MP](#) (*Conservative, Ilford North*)

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 – [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*)

The following members were also members of the committee during the parliament:

Defence – [Rt Hon James Arbuthnot MP](#) (*Conservative, North East Hampshire*)

Health – [Rt Hon Stephen Dorrell MP](#) (*Conservative, Charnwood*)

Procedure – [Rt Hon Sir Greg Knight MP](#) (*Conservative, East Yorkshire*)

Regulatory Reform – [James Duddridge MP](#) (*Conservative, Rochford and Southend East*)

Regulatory Reform – [Mr Robert Syms MP](#) (*Conservative, Poole*)

### **Powers**

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

### **Publications**

All publications of the Committee (including press notices) and further details can be found on the Committee's web pages at [www.parliament.uk/liaisoncom](http://www.parliament.uk/liaisoncom)

### **Committee staff**

The current staff of the Committee are Andrew Kennon (Clerk), Anita Fuki (Senior Committee Assistant) and Susan Ramsay (Committee Assistant).

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# 1 Overview

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1. This report draws together our conclusions on the operation of select committees in the 2010 to 2015 Parliament. It builds on the Committee's report in November 2012—at about the half-way point—on effectiveness, resources and powers.<sup>1</sup>

2. In that report we set out a vision for select committees:

Our aim is that committees should be respected, listened to and feared by departments and ministers for the quality of their investigations, the rigour of their questioning, the depth of their analysis, and the value of their reports.

Their influence will go beyond the subjects they choose to inquire into: departments will be mindful of the reaction of their committee when they make policy decisions and of the high probability of exposure of any administrative shortcomings. Committees will be routinely consulted by ministers and officials but will retain their detachment and ability to offer objective criticism.

Their ability to do their job will not be limited by constraints on access to information or the witnesses they wish to hear from, and they will be able to draw on expert advice and research. They will be seen by our stakeholder communities as an important player, influencing Government and public opinion, and as the natural place to go to with concerns and ideas.

The role of committees—and the powers which they can draw upon—will be understood by the public, and they will engage with a wide diversity of people in gathering evidence for our inquiries. Their work will be respected for its integrity and relevance to people's lives, and will contribute to reviving faith in the value of parliamentary democracy.

3. This Parliament has seen significant developments in the work of select committees and a growth in the attention paid to them. Chief among these has been the new process for election of chairs of committees directly by the whole House. Social media has been used by committees for the first time to engage with the public. A variety of informal ways of working have been trialled as an alternative to the basic model of taking evidence through oral hearings. Members have used iPads to read committee documents, rather than doing so on paper.

4. Throughout, the Liaison Committee has been keen to focus on how effective committees are in making a positive impact on Whitehall. This is hard to measure in a systematic way but it is the ultimate reason for what committees do in holding government accountable. This report is based on written evidence received from outside the House and memoranda<sup>2</sup> and legacy reports<sup>3</sup> from individual select committees.

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

2 See list of Published written evidence on p59

3 See Annex D

5. In this report, we set out the developments over the past five years and put down some markers to assist committees in the next Parliament.

## 2 The Prime Minister's oral evidence to the Liaison Committee

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6. The Liaison Committee's own contribution to holding the Government to account has been the regular oral evidence sessions with the Prime Minister. A number of changes have made these more effective:

- Three meetings a year for 90 minutes each (instead of two for two and a half hours).
- Focusing on only two subjects for each meeting and concentrating on areas where the Prime Minister makes a difference within government.<sup>4</sup>
- Limiting the number of Members taking part at each meeting to about eight to 12 —the normal size of a select committee oral evidence session—instead of the full committee of 30+.
- Extending the Committee's reach by also taking oral evidence on one occasion from the Deputy Prime Minister.

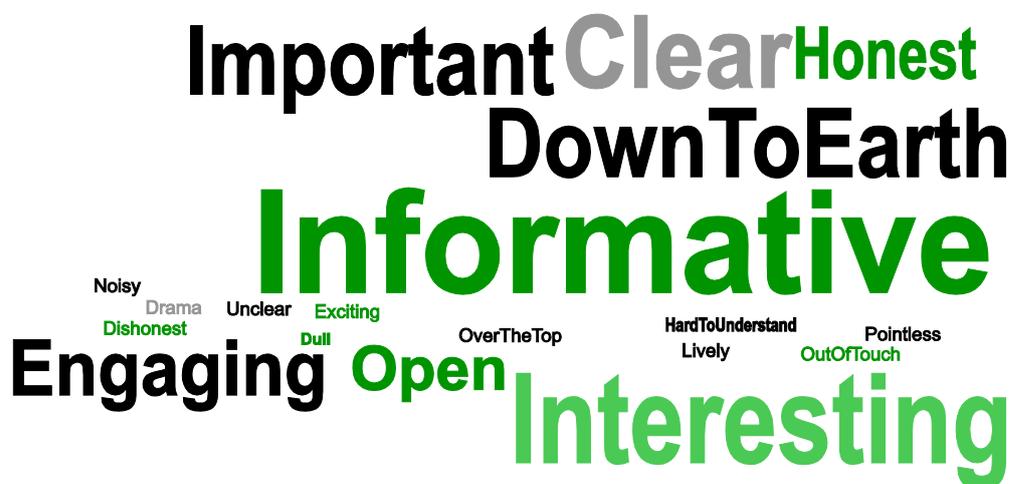
7. These meetings have provided a deeper analysis of the Prime Minister's role and leadership than is possible on the floor of the House itself. Chairs of select committees have been able to follow-up issues raised in their reports when closer co-ordination across Whitehall is desirable or where individual departments have been slow to respond to committee recommendations. We have also been able to explore areas where it is apparent that the Prime Minister or his officials are influencing or circumscribing the policies or initiatives of departmental ministers.

8. A recent study by the Hansard Society,<sup>5</sup> commenting on PM's questions in the House, drew up a schematic of the words most used by the public in relation to his evidence to the Liaison Committee:

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4 The subjects on which the Prime Minister has been questioned over this Parliament are set out in Annex A

5 Hansard Society, [Tuned in or Turned off? Public attitudes to Prime Minister's Questions](#), p 35



9. An indication of the impact of these regular evidence sessions with the Prime Minister can be drawn from his closing remarks at the meeting on Tuesday 24 February 2015:

**Q75 Chair:** Thank you very much, Prime Minister. Somebody else will occupy this chair [at the next meeting], and they will be questioning whoever is occupying your chair, after the general election.

**Mr Cameron:** I hope to be back, as they say, but I have enjoyed these sessions. They give me the chance to try to explain more about what the Government are doing across a broader basis. I hope you have found the way we have moved to having specific sessions helpful. In terms of accountability, which that also brings about because I have to check all that is happening in those specific areas, it is actually a force for good in government as well.

**Chair:** And thank you for the follow-up letters, in which we get all the details.

10. To assist the Liaison Committee in future we suggest its quorum for oral evidence sessions be reduced to six and the power of the Committee to take evidence from the Deputy Prime Minister (where he or she is exercising a cross-governmental role) be confirmed.

*11. We recommend that SO No. 145 (Liaison Committee) be amended by inserting in para (2) after 'Prime Minister', 'and from the Deputy Prime Minister' and in para (10) to reduce the quorum for oral evidence sessions to six.*

### Liaison Committee as guarantor

12. Less visibly, the Liaison Committee plays a fundamental role as the protector of the House's backbench and committee scrutiny of the Government. On occasions when individual committees have difficulty—perhaps in securing the attendance of witnesses or in getting a timely reply from a government department—the collective support of the

Liaison Committee can reinforce the rights of individual committees to carry out their scrutiny function.

13. In this context, we have had exchanges with the Cabinet Office about the rules which are applied to civil servants giving evidence to committees—known as the Osmotherly rules. In our November 2012 report we said:

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

115. We recommend that the Government engage with us in a review of the relationship between Government and select committees with the aim of producing joint guidelines for departments and committees, which recognise ministerial accountability, the proper role of the Civil Service and the legitimate wish of Parliament for more effective accountability.<sup>6</sup>

14. After a long delay the Cabinet Office eventually produced (in October 2014) a revised version of the Osmotherly rules with little radical change. The most significant developments are to make the Senior Responsible Owners (SROs) of major projects directly accountable to the relevant departmental committee and for former Accounting Officers to appear before the Committee of Public Accounts.

15. It remains our approach that it is not for the Liaison Committee or the House to endorse Whitehall's own rules about giving evidence to Parliament. These are the Government's rules—not Parliament's rules—and Parliament reserves the right to depart from them when necessary.

**16. Our overall impression is that government departments are taking committees seriously and engaging positively with them. While there have been occasions of late replies to reports and disagreements about witnesses and evidence, most relationships between select committees and departments appear to be constructive.**

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

### 3 Directly-elected chairs

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17. Among the developments in select committee effectiveness this Parliament, the most significant is the direct election of almost all committee chairs by the whole House. The implementation of the Wright Committee reforms, at the end of the 2005–10 Parliament, provided a boost to select committees from the start of this Parliament.<sup>7</sup>

18. The Procedure Committee has reviewed the process of elections.<sup>8</sup> The fact that there were contests for 16 of the 24 available chairs is a mark of the level of interest in these roles. The two by-elections which have occurred in the last year have also stimulated much competition.

19. A fair distribution of chairs across parties is an essential element of our select committee system. Within that, the election of chairs by the whole House gives those chosen a greater degree of authority in their role in the House, their relationship with ministers and their standing in the wider community.

20. We welcome the close co-ordination between three committees on EU Justice and Home Affairs issues, which has assisted the House. The fact the committees are chaired by directly-elected chairs from the three different major parties has added to the credibility of their joint recommendations.

**21. The House should resist any attempt by the front-benches to overturn the Wright reforms and make the election of chairs less democratic and representative. Such a retrograde step would harm the standing of select committees in their role of holding to account the Government of the day. A return to appointment of chairs behind closed doors or just within parties would be unacceptable.**

#### Support for chairs

22. Whether as a direct consequence of the ways in which chairs are now elected, or as a sign of the growing significance of select committees generally, the Liaison Committee is conscious of the wider demands placed on chairs. In addition to chairing the committee and guiding its inquiries, a chair is often expected to attend and speak at events within the committee's subject area and to meet numerous stakeholder organisations. This is an important way of keeping in touch, but it does make demands on the chair's time and resources. Some chairs are relying on their own constituency staff to support them in carrying out these extra duties because there has not been sufficient support available from committee staff. We are therefore pleased that the House has agreed to the Liaison Committee's modest request for an increase in scrutiny resources to enable committee staff to provide additional support for chairs in their wider role in the next Parliament.

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7 House of Commons Reform Committee, First Report of Session 2009–10, [Rebuilding the House: Implementation](#), HC 372

8 Procedure Committee, Fifth Report of Session 2010–12, [2010 elections for positions in the House](#), HC 1573

## 4 Making a positive impact on Whitehall

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23. The best measure of a committee's effectiveness is the assessment of stakeholders and academics who follow its work and can observe how much influence committees have on the relevant government department. A bald count of recommendations accepted and rejected does not allow for the recommendations which are easy to accept or the harder ones which are rejected initially but implemented eventually. A report which reflects the evidence drawn from stakeholders may be pushing at an opening door. An inquiry which raises a neglected issue may move it up the political agenda and produce an improvement only in the long-term.

24. We list below examples which committees themselves have highlighted of where their work has made a difference in this Parliament:

- The Education Committee's inquiry into the Government's proposals to replace GCSEs with English Baccalaureate certificates showed that there was insufficient evidence to support replacing GCSEs with an alternative qualification and that the DfE was moving too far too fast. The Secretary of State conceded the argument and announced instead his intention to concentrate on reform of the content of the exams.
- The Justice Committee's recommendations on the Ministry of Justice's relationship with the Crown dependencies were fully and very successfully implemented; and its main recommendation on Presumption of Death was implemented in a Private Member's Bill supported by the Government.
- The Political and Constitutional Reform Committee's pre-legislative scrutiny of the Recall of MPs Bill, and the Government's acceptance of almost every recommendation made by the Committee, resulted in a substantially improved Bill being introduced to Parliament; this demonstrated the value in improvement of the quality of legislation from publishing Bills in draft for pre-legislative scrutiny, acknowledged by the Minister for the Constitution, Sam Gyimah MP, who stated that the Committee's work had been "helpful in shaping the Bill as it now stands".<sup>9</sup>
- The Environment, Food and Rural Affairs Committee's pre-legislative scrutiny of the Draft Water Bill during 2012–13 resulted, among other changes to the legislation, in provisions in the Water Act 2014 requiring the Secretary of State to report on progress on water abstraction reform within five years of the Act's commencement, and allowing companies to leave the non-household retail market.

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9 [Letter from Sam Gyimah, Minister for the Constitution, dated 11 September 2014, on the Recall of MPs Bill](#)

- The Foreign Affairs Committee has pressed the Foreign and Commonwealth Office throughout the course of the Parliament to recognise the need to improve language skills among its diplomatic staff, and the Committee is now satisfied that the Permanent Under-Secretary has gripped the issue and is taking action on the scale needed if future heads of mission overseas are to have the credibility needed to command respect.
- The International Development Committee's *Violence Against Women and Girls* inquiry was agenda-setting, focusing on a new issue for the Department for International Development (DFID) which required far more effective collaboration between DFID, the Foreign and Commonwealth Office, the Ministry of Defence, the Home Office, the Department for Education and the Department for Health; the Committee's recommendation for an integrated national and international approach helped bring about a step-change in the Government's efforts to address FGM both overseas and in the UK.
- Following the Prime Minister's undertaking, during the January 2014 Liaison Committee oral evidence session, to address concerns raised by the Work and Pensions Committee Chair (Dame Anne Begg MP) about the adverse impact of the introduction of the Household Benefit Cap on Housing Benefit claimants living in supported accommodation (including women's refuges), the Committee pursued the issue with the Minister for Welfare Reform in its inquiry into Housing Benefit reforms, and the necessary changes were subsequently introduced in the Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014, which were implemented for Housing Benefit in April 2014, and for Universal Credit in November 2014.
- During the Report Stage of the Small Business, Enterprise and Employment Bill, Greg Mullholland MP and the Chair of the Business, Innovation and Skills Committee (Adrian Bailey MP) tabled an amendment to further strengthen the statutory framework code for pub companies. Despite Government resistance, the amendment was passed by 284 votes to 269.
- The Transport Committee has been successful in changing policy and legislation across a range of transport policy areas. In maritime policy the Committee's ongoing scrutiny of the Government's proposals to reform the Coastguard service led Ministers to revise their reform proposals in line with the Committee's recommendations. In aviation, the Committee's arguments against a new hub airport in the Thames Estuary, backed by commissioned research, were accepted by the independent Airports Commission. In rail, the Committee's recommendation led to a change in the law around scrap metal, contributing to a dramatic reduction in the number of delays suffered by passengers due to cable theft on the rail network. For drivers, the Department for Communities and Local Government is implementing the Committee's call for a common sense approach to parking enforcement, and the introduction of "grace periods" for private parking bays.

- The Bank of England and the Chancellor have, following persistent follow-up work by the Treasury Committee over several years, accepted the bulk of the Committee's recommendations on the future governance of the Bank of England.
- The Science and Technology Committee drove the publication of enhanced Scientific Advisory Group for Emergencies (SAGE) Guidance and its consistent use by Government when responding to emergencies.
- Communities and Local Government Committee: the Government accepted 30 of its 35 recommendations suggesting changes to the draft National Planning Policy Framework in 2012 and the Committee's 2014 Report on fiscal devolution to local councils, though not immediately embraced by either front bench, was seen by many in local government and beyond as laying down important principles, whilst also grappling with difficult technical challenges and forming the basis for a major debate in the next Parliament.
- The Defence Committee carried out an inquiry into the Armed Forces (Service Complaints and Financial Assistance) Bill [*Lords*]. The Committee made a number of recommendations for amendments and tabled these amendments in the Public Bill Committee. The Government was defeated on amendments proposed by the Committee that effected a significant broadening of the remit of the proposed new Service Complaints Ombudsman allowing her to investigate: the substance of an individual complaint (not just its maladministration); any maladministration connected to the complaint (not just that alleged); and any undue delays in handling a complaint. These changes to the Ombudsman's remit were accepted by the Government at report stage. The Bill has now gone back to the Lords.
- The Energy and Climate Change (ECC) Committee's numerous inquiries into electricity market reform have helped to shape the Government's legislative proposals for overhauling the way in which the electricity market works. Its pre-legislative scrutiny work on the Energy Bill, in particular, pushed the Government to revert to a single counterparty model for electricity contracts which has helped to make these contracts more robust. The Committee also helped to secure important clauses in the Bill that allowed government intervention to ensure independent generators have better access to the market. The ECC Committee has also been championing the interests of consumers throughout this Parliament, in particular, by kick starting a national debate on energy switching, exposing the practice of doorstep mis-selling by energy companies, and calling for greater scrutiny of the near monopoly companies that manage the gas and electricity networks.

- The Northern Ireland Affairs Committee's report on *Corporation Tax in Northern Ireland* recommended that setting the rate of corporation tax should be devolved to the Northern Ireland Assembly. The Corporation Tax (Northern Ireland) Bill, which passed the House, and was sent to the Lords, on 4 March, brings this into effect (contingent upon the Northern Ireland Executive agreeing to budgets for 2015–16). The Committee's report on *Air Passenger Duty: implications for Northern Ireland* 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. HM Government agreed to reduce the rate of APD for the Belfast to Newark route to the UK, rather than long-haul, rate and later announced that the power to set APD rates for direct long-haul flights from Northern Ireland would be devolved to the Northern Ireland Assembly.

## Measuring effectiveness

25. The Liaison Committee is always keen to encourage and learn from research into the work of committees. At the start of this Parliament, we drew on the research carried out by the Constitution Unit/UCL research in 2011 into the impact of seven committees over the period 1997–2010<sup>10</sup> and the Hansard Society 2011 review of select committee recommendations.<sup>11</sup>

26. In January 2012 we benefited from a private seminar between committee chairs and senior civil servants at the Institute for Government, which influenced our approach to the report we published on effectiveness, resources and powers in late 2012. We note that individual committees have also found it valuable to hold such seminars with key stakeholders to discuss their priorities for inquiries and working methods.

27. We welcome the current research being undertaken by the Institute for Government into committee effectiveness (focusing on the Banking Commission, Defence and Home Affairs) and expect that its conclusions will inform committees in the new Parliament. The project will develop a framework to assist understanding of the impact of parliamentary committee inquiries, and examine the impact of recent innovations. The outputs from the research will include a briefing note on parliamentary scrutiny (published in January 2015,<sup>12</sup> a final report summarising our research findings (to be published in mid-2015) and an event for the chairs of committees elected in 2015.

10 *Selective Influence: The Policy Impact of House of Commons Select Committees*, Meg Russell and Meghan Benton, Constitution Unit, UCL, June 2011

11 Alex.Brazier & Ruth.Fox, 'Reviewing Select Committee Tasks and Modes of Operation', *Parliamentary Affairs*, Vol.64, No.2, April 2011, pp.354–369

12 Institute for Government, [Parliamentary Scrutiny of Government](#), January 2015

28. The Liaison Committee itself, in its 2012 report on *Select committee effectiveness, resources and powers* (HC 697), added a new core task:<sup>13</sup>

#### Public Engagement Task 10

To assist the House of Commons in better engaging with the public by ensuring that the work of the committee is accessible to the public.

29. The Liaison Committee has commissioned a small research project by Professors Ian Marsh and Matt Flinders into *how select committees have responded to the addition of a core task concerning public engagement*. The research is being carried out at the end of this Parliament with the aim of informing the new committees set up after the general election. The research covers:

- a) How interest groups prepare evidence; how they react to other participants, and generally how they engage in the proceedings
- b) How the committee itself approaches its task
- c) How committee findings are framed
- d) Media engagement and reporting of evidence and findings
- e) How participants themselves assess the standing and potential of the committee system.

30. The Parliamentary Office of Science and Technology (POST) is studying how research feeds into parliamentary scrutiny, debate and legislation. The study aims to assist: Members to understand where research may be able to support their parliamentary work; parliamentary staff to understand where research can best support parliamentary processes and how to integrate research as part of their usual work where it is of maximum benefit to Members; and external bodies that want to engage with Parliament through research, to understand how to maximise its utility for Parliament.

31. Towards the end of the Parliament, the Education Committee conducted an ‘evidence check’ approach to select topics for scrutiny. For each of a list of topics identified by the Committee, the Department for Education was asked to produce a short statement on the Government’s policy and the evidence base for its position. These memoranda were then posted online for discussion on web forums hosted on the Parliament website, and attracted 500 comments. On the basis of this scrutiny from the public and researchers, the Committee held oral evidence sessions covering the work of the National College for Teaching and Leadership, the school starting age, and school admissions flexibilities for summer born and premature children.

32. The ‘evidence check’ approach allowed contributors to focus their comments on the Department’s statement and to build on each other’s analyses—unlike the traditional ‘black box’ approach of submitting written evidence. A separate forum provided a space for

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13 Matt Korris, *Building on Success: Why We Need to Review the Select Committee System*, London: Hansard Society; See also Alex Brazier and Ruth Fox 2011. ‘Reviewing Select Committee Tasks and Modes of Operation’, *Parliamentary Affairs*, 64(2).

commentary on the way the Department makes use of research evidence in its policymaking in general, which many organisations saw as a welcome opportunity. Comments received on areas not covered in oral evidence sessions will provide useful material for scoping future inquiries in the next Parliament.

33. The Transport Committee has sought to engage the public in its work and promote transparency in its decision-making. During the Parliament the Committee has asked the public to suggest inquiries and published reports outlining the topics selected and explaining its decisions.

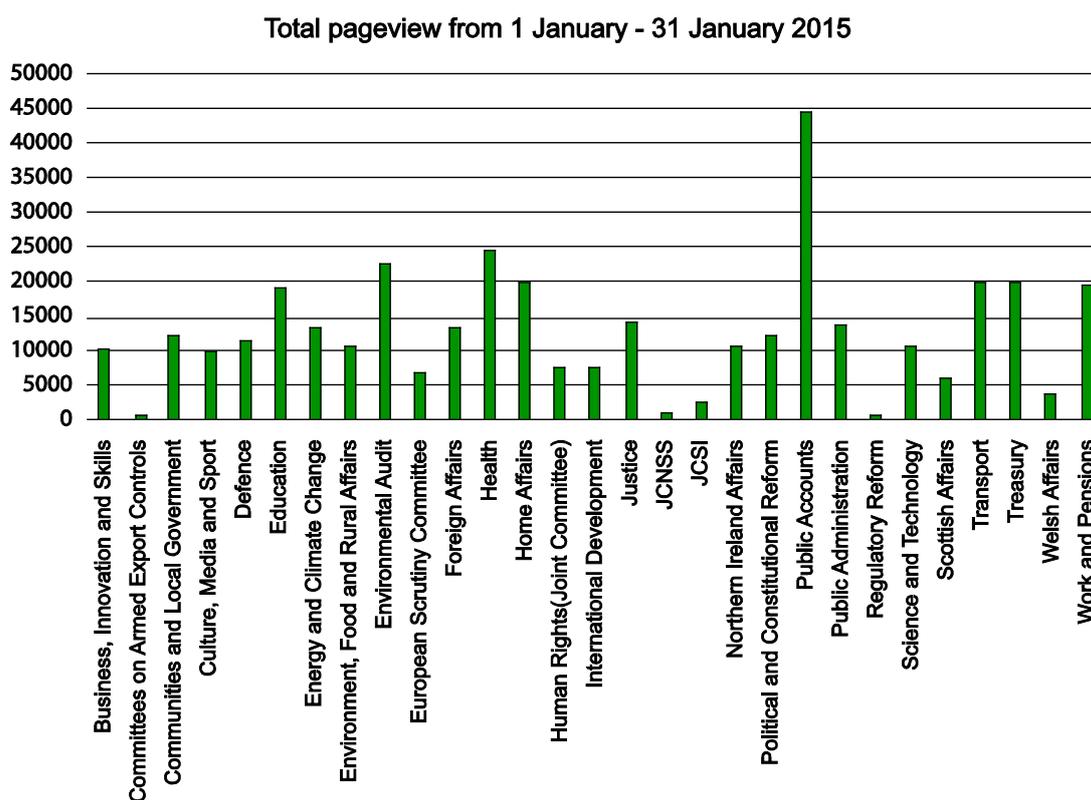
## 5 Going digital

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34. This Parliament has seen a major change in committees' use of digital technology, in particular as a tool for engagement and influence. Much has been done to improve committee websites so their work is more accessible to interested parties. Committees have used more varied content on websites to inform and engage different audiences, including greater use of audio-visual material. Written evidence to committees is now submitted electronically via the website and published more quickly on the internet. This has enabled savings to be made in no longer printing evidence on paper. Many committees now receive their documents not on paper but through iPads. Committees have started to experiment with publishing the outcome of their work in different ways, with greater focus on, for instance, infographics and audio-visual material which is primarily accessed and used digitally. In the next Parliament, the increasing emphasis on digital outputs and reduced emphasis on printed reports is likely to change the way committees work and have implications for the procedures which support and enable that work.

35. The Energy and Climate Change Committee is the first Committee to explore a “digital first” approach for the publication of a committee report. Its legacy report, *Fuelling the debate: Committee successes and future challenges*, was scoped from the outset with consideration given to the digital output. The report includes an infographic on Committee activity over the last five years, video case studies of Committee successes in specific subject areas, and video interviews with key stakeholders on the challenges for the next Parliament. The report is hosted on a standalone website that is device-responsive and it is also downloadable as an interactive pdf or ePub.

36. We recognise that we are at the early stages of a long journey in terms of the transition to “digital first”. We expect select committees to take further strides early in the next Parliament, and the key appointments of new staff to head the Parliamentary Digital Service and the Department of Information Services to provide an opportunity for committees to learn from the experience of other organisations and do even more to harness what technology has to offer.



## Social media and public engagement

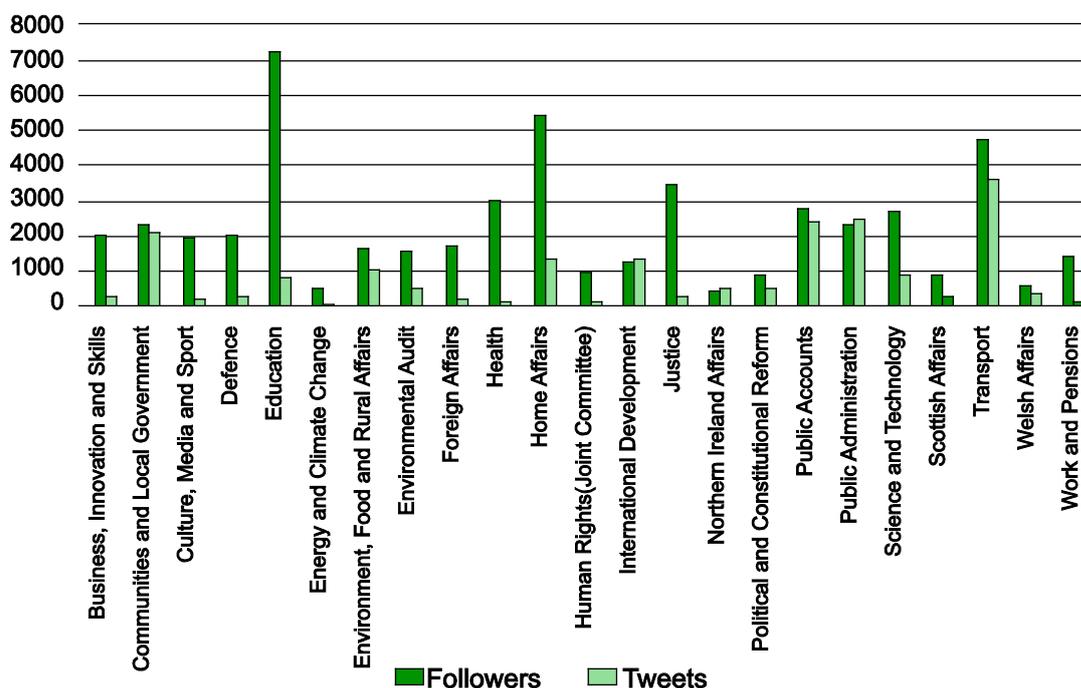
37. The first example of a committee using Twitter was the Education Committee with the hashtag #AskGove to encourage people across the country to suggest questions which could be put to the then Secretary of State for Education in an oral evidence session before the committee. That example has been followed by others and many committees now use Twitter to publicise their inquiries and evidence sessions and also to engage with other users of Twitter. Committees are followed on Twitter to varying degrees.

38. While there are some risks in committee staff using Twitter in a politically controversial environment, we believe the benefits of them doing so have proved worthwhile. Some committee members themselves have been active in using Twitter to promote their work.

39. Dr Cristina Leston-Bandeira, Senior Lecturer in Legislative Studies, University of Hull, told us that select committees had improved both their website and social media presence since 2012 but that greater presence of committees outside Westminster and better integration with schools was needed.<sup>14</sup>

<sup>14</sup> Dr Cristina Leston-Bandeira, Senior Lecturer in Legislative Studies, University of Hull ([SCE 0023](#))

Followers vs Tweeters by the committee, February 2nd 2015



40. Towards the end of the current Parliament there have been important innovations in the use of digital media as part of committees continuing efforts to improve and broaden their public engagement. The Education Committee has experimented with an additional member of staff concentrating on social media work. This has allowed the Committee to use a wider range of tools to engage the public and others in its inquiries, ranging from a web forum which attracted over 500 contributions to online videos which received several thousand views. The Committee now has in excess of 7,500 twitter followers, who engage in live twitter conversations about evidence sessions and reports. Social media activities are built into all inquiries and this has enabled the Committee to increase awareness and to encourage participation in its work, although we appreciate that those committees with small teams of staff may not be able to provide such a level of service.

41. The Political and Constitutional Reform Committee has used enhanced social media activity alongside a series of events, surveys and competitions to maximise public participation in the consultation it launched on the United Kingdom's future constitution under the banner of *A new Magna Carta?* The Committee and the organisations with which it has worked have managed to multiply the levels of engagement with this work, including very welcome participation by students at schools and universities.

42. We are aware of the recommendations of the Speaker's Digital Democracy Commission, whose report was published on 26 January 2015.<sup>15</sup> Many of these recommendations chime in closely with the recent initiatives to which we have referred and they help to give us a clear steer for priorities in the next Parliament as well as endorsing the progress committees have made since 2010. The main proposals were:

<sup>15</sup> The report can be accessed at [www.digitaldemocracy.parliament.uk](http://www.digitaldemocracy.parliament.uk)

- Increasing awareness and understanding of Select Committees and their work
- Increasing the accessibility of Select Committee communications and publications
- Encouraging greater public participation in Select Committee work, including among under-represented groups
- Making information available in an open format and without charge.

43. Not all public engagement initiatives need be digitally based. The Science and Technology Committee has pioneered an annual event called Voice of the Future in which young scientists are recruited through the learned societies to sit at the horseshoe and put questions to the Committee as well as the Government Chief Scientific Adviser, the Shadow Science Minister and the Science Minister. All four events this Parliament have been opened by the Speaker and recorded by the BBC; this year it was broadcast live on BBC Parliament. The event has worked to both engage young scientists with policy issues and with the work of the Committee.

### **Planning for how we communicate with the media and the public**

44. The last five years have seen select committees grow in their public profile. In 2012 committee evidence sessions on parliamentlive.tv overtook the Commons Chamber in terms of the number of viewers. There has been a significant increase in the range of media coverage of the work of select committees, which is not an end in itself but helps to broaden public understanding of the work of Parliament and to focus minds in Whitehall. In 2012 we recommended that select committees introduce media and communications strategies as part of inquiries, so that more consideration is given to the audiences for the work of select committees, and to enhance engagement throughout an inquiry and subsequently, moving away from undue focus on report publication as an isolated event.

45. We expect there to be further changes in approach in this area in the next Parliament, building on recent developments including the greater use of audio-visual material about individual inquiries. This is unlikely to involve a major change in the levels of coverage, after the step change achieved in this Parliament. It may involve exploring further the support given for chairs, on whom the main burden of communicating with the media and the public usually falls. We also need to develop linkages between support for social media activity and the continuing support for other media and communications activities.

46. To assist select committees in communicating their reports, it would be helpful to widen the range of people to whom committees can provide embargoed copies of reports. At the moment, other Members, for example, unless they were also witnesses, are not included. There is a case for relaxing the present requirement that embargoed copies are released no more than 72 hours before the time of publication. It would also be consistent with practice elsewhere to allow, but not require, committees to give advance notice of intended personal criticism to individuals. This practice is commonly adopted by other forms of public inquiry, but is not currently available to select committees.

**47. We recommend that SO No. 134 (Select committees (reports)) be amended to read:**

***All select committees shall have power:***

***(a) to authorise the clerk of the committee to supply copies of their reports under embargo to such persons as those committees consider appropriate after those reports have been reported to the House; or***

***(b) to make known to any individual whose conduct the committee intends to criticise the nature of such criticism, before it has been reported to the House.***

## 6 Linking with the House

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48. The last five years have seen select committees playing a more prominent role in the business of the House. One aspect of this is the time given by the Backbench Business Committee for committee reports to be presented on the floor of the House and for specific reports or recommendations to be debated on a substantive motion. We very much welcome the adoption of new Standing Order No. 22D, agreed on 2 December 2013, which formalises the procedure for select committee statements on the floor of the House on a similar basis to ministerial statements. Since then 13 reports have been presented in this way, compared to 17 in the three previous years. Also important have been the opportunities committees themselves have taken to follow up their reports by linking them to debates in the House on legislation and tabling amendments to bills under consideration.

49. These are recent examples of the House agreeing to motions endorsing select committee recommendations:

- Thursday 11 September—Carbon taxes and energy-intensive industries: *Resolved*, That this House welcomes the measures announced in the 2014 Budget Statement which reduce cost pressures created by the imposition of carbon taxes and levies; notes that without such measures, there is a serious risk of carbon leakage; further notes, however, that UK manufacturing still pays four times as much for carbon compared with main EU competitors because of taxes such as the carbon floor price; and calls on the Government to build on the measures announced in the Budget by producing a strategy for energy-intensive industries, as recommended by the Environmental Audit Committee in its Sixth Report of Session 2012–13, HC 669, in order to produce a fairer and more efficient system which delivers genuine potential for investment in a low-carbon economy.—*(Alex Cunningham.)*
- Thursday 8 January—Higher education funding: *Resolved*, That this House notes the Third Report from the Business, Innovation and Skills Committee, Student Loans, HC 558, and the Government response, HC 777; and calls on the Government to outline proposals that will sustain funding for the sector while addressing the projected deficit in public funding.—*(Mr Adrian Bailey.)*
- Thursday 8 January—Gibraltar: *Resolved*, That this House notes the Second Report from the Foreign Affairs Committee, Gibraltar: Time to get off the fence, HC 461, and the Government response, Cm 8917; endorses the Committee’s position that the behaviour of the current Spanish government towards Gibraltar is unacceptable; regrets that trilateral dialogue between the UK, Gibraltar and Spain remains suspended; believes that the time has come for more concerted action; and invites the Government to review its policy towards Spain on Gibraltar.—*(Sir Richard Ottaway.)*

- Tuesday 27 January—Accommodation for young people in care: *Resolved*, That this House notes the Second Report from the Education Committee, Into independence, not out of care: 16 plus care options, HC 259, and the Government’s response, HC 647; welcomes the progress made and the commitment to improve the care provided to these vulnerable young people shown in the Government’s response; regrets that the Government has not gone further by exploring with local authorities how to ban the use of bed and breakfast accommodation for this age group and by moving to inspect and regulate all accommodation provided to children in care; and calls on the Government to do all it can to improve the accommodation and care given to these young people.—(*Mr Graham Stuart.*)

50. There have also been cases of the House specifically asking select committees to examine particular issues. The most obvious examples of this are the setting up of the Parliamentary Commission on Banking Standards and the Committee on Governance of the House of Commons. The House also resolved on 15 July 2013 to request three existing committees (European Scrutiny, Home Affairs and Justice) to report on the opt-outs from the EU justice and home affairs provisions. More commonly the House appoints joint committees with the House of Lords to examine draft bills, such as those recently on Modern Slavery and on Protection of Charities. While we welcome this, we remain concerned that insufficient consideration is given to the option of allowing a draft bill to be considered by an existing select committee with the relevant knowledge and experience.

### Pre-appointment hearings

51. In this Parliament, pre-appointment hearings have become a regular practice. The Government has agreed a list of public positions for which the nominated ministerial appointee is given an oral evidence session with the relevant departmental select committee. Since 2010 there have been some 73 such pre-appointment hearings.<sup>16</sup> In four cases the committee has recommended that the appointment should not proceed. Of these, the government persisted in the appointment in two cases and the appointee withdrew or was not appointed in two cases.

52. One difficulty which has arisen is the failure of a government department to disclose to a committee, at the time of the pre-appointment hearing, information which might affect the committee’s judgment about the suitability of the proposed candidate. In October 2013 the Justice Committee held a hearing with the nominee for the post of Chief Inspector of Probation. The candidate, Paul McDowell, had declared to the Department, as part of the recruitment process, that his wife, Janine McDowell, held a senior position in a company which was a supplier of services to the criminal justice system, but this declaration of interest was not conveyed to the Committee. The Committee approved the appointment without that knowledge.

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<sup>16</sup> [Data on pre-appointment hearings](#) is published on the Committee’s website. Revised guidance was published by the Committee in November 2013

53. The potential conflict of interest subsequently became more acute when the company was announced as a preferred bidder for provision of probation services in six areas of the country under the Transforming Rehabilitation programme, and Janine McDowell was successful in obtaining a promotion to a more senior post within the company. Following discussions between Mr McDowell and the Ministry, in the course of which the Committee's views were sought, Mr McDowell tendered his resignation.

54. In this particular case it is not possible to say whether the Committee would have reached a different view on Mr McDowell's suitability had the declaration of interest (which existed at the time of appointment) been provided to it, but it must be axiomatic for the integrity of the pre-appointment process that the department discloses to the committee any material facts which might be thought to affect their judgment on the suitability of the candidate for the post. This is now recognised in Cabinet Office guidelines which were not in force at the time.

55. In its own Legacy Report, the Science and Technology Committee noted the lack of diversity among candidates submitted to it for the pre-appointment process. The Committee recommended the publication of amalgamated equality data, by department, for those shortlisted for posts subject to this process. We endorse this recommendation.

56. We attach great importance to the right of select committees to take evidence from people nominated by ministers for public appointments. There is no desire to make this an arduous process which may deter good candidates from applying, and committees stick carefully to the procedural safeguards within the process. In many cases, where the appointment is to a post with some regulatory or supervisory role over parts of government, the pre-appointment hearing should be the start of a constructive relationship between the appointee and the committee, both of which have a positive interest in the accountability of that part of public money and administration. It can also help set the agenda for the post-holder.

57. In our report on Select Committees and Public Appointments in 2012, we said<sup>17</sup>

62. The issue has been raised in connection with pre-appointment hearings of certain appointments which are made outside the regulatory control of the Office of the Commissioner for Public Appointments, without open advertisement or open competition. The appointments most frequently cited in this context are those of certain ambassadors who are drawn from outside the career diplomatic service and the UK's EU Commissioner.

63. We recognise that these appointments fall into an entirely distinct category from those regulated by the OCPA. They do not, therefore, lend themselves to the processes we describe in this report for parliamentary involvement in the different stages of regulated public appointments. However, that very lack of public regulation means it is all the more important that there should be some parliamentary oversight of such exercises of ministerial prerogative. We recommend that persons who are

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17 Liaison Committee, First Report of Session 2010–12, [Select Committees and Public Appointments](#), HC 1230, paras 62–63

offered political appointments, other than appointments of Ministers, made under the exercise of prerogative powers, should have their appointments submitted to scrutiny by an appropriate select committee before the appointment is confirmed.

58. In our view, the pre-appointment process has worked well. The ability of committees to take oral evidence from someone about to be appointed to a public position is not confined to the specific posts listed by the Government. For instance, the Treasury Committee took oral evidence from Mark Carney on his appointment as Governor of the Bank of England. We also note that both the Foreign Affairs and the European Scrutiny Committees took oral evidence from Lord Hill of Oareford as the UK's new EU Commissioner. In 2010 the Treasury Committee fought for, and won, a statutory veto over both the appointment and dismissal of members of the new Budget Responsibility Committee. This unique power safeguards the independence of this institution.

### Financial scrutiny

59. Departmental select committees have as one of their core tasks the monitoring of government expenditure but it our belief and ambition that the examination of financial and administrative underpinning of government activities should be at the heart of every select committee policy inquiry. As the Better Government Initiative told us “We think there is still scope, however, for each Select Committee to look more closely at the inputs, outputs and value for money achieved across the whole of a relevant Department as well as at specific policy and delivery matters.”<sup>18</sup>

60. One way in which the Liaison Committee has helped enable and encourage committees in this task has been through engaging in dialogue with government, with the support of the Scrutiny Unit, on improving transparency and accountability to Parliament in the use of public funds. Examples of where this has taken place include consultation on new, simplified accounts for government departments, which will come into effect from 1 April 2015, and the Clear Line of Sight (also known as Alignment) project to better align the measures of government spending used for various purposes, including the departmental Budgets set by Government, the Estimates voted upon by Parliament and the Accounts prepared by the National Audit Office.

61. One area where we continue to work with the Government on increasing the transparency of, and accountability for, public money is in the treatment of the levies under which energy companies are required to support initiatives which impose costs upon consumers through their fuel bills. The Office for National Statistics has classified such arrangements as ‘imputed’ tax and spend. We, together with the Committee of Public Accounts and the Energy and Climate Change Committee, and with the support of the National Audit Office, reached agreement with the Government that relevant departments (currently DECC and DfT) should produce an annual, separate report setting out the amounts raised and outcomes achieved under each relevant levy which are susceptible to select committee scrutiny. The Energy and Climate Change Committee published a report on these levies and led an Estimates Day debate on their implications for consumers as well

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18 Better Government Initiative ([SCE 0019](#))

as the arrangements for parliamentary oversight. Ongoing engagement between the Committee staff, the Scrutiny Unit and government officials has helped to ensure that the annual reporting arrangements for these levies meet the needs of parliamentarians. It remains the case however that there is no route for the House to approve such levies.

62. We have considered, but are not attracted to, the option of proposing amendment to Standing Order No. 54 to enable imputed taxes to be considered on Estimates Days. The motions on Estimates Days relate only to expenditure directly by government bodies so debates on levies which do not involve direct expenditure by government would not amount to effective control. Levies—recognised by the ONS as tax and imposed by Government—should be subject to control by the House of Commons and capable of separate debate on a substantive motion. We remain in discussion with the Government on how best this might be achieved.

63. While most committees have for some time held an annual evidence session with Ministers and officials on the running of their department, making use of departments' published annual reports and accounts, committees are now able to augment this by making use of updated information from new mid-year reports too. These reports, which were first produced in 2013–14 and are now in their second year, were introduced as a direct result of a specific recommendation by the Liaison Committee in 2009. The reports contain updated spending and performance information. We welcome that the Government has been willing to work with us both formally and informally on making the reports timely, accurate and useful in linking spending to policy outcomes. There is growing evidence that committees are finding them useful and using them more. We acknowledge though that it is early days and that further work is required to ensure that the burden placed upon departments in producing mid-year reports is justified by the benefits to committees' scrutiny activities.

**64. The resources and expertise of the Scrutiny Unit have very greatly helped committees undertake the important work of scrutinising how taxpayers' money is spent by departments and other public bodies. The Scrutiny Unit has also enabled the Liaison Committee to develop a positive engagement with the Treasury about the clarity of financial information published by government.**

## Scrutiny of legislation

65. As the Political and Constitutional Reform Committee said in its 2013 Report, *Ensuring standards in the quality of legislation*, “We consider pre-legislative scrutiny to be one of the best ways of improving legislation and ensuring that it meets the quality standards that Parliament and the public are entitled to expect”.<sup>19</sup> More draft legislation has been published by the Government this Parliament than in any preceding Parliament. The long 2010–12 session saw 11 draft Bills published, followed by an unprecedented 15 draft Bills in 2013–14, almost all of which were scrutinised by either a select or joint committee.

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19 Political and Constitutional Reform Committee, First Report of Session 2013–14, [Ensuring standards in the quality of legislation](#), HC 85, para 115

66. This Parliament has also seen an increase in the number of sets of draft clauses published for pre-legislative scrutiny. But it is still only a minority of legislative proposals that are published in draft. We believe there is scope to go further and that the benefits of pre-legislative scrutiny in terms of improving the quality of legislation which reaches the statute book and in easing the passage of controversial, technical and complex bills through their parliamentary stages warrant the inevitable increase in resources required if committees are to scrutinise more draft legislation.

67. Despite raising concerns over the notice given of publication of draft legislation and the time afforded to committees to conduct pre-legislative scrutiny in our 2013 Report on *Select committee effectiveness, resources and powers*, it has remained a matter for concern in the latter part of the Parliament. The Treasury Committee had been expecting to scrutinise a draft Bill on National Insurance Contributions in the autumn of 2013 only to be told shortly before the House rose for the summer recess that no draft Bill would be published and that the Bill itself would be introduced in the autumn. We accept that, by its nature, draft legislation is prone to some uncertainty, but we urge the Government to make better efforts to provide the House with timely information on its plans for draft legislation; for example, the draft Northern Ireland (Miscellaneous Provisions) Bill was published on 11 February 2013, and the Northern Ireland Affairs Committee was asked to report its recommendations to the House by 25 March—a period which included the February recess.

68. One healthy development in the practice of pre-legislative scrutiny is the extent to which committees have been able to collaborate, work co-operatively and share expertise when examining draft legislation. The temporary select committee appointed to examine the draft Local Audit Bill was in practice a joint endeavour between members of the Communities and Local Government Committee and the Committee of Public Accounts; different aspects of the draft Children and Families Bill were examined respectively by the Justice and Education Committees without undue duplication of effort and to good effect; and, as we reflect on the Parliament, the Political and Constitutional Reform Committee, the Scottish Affairs Committee and the Treasury Committee are considering, to various degrees and in various ways, aspects of the recently published draft clauses to give effect to the Smith Agreement on devolution.

## Post-legislative scrutiny

69. There has been some activity in post-legislative scrutiny of Acts which have been in force for some years. Certain committees have undertaken major post-legislative scrutiny inquiries. For instance, the Justice Committee carried out a major inquiry into the operation of the Freedom of Information Act 2000,<sup>20</sup> and also carried out scrutiny of the working of Part 2 of the Serious Crime Act 2007, which set out offences of encouraging or assisting crime.<sup>21</sup> The Public Administration Committee carried out extensive post-legislative scrutiny of the Charities Act 2006, highlighting legal difficulties with the Act and

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20 Justice Committee, First Report of Session 2012–13, [Post-legislative scrutiny of the Freedom of Information Act 2000](#), HC 96-I

21 Justice Committee, Sixth Report of Session 2013–14, [Post-legislative scrutiny of Part 2 \(Encouraging or assisting crime\) of the Serious Crime Act 2007](#), HC 639

recommending changes in the operation and powers of the Charity Commission. This was followed by the Joint Committee on the Draft Regulation of Charities Bill, under the chairmanship of Lord Hope. Similarly, the Culture, Media and Sport Committee conducted a wide-ranging inquiry on gambling, which included post-legislative scrutiny of the Gambling Act 2005.<sup>22</sup> As a final example of a full post-legislative scrutiny inquiry, we would point to the work of the Communities and Local Government Committee on the Greater London Authority Act 2007.<sup>23</sup>

70. Other committees have not found a full-blown post-legislative scrutiny inquiry to be necessary but have sought other means of discharging this function. For example, the Education Committee sought and published the answers to detailed written questions supplementary to the Government's own post-legislative assessment of the Education and Inspection Act 2006, the Childcare Act 2006 and the Children and Adoption Act 2006.<sup>24</sup>

71. We are also aware of work carried out by committees of the House of Lords in this area. For example, ad hoc committees reported on both the Inquiries Act 2005,<sup>25</sup> and the Mental Capacity Act 2005.<sup>26</sup> The House of Lords Committee on Adoption Legislation also conducted post-legislative scrutiny as part of its work in the field of adoption and considered, but did not limit itself to, scrutiny of the Adoption and Children Act 2002 and the Children and Adoption Act 2006.<sup>27</sup>

72. Committees can be at their most effective when following up their work on bills by producing reports which influence debate in the House and tabling amendments which ministers find it hard to resist. For instance, members of the Environmental Audit Committee tabled amendments to the Infrastructure Bill (on fracking and the air quality remit of the Strategic Highways Company) and the HS2 Bill, reflecting recommendations from those three EAC reports. In 2013, the Energy and Climate Change Committee tabled an amendment to the Energy Bill, based on the Committee's pre-legislative scrutiny, that set an emissions target that would require power plants to cut their carbon emissions substantially by 2030. Although this amendment was narrowly defeated by 23 votes, it was one of the largest rebellions of this Parliament up to that point.

73. We welcome the report from the Political and Constitutional Reform Committee on Legislative Standards.<sup>28</sup> In their written evidence to the Liaison Committee, the Better Government Initiative said "we therefore strongly support the PCRC Report on Legislative

22 Culture, Media and Sport Committee, First Report of Session 2012–13, [The Gambling Act 2005: A bet worth taking?](#) HC 421

23 Communities and Local Government Committee, Fourth Report of Session 2013–14, [Post-legislative scrutiny of the Greater London Authority Act 2007 and the London Assembly](#), HC 213

24 Education Committee, [Post-legislative scrutiny: Education and Inspection Act 2006, Childcare Act 2006 and Children and Adoption Act 2006](#)

25 Report of the Select Committee on the Inquiries Act 2005, Session 2013–14, [The Inquiries Act 2005: post-legislative scrutiny](#), HL Paper 143

26 Report of the Select Committee on the Mental Capacity Act 2005, Session 2013–14, [Mental Capacity Act 2005: post-legislative scrutiny](#), HL Paper 139

27 Select Committee on Adoption Legislation, Second Report of Session 2012–13, [Adoption: Post-Legislative Scrutiny](#), HL Paper 127

28 Political and Constitutional Reform Committee, First Report of Session 2013–14, [Ensuring standards in the quality of legislation](#), HC 85

Standards—in particular its recommendations for a Code of Legislative Standards, agreed between Government and Parliament, and a House Legislative Standards Committee to monitor their application—and were very disappointed when the Government summarily rejected both proposals [saying]: ‘It is the responsibility of government to bring forward legislation of a high standard’.<sup>29</sup>

## EU Scrutiny

74. The European Scrutiny Committee published a major report on Scrutiny Reform in November 2013 and we considered the recommendations relating to departmental select committees early in 2014. We agreed with the European Scrutiny Committee that there had been examples of highly effective engagement across select committees in the current Parliament, but that more could be done, particularly to share information.

75. One of the recommendations of the European Scrutiny Committee drew from the experience of the Scottish Parliament, proposing that select committees should be required to appoint a Member as an EU Reporter, taking lead responsibility for bringing relevant documents being considered by the European Scrutiny Committee to the attention of their colleagues. We welcomed this as a proposal but did not wish to go as far as proposing that it should be obligatory. Two Committees then appointed Reporters: the Business, Innovation and Skills Committee and the Justice Committee. Their experience has been broadly positive, and we conclude it represents a successful trial of the EU Reporter as a concept. So while we continue to take the view that these appointments should be made at the discretion of the committee concerned we hope that more select committees will choose to appoint EU Reporters in the new Parliament.

76. The European Scrutiny Committee’s report also included recommendations about the future scrutiny of the annual Commission Work Programme. We note that over the course of this Parliament the European Scrutiny Committee has developed its scrutiny of the Programme. It now tends to be recommended for debate on the floor of the House, and comments are sought from departmental select committees and others with an interest. We look forward to refining this process further, in line with the European Scrutiny Committee’s recommendations, in the new Parliament.

77. We note that most of the European Scrutiny Committee’s other recommendations have not been accepted by the Government, and that both that Committee and the Procedure Committee have been critical of the Government’s engagement with EU scrutiny reform. There have also been problems with debates on documents referred by the European Scrutiny Committee not taking place, particularly on the floor of the House, which in our opinion is deeply regrettable. We note that the Leader of the House stated in oral evidence to the European Scrutiny Committee that such delays were primarily a matter of concern to that Committee.<sup>30</sup> We emphasise that such delays are also a matter of concern to this Committee, and we trust that they will not be repeated in the new Parliament.

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29 Better Government Initiative ([SCE 0019](#))

30 Oral evidence taken before the European Scrutiny Committee on [11 February 2015](#), HC (2014–15) 1061, Q18 [Mr Hague]

## 7 Powers

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78. In our November 2012 report, we referred to recent difficulties in the ability of committees to secure the attendance of witnesses, the provision of documents and being told the truth. Since then there have been no cases of committees reporting to the House that they have not been told the truth by witnesses. One committee has had difficulty securing the attendance of the chair of the BBC Trust and the Director-General of the BBC, who were also members of the House of Lords. After some delay both witnesses did eventually agree to give evidence.

79. The Northern Ireland Affairs Committee encountered difficulties in persuading former Prime Minister Tony Blair and two named civil servants to give oral evidence for their inquiry into the administrative scheme for the “on the runs” following the Good Friday agreement—but all three did appear in due course. In the latter case, quite properly, the two officials were accompanied as witnesses by the Secretary of State and the Permanent Secretary.

80. In relation to Members of the House of Lords, the Liaison Committee entirely respects the privileges of Members of that House and understands the convention that, unlike other people in the UK, they cannot be summoned to appear before a committee of the Commons. But people who hold paid positions on public bodies are normally accountable to select committees. It would be wrong in our view for office-holders who also happen to be members of the House of Lords to avoid being held account by appearing at select committees merely on the basis that they cannot be summoned to attend.

***81. We recommend that in future people appointed by ministers to paid public office, whether subject to pre-appointment hearing or not, be required to undertake (should they be or become members of the House of Lords) not to refuse a request to give evidence to a relevant Commons select committee.***

82. There have been a number of other examples of committees formally ordering the attendance of witnesses and of putting witnesses on oath, using existing powers. But it is not our impression, in the second half of this Parliament, that the work of select committees has been impeded by any lack of powers. In the meantime, the Committee of Privileges has had to suspend its inquiry into the matter referred to it at the instance of the Culture, Media and Sport Committee, of whether three witnesses had lied to the Committee.<sup>31</sup>

### Training for committee members

83. For the first time, this Parliament has seen committees undertaking formal training in questioning skills. This has followed the positive experience in the Scottish Parliament and the National Assembly for Wales. 12 committees have received some training around coaching for chairs, effective questioning skills and how committees work collectively. The

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31 Committee of Privileges, First Special Report of Session 2014–15, [Matter of Privilege referred to the Committee on 22 May 2012](#), HC 1068

Administration Committee used the trainer as a facilitator to plan objectives for the last year of the Parliament and to air views about the effectiveness of the committees. This work was invaluable in setting a framework for future activity, especially when there is a high turnover of membership. It was also drawn on when the Governance Committee asked for the Administration Committee's views on the way the domestic committee structure worked.

84. Members report the benefits of more developed questioning skills and working more closely together as a team. Committee staffs have adjusted the style of their background briefing and suggested questions to meet different expectations among committee members.

85. Chris Banks CBE, Chair of the Public Chairs' Forum, told us "I have noted among Chairs of Public Bodies a generally positive view of the role that Select Committees can and do play in improving accountability, transparency and scrutiny. To increase further the effectiveness of select committees, further attention could be given to the skills, training and knowledge of committee members; the quality and tone of questioning; the training and preparation of witnesses; and to the role and leadership of the Chair in improving effectiveness of the committee as a whole ... Behaving courteously towards witnesses is important, and helps to avoid witnesses becoming defensive or less helpful in their responses".<sup>32</sup>

86. The additional resources which the House has approved for scrutiny in the next Parliament include further provision for such training. We expect it to be used imaginatively to assist chairs, individual members and committees as a team. The estimated expenditure for the training proposed for committees is £30,000 in the first year, followed by £25,000 per annum in 2016–17, 2017–18 and 2018–19, and a smaller sum in the expected final year of the next Parliament. It is assumed that training should be offered to those committees which wish to undertake it as soon as possible after they are established.

## Parliamentary Commission on Banking Standards

87. Over the years, several committees have proposed that the House have powers to set up parliamentary commissions of inquiry.<sup>33</sup> These proposals have included the creation of inquiries into subjects for which the government of the day did not necessarily want an inquiry at that time. Such a body would be set up by the House but would not necessarily be composed of MPs and peers.

88. Following the LIBOR scandal it was proposed that a Parliamentary Commission on Banking Standards be set up and this was duly approved by both Houses. In practice this was a joint committee of both Houses, with its Commons membership drawn entirely from the Treasury Committee, which also provided the chair. Its unique powers included the power to appoint panels (or sub-committees) with a quorum of only one, to take evidence through questions asked by counsel and for its administrative decisions to be

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32 Chris Banks CBE, Chair of the Public Chairs' Forum ([SCE 0025](#))

33 Public Administration Select Committee, Ninth Report of Session 2007–08, [Parliamentary Commissions of Inquiry](#), HC 473

taken by the chair without a full meeting of the Commission. To support the Commission, a large team of staff from outside and inside the House was quickly assembled. Much of the cost of the Commission was reimbursed to the House by the Treasury. A note by the chair (Andrew Tyrie MP) on the lessons learned from the Parliamentary Commission on Banking Standards appears at Annex C.

**89. The Liaison Committee welcomed the appointment of the Parliamentary Commission on Banking Standards, with the caveat that the resources for such a body should not affect support for other committees. We believe that the House should be prepared to set up such bodies again when the need arises and that the necessary funds and planning should be prepared for.**

90. There is also a need to provide resources to follow-up the recommendations of such bodies after they have reported. Additional staff were provided from the Scrutiny Unit to follow-up the work of the Parliamentary Commission on Banking Standards but some of the burden fell inevitably on the Treasury Committee staff. This follow-up work was successful, resulting in substantial changes to the Financial Services (Banking Reform) Bill. But dissolving the staff of the PCBS after its major report was published was a serious mistake.

91. A key aspect of establishing such a body is mustering sufficient staff and skills quickly at the start of the inquiry. This was again demonstrated when the House decided to set up a select committee on the Governance of the House in September 2014. A substantial team of staff from different parts of the House Service was assembled promptly under the leadership of a principal clerk. The fact that this Committee reported before its set date in part reflects the benefits of committing sufficient resources right at the start.

92. In this context it should be noted that in 2013–14, it is estimated that select committee costs ranged from £351,000 for the Work and Pensions Committee to £540,000 for the Foreign Affairs Committee—comprising directly attributable costs for staff, committee expenses, travel and publication but excluding overheads such as accommodation and IT, and the costs of shared services such as media and communications and the Scrutiny Unit. These costs are broadly in line with other committees which operate in the public sector. The Committee on Standards in Public Life, which was set up as an NDPB to promote ethical standards in public life, spent £289,000 in 2013–14 and £490,000 in 2012–13 (excluding expenses claimed by the Chair and Members). The Intelligence and Security Committee, which is a statutory committee comprising MPs and peers set up to examine intelligence services, had a staff budget of £560,000 in 2013–14.

## Virtual meetings

93. One issue which has emerged during this Parliament is the extent to which select committees can meet and transact business without the minimum number of Members being present in the same room. For some years committees have held informal meetings with people elsewhere through video conferencing. This has extended to taking formal evidence from witnesses—as proved invaluable recently for the Foreign Affairs Committee when they were denied access to Hong Kong.

94. We understand that in the Scottish Parliament MSPs can participate in committee meetings by such remote access. We can envisage a Member unable to attend through illness or travel disruption taking part in a committee meeting by some form of teleconferencing. What the House has not yet been asked to agree is a procedure where formal proceedings can take place with one or more members taking part and making up the quorum from somewhere else.

95. The Parliamentary Commission on Banking Standards was given an unusual power to address this issue. This involved the chair being authorised to take administrative decisions on behalf of the committee provided he was satisfied that all Members, contacted by telephone or email, were agreed.<sup>34</sup>

96. This reflects the underlying need for all committee members to be given notice of decisions to be taken and have the opportunity to comment. Otherwise it would be possible for decision to be taken by a minority without the knowledge of the majority. This is particularly important when a committee is agreeing a report.

97. We believe the time has come to apply the power given to the Banking Commission more widely, while acknowledging that it places on the chair and the clerk of each committee a duty to ensure that all members are aware of decisions taken in the committee's name.

***98. We recommend that Standing Orders be amended to enable committees to make all decisions other than consideration of reports, which they could properly make at quorate deliberative meetings through any form of communication provided that all members have been given sufficient notice and any decision is supported by a majority of the committee.***

## Informal activities

99. Most select committees conduct a wider range of activities than the formal process of taking oral evidence. Over this Parliament:

- The Environmental Audit Committee held a seminar at St Martin in the Fields in May 2012 to discuss the sustainability agenda ahead of the UN Earth Summit in Rio de Janeiro.
- The Justice Committee held an open event for the Sentencing Council of England and Wales to inform Members generally about their work and held seminars on each of the draft Sentencing Guidelines on which it was consulted by the Sentencing Guidelines Council.

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<sup>34</sup> That the Chair may report to the House an order, resolution or Special Report as an order, resolution or Special Report of the Commission which has not been agreed at a meeting of the Commission if he is satisfied that he has consulted all members of the Commission about the terms of the order, resolution or Special Report and that it represents a decision of the majority of the Commission.

- The Committee of Public Accounts held a conference on tax in the Guildhall, City of London, with sponsorship from the Institute of Chartered Accountants of England and Wales.
- The Home Affairs Committee held a conference with the Barrow Cadbury Trust at de Montfort University on the Roots of Radicalisation.
- The Political and Constitutional Reform Committee hosted a conference on the case for a written constitution.
- The Transport Committee held a well-attended seminar on the role of women in transport, facilitating a debate on the number of women in the transport industry and the barriers to further involvement. The positive feedback from attendees at the event emphasised how useful the event was for people working in a male-dominated field.
- As part of the Transport Committee's inquiry into access to transport for disabled people individual Members made journeys with disabled people in their own constituencies, to understand the challenges they face when using public transport.
- The Energy and Climate Change Committee hosted a conference on future challenges in energy and climate change policy to coincide with the launch of its legacy report. The conference was held at the Bloomberg offices in the City of London.

100. We thoroughly endorse these wider ways of working and engaging with the public. Hitherto there have been some financial and procedural constraints which have limited the scope for such informal activities. There may also have been too much caution about entering into joint sponsorship of events with outside organisations. There should be more discretion to fund such activities, particularly when the order of cost is comparable to the cost of a committee taking oral evidence instead. **Select committees should be able to arrange public meetings with interested parties without taking oral evidence.**

## 8 Attendance

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101. Committees have for many years published details of the attendance rate of Members at meetings. The Wright Committee said in 2009: “We believe there should be clear consequences for unreasonable absence from select committees”.<sup>35</sup> The Liaison Committee has kept an eye on this issue in this Parliament. There are a few cases of Members whose participation in committee work could have been higher. We are conscious however that there are many reasons why a Member may not have attended most meetings of a committee to which he or she has been appointed. These include:

- Personal or family illness
- Membership of other select committees which meet at the same time
- Participation in public bill committees meeting at the same time
- Other parliamentary commitments or posts which make membership of the committee no longer possible or compatible.

102. Early in the Parliament, a procedure was adopted by the House under which Members with an attendance rate of less than 60% could be removed from a committee if the chair invited the Speaker to request the Committee of Selection to remove him or her. The safeguards in place were to allow for the Member having some compelling personal reason for not attending. The possibility of using this provision has been drawn to the attention of Members in some cases, but the process has not been carried to a conclusion to date.

103. In practice the problem has been different: a Member who is no longer attending because of other duties and commitments cannot resign before his or her party elects a replacement—the motion discharging one Member from a Committee usually appoints the replacement. Most cases of poor attendance fall into this category. The Committee of Selection has accordingly agreed that in cases where a Member wishes to stand down from a committee but the party cannot nominate a replacement within six weeks, then a motion can be moved in the House to remove the Member from the Committee. This has now been used in a small number of cases.

### Size and number of committees

104. **There is a wider problem which was also highlighted by the Wright Committee: a finite number of backbenchers has to be spread over an increasing number of select committees. The size and number of select committees remains an issue.** The Wright report said:

54. ... [In] March 2009 the Liaison Committee repeated its concern at the size of select committees, which over the 30 years since foundation of the departmental select committee system in 1979 has risen from 9 or 11 on a standard committee to 14, despite objections over many years from the

Committee. The number of places to be filled on all Committees, including temporary and statutory committees, has doubled in that time, from 275 to 576, but there has been no change in the numbers willing and able to serve. There has also been a steady rise in the number of committees, from 24 to 39, not counting the Regional select committees. As a result, a number of Members serve on two or more committees, and the prohibition on service by PPSs and Opposition front-benchers has been breached in order to fill vacancies. Chairs have argued that committees are now unwieldy and that it is hard to engender a collective purpose and direction. In this report we make proposals on increased access for select committees to the floor of the House for debate and decision on substantive motions. If committees are slimmed down, we recognise the need to incentivise attendance and participation among that smaller group of Members. Rather than an unremunerated honour to be sought, and a responsibility to be discharged, a select committee place is in danger of being regarded by some backbenchers as a burden best avoided.

We propose that the new House of Commons reduce the size of its standard departmental committees to not more than 11; Members in individual cases can be added to specific committees to accommodate the legitimate demands of the smaller parties. We also recommend that the practice of appointing parliamentary private secretaries and front bench Official Opposition spokesmen should cease. We believe there should be clear consequences for unreasonable absence from select committees. The House must also seek to reduce the numbers of committees, ending overlapping or duplicate remits and rationing the scarce resource of Members time and commitment.<sup>36</sup>

105. Some 321 Members serve on 39 committees, 85 of them belonging to more than one committee. There are some 440 places on committees in all. There are obvious overlaps in certain areas. In the coming Parliament there will be a new Petitions Committee and, possibly, a new Committee on Gender and Equalities, as well as a temporary Joint Committee on the Restoration and Renewal of the Palace of Westminster. These additional committees will require the participation of Members and the commitment of staff resources.

106. One reason for increasing the size of certain committees has been to enable the representation of minor parties on such committees. Thus the Treasury Committee has 13 Members to provide places for the Liberal Democrats and the Scottish National Party as well as six Conservative and five Labour Members. We wholly support the inclusion of minor parties on key committees and endorse the principle that, taking the number of places on select committees as a whole, the party representation should reflect that of the House. It is preferable if this can be achieved by accommodation between the parties rather than by making committees too large. Because select committees operate by consensus and unanimity, arithmetical proportions do not have the same degree of relevance that they do with public bill committees. **As the Wright Committee recommended, departmental select committees should have a maximum of 11 Members.**

107. In this Parliament select committees have worked well, with no one party having a majority in the House and 44 Members representing parties other than the two largest. It may be time to contemplate the possibility that each committee itself does not have to mirror the exact party composition of the House. For instance a committee of nine might have four from the largest and three from the second largest party with two places for Members representing other parties. **The balance need not be identical on each committee if the overall representation across all committees was fair and proportionate. Otherwise there is a risk of committees getting bigger and bigger to incorporate Members from smaller parties—and spreading Members too thinly over many committees.**

### Support for committees

108. This Parliament has seen some significant changes in the way committees are supported by staff of the House. These include:

- A savings programme in line with the rest of the public sector reducing the budget by 17%
- Moving committee and Library staff to work alongside each other in open plan offices in one building
- A major shift towards greater use of digital technology and social media
- An increasing number of inward and outward secondments broadening the experience and diversity of staff supporting committees
- Greater innovation in using staff in different ways in support of chairs and committees.

109. We are confident that these developments will continue to bear fruit in the next Parliament. The additional resources now allocated by the House for scrutiny will need to be deployed imaginatively and accounted for carefully.

## 9 Best committee practice

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110. We publish at Annex B examples of good working practices used by select committees in this Parliament. They suggest a willingness to innovate and experiment.

111. Dr Ruth Levitt and William Solesbury, Visiting Senior Research Fellows, King's College London, told us: “[there is] a common tendency to examine such contributions to policy in isolation, possibly prompted by newsworthy developments. But external sources of evidence and advice increasingly deserve attention in the more strategic, forward looking scrutiny of department performance that the earlier Liaison Committee’s Second Report recommended. ... Select committees should see it as their own responsibility to pursue this more thorough ‘evidence trail’ (somewhat like an audit trail for financial accountability).”<sup>37</sup>

112. Dr Emma Crewe, Research Associate, SOAS, University of London, made a number of helpful suggestions:

- a) In communicating the work of committees more might be made of the cross-party collaboration, not to denigrate party political work—which is also essential to democracy—but to point to the variety of working modes and loyalties that MPs deal with simultaneously.
- b) A greater emphasis on the scrutiny of implementation and practice (rather than just policy) when communicating about committee work would be consistent with the latest academic thinking on policy processes and appeal to the public.
- c) Committees should find ways of reaching less visible groups—e.g., young and elderly people—through increasing the number of hearings out of Westminster, and visits around the country, and commissioning research or consultation.
- d) The guide for witnesses could explain that there are different types of enquiry. More could be done to reassure ‘friendly’ witnesses that they are not in a court but rather in a scrutiny committee of parliament that is interested to learn from their perspective.
- e) It would be worth commissioning research that reviews committees’ public engagement to see (a) how different groups of people (public, journalists, professionals, MPs, academics) rate their experience of giving evidence to different committees, (b) how they understand and view select committee work.
- f) [In my view], scrutiny of evidence and research will only be possible if MPs do fewer inquiries, aiming for quality rather than quantity, and committees are better-resourced. Not to fund parliament adequately, including its select committees, would be a tragic wasted opportunity. It would benefit not only all government departments,

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37 Dr Ruth Levitt and William Solesbury, Visiting Senior Research Fellows, King's College London ([SCE 0020](#))

but relations between parliament and the public, to resource select committees more generously.<sup>38</sup>

113. David Walker, editor of Guardian Public, drew attention to duplication between committees and told us: “Chairs should collaborate. Perhaps the Liaison Committee could be more of a vehicle for inter-committee communication; perhaps informal conversation between chairs is enough ... Either way, committees should liaise more on agendas and themes and witnesses. It’s common to see witnesses from interest group X appearing before one committee this week and before another the next, repeating their evidence.”<sup>39</sup>

**114. On the basis of experience in the 2010–15 Parliament, our advice to new committees set up in the next Parliament is:**

- a) Discuss amongst themselves and with stakeholders the most effective working methods**
- b) Adopt a communication strategy from the start of each inquiry**
- c) Make the best use of additional funding to improve scrutiny**
- d) Harness opportunities of digital technology and new media**
- e) Maintain quality of investigation, rigour of questioning, depth of analysis and value of reports—in order to:**
  - i) extend longer-term beneficial influence on government**
  - ii) sustain reputation with stakeholders and**
  - iii) increase public understanding of Parliament.**

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38 Dr Emma Crewe, Research Associate, SOAS, University of London ([SCE 0022](#))

39 David Walker, editor of Guardian Public ([SCE 0024](#))

## 10 Conclusions

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115. Our principal conclusions are:

- a) **The Wright reforms have worked and should be retained and developed, with chairs continuing to be directly elected by the whole House and Members elected within parties**
- b) **Public opinion, commentators and academic critics have all recognised that select committee work is the most constructive and productive aspect of Parliament**
- c) **Public engagement has been achieved on a large scale, with a wide range of people, giving oral and written evidence, taking part in committee on-line consultations or surveys, and drawing on committee reports on their work**
- d) **Select committee scrutiny is now part of the thinking of ministers and public bodies—it is the context within which they operate—and has a continuing effect in addition to the impact of specific recommendations**
- e) **Prime Ministers’ oral evidence sessions with the Liaison Committee have become more effective in scrutinising the influence No. 10 Downing Street exercises in policy-making across government.**

## Conclusions and recommendations

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1. *We recommend that SO No. 145 (Liaison Committee) be amended by inserting in para (2) after ‘Prime Minister’, ‘and from the Deputy Prime Minister’ and in para (10) to reduce the quorum for oral evidence sessions to six. (Paragraph 11)*
2. **Our overall impression is that government departments are taking committees seriously and engaging positively with them. While there have been occasions of late replies to reports and disagreements about witnesses and evidence, most relationships between select committees and departments appear to be constructive. (Paragraph 16)**
3. **The House should resist any attempt by the front-benches to overturn the Wright reforms and make the election of chairs less democratic and representative. Such a retrograde step would harm the standing of select committees in their role of holding to account the Government of the day. A return to appointment of chairs behind closed doors or just within parties would be unacceptable. (Paragraph 21)**
4. *We recommend that SO No. 134 (Select committees (reports)) be amended to read:*  
*All select committees shall have power:*  
*(a) to authorise the clerk of the committee to supply copies of their reports under embargo to such persons as those committees consider appropriate after those reports have been reported to the House; or*  
*(b) to make known to any individual whose conduct the committee intends to criticise the nature of such criticism, before it has been reported to the House. (Paragraph 47)*
5. **The resources and expertise of the Scrutiny Unit have very greatly helped committees undertake the important work of scrutinising how taxpayers’ money is spent by departments and other public bodies. The Scrutiny Unit has also enabled the Liaison Committee to develop a positive engagement with the Treasury about the clarity of financial information published by government. (Paragraph 64)**
6. *We recommend that in future people appointed by ministers to paid public office, whether subject to pre-appointment hearing or not, be required to undertake (should they be or become members of the House of Lords) not to refuse a request to give evidence to a relevant Commons select committee. (Paragraph 81)*
7. **The Liaison Committee welcomed the appointment of the Parliamentary Commission on Banking Standards, with the caveat that the resources for such a body should not affect support for other committees. We believe that the House should be prepared to set up such bodies again when the need arises and that the necessary funds and planning should be prepared for. (Paragraph 89)**
8. *We recommend that Standing Orders be amended to enable committees to make all decisions other than consideration of reports, which they could properly make at*

*quorate deliberative meetings through any form of communication provided that all members have been given sufficient notice and any decision is supported by a majority of the committee. (Paragraph 98)*

9. Select committees should be able to arrange public meetings with interested parties without taking oral evidence. (Paragraph 100)
10. There is a wider problem which was also highlighted by the Wright Committee: a finite number of backbenchers has to be spread over an increasing number of select committees. The size and number of select committees remains an issue. (Paragraph 104)
11. As the Wright Committee recommended, departmental select committees should have a maximum of 11 Members. (Paragraph 106)
12. The balance need not be identical on each committee if the overall representation across all committees was fair and proportionate. Otherwise there is a risk of committees getting bigger and bigger to incorporate Members from smaller parties—and spreading Members too thinly over many committees. (Paragraph 107)
13. On the basis of experience in the 2010–15 Parliament, our advice to new committees set up in the next Parliament is:
  - a) Discuss amongst themselves and with stakeholders the most effective working methods
  - b) Adopt a communication strategy from the start of each inquiry
  - c) Make the best use of additional funding to improve scrutiny
  - d) Harness opportunities of digital technology and new media
  - e) Maintain quality of investigation, rigour of questioning, depth of analysis and value of reports—in order to:
    - i) extend longer-term beneficial influence on government
    - ii) sustain reputation with stakeholders and
    - iii) increase public understanding of Parliament. (Paragraph 114)
14. Our principal conclusions are:
  - a) The Wright reforms have worked and should be retained and developed, with chairs continuing to be directly elected by the whole House and Members elected within parties
  - b) Public opinion, commentators and academic critics have all recognised that select committee work is the most constructive and productive aspect of Parliament

- c) Public engagement has been achieved on a large scale, with a wide range of people, giving oral and written evidence, taking part in committee on-line consultations or surveys, and drawing on committee reports on their work**
- d) Select committee scrutiny is now part of the thinking of ministers and public bodies—it is the context within which they operate—and has a continuing effect in addition to the impact of specific recommendations**
- e) Prime Ministers' oral evidence sessions with the Liaison Committee have become more effective in scrutinising the influence No. 10 Downing Street exercises in policy-making across government. (Paragraph 115)**

## Annex A: Themes covered with the Prime Minister in this Parliament

|   |  |
|---|--|
| November 2010   | <ul style="list-style-type: none"> <li>• The Spending Review: the PM's involvement</li> <li>• "Greenest government ever"</li> <li>• Strategic Defence and Security Review</li> <li>• Afghanistan and Pakistan</li> </ul> |
| May 2011  | <ul style="list-style-type: none"> <li>• Prospects for growth in the economy</li> <li>• Overseas intervention and the military capacity to support it</li> </ul>   |
| September 2011  | <ul style="list-style-type: none"> <li>• Developments in Europe: impact on the UK</li> <li>• Government, politics and the media</li> </ul>   |
| November 2011   | <ul style="list-style-type: none"> <li>• 'Big Society or Broken Society'</li> </ul>  |
| March 2012  | <ul style="list-style-type: none"> <li>• Iran and Syria</li> <li>• Accountability of public services: impact of the reform agenda</li> </ul>   |
| July 2012   | <ul style="list-style-type: none"> <li>• The impact of the Eurozone crisis on the UK economy and public policy</li> <li>• Civil service reform</li> </ul>  |
| December 2012   | <ul style="list-style-type: none"> <li>• Future direction of policing and the criminal justice system</li> <li>• Green Government</li> </ul>   |
| March 2013  | <ul style="list-style-type: none"> <li>• Protecting the public: the Government's role and accountability</li> <li>• Developments in Syria and North &amp; West Africa</li> </ul>   |
| September 2013  | <ul style="list-style-type: none"> <li>• Reform of the Civil Service, and the capacity of the Civil Service to design and manage contracts</li> <li>• Regulation of the Press, and the proposed Royal Charter</li> </ul> |
| January 2014<br>(NB counts as the 3rd evidence session of 2013) | <ul style="list-style-type: none"> <li>• Violence against women and girls</li> <li>• Energy policy and environmental priorities</li> </ul>   |
| May 2014  | <ul style="list-style-type: none"> <li>• Migration</li> <li>• Current foreign affairs issues (Syria and Ukraine)</li> </ul>  |
| November 2014   | <ul style="list-style-type: none"> <li>• The governance of the UK following the Scottish referendum</li> </ul>   |
| December 2014   | <ul style="list-style-type: none"> <li>• Climate change and new technologies</li> <li>• Radicalisation</li> </ul>  |
| February 2015   | <ul style="list-style-type: none"> <li>• Foreign affairs (countries affected by Islamist extremism and Ukraine)</li> <li>• Civil service capacity</li> </ul>   |

## Annex B: Examples of good committee practice

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### Start of inquiry

- 1) Seminar held at think tank to discuss future programme and published in press release with intention of stimulating comment and engagement (Defence)
- 2) Asking public for suggestions for inquiries and publishing them with explanation for decision (Transport)
- 3) Away day with stakeholders (Education)
- 4) Quarterly reviews of committee programme—ensuring a mix of reactive and proactive enquires (Justice)
- 5) Communications plans or media strategies for inquiries—(Communities and Local Government, Education, Science and Technology, Political and Constitutional Reform)
- 6) Formal planning meetings prior to commencement of each inquiry (Defence)
- 7) Programme a year ahead and strategy set to the end of the Parliament (Communities and Local Government).

### During inquiry

- 1) Putting witnesses at ease by inviting them into committee room in private to meet Members before oral evidence session starts (Science and Technology)
- 2) Pursuing four strands of Strategic Defence and Security Review with paper-based inquiries led by individual rapporteurs (Defence)
- 3) Half-time reviews of current inquiries to check they are meeting objectives (Communities and Local Government)
- 4) Setting up web forum hosted by NAO to get view of service personnel (Defence)
- 5) Use of Twitter to publicise school sports inquiry attracted 2,500 followers (Education)
- 6) ‘Speed dating’ sessions to get views of local councillors (Communities and Local Government)
- 7) Twitter account used to solicit questions for the Big Six energy companies on energy price rises (Energy and Climate Change)
- 8) Review of academic work on traffic growth commissioned from Parliamentary Office of Science and Technology (Transport)
- 9) Oral evidence session in Sheffield on carbon capture and storage to coincide with Committee visit to a local CCS pilot facility (Energy and Climate Change)
- 10) Experimenting with rapporteurs on financial scrutiny (Public Administration)

- 11) Commissioning advice from Scrutiny Unit on departmental estimates and following up with the government department in writing (Education, Energy and Climate Change)
- 12) Thread on Money Saving Expert about complaints handling (Public Administration)
- 13) Making TV recordings of meetings away from Westminster for broadcast (Scottish Affairs)
- 14) Informally monitoring statistics of gender of witnesses giving evidence to the Committee (Public Administration)
- 15) E-consultation to seek views of court interpreters (Justice)
- 16) Meeting benefit recipients in more informal setting to get the best out of them (Work and Pensions)
- 17) Informal arrangement by which one member takes a lead on particular subject throughout inquiry (Education)
- 18) Looking at impact of savings programme across all inquiries not just annual report (Foreign Affairs)
- 19) Web forum on transport for disabled people—with help from Parliamentary Outreach—committee members taking journeys in constituencies with individuals to experience transport difficulties (Transport)
- 20) Oral evidence session held at Greenwich on maritime strategy to coincide with London International Shipping week (Transport)
- 21) Twitter account used to solicit questions for Mary Portas (Communities and Local Government)
- 22) Research commissioned from Oxera on new hub airport for SE England (Transport)
- 23) Providing British Sign Language for oral evidence session on Access to Work for disabled people (Work and Pensions)
- 24) Selective use of video conferencing to take evidence (Foreign Affairs, Environmental Audit, Energy and Climate Change)
- 25) The Communities and Local Government Committee used Storify to report back on its two #AskPickles evidence sessions. In each case, it brought together a number of tweets, video clips and examples of media coverage, to tell the story of the exercise and demonstrate its impact.
- 26) Use of independent specialist advisers appointed by the Treasury Committee, working from within the regulator, to ensure that regulators' reports are a fair and balanced account of the evidence (Treasury)
- 27) It is worth noting that the Northern Ireland Affairs Committee, for example, endeavours to hold at least one public evidence session in Northern Ireland on all its inquiries.

## Report

- 1) Trying to produce fewer, more tightly-focused recommendations (Environmental Audit, Welsh Affairs)
- 2) Large screen used to display amendments as committee considered draft report (Energy and Climate Change)
- 3) Statements made on the floor of the House on publication of reports (Communities and Local Government, Culture Media and Sport, Defence, Education, Energy and Climate Change, Environment, Food and Rural Affairs, European Scrutiny, Foreign Affairs, International Development, Justice, Liaison, Procedure, Public Accounts, Public Administration, Political and Constitutional Reform, Transport, Work and Pensions)
- 4) Reducing length of reports, prioritising recommendations in some reports and using less legalistic language (Justice)
- 5) Including infographics in reports (Environmental Audit, Energy and Climate Change)
- 6) Short film launching Primates as Pets report was the first of its kind (Environment, Food and Rural Affairs)
- 7) Publishing reports in time to inform debates in the House (Political and Constitutional Reform, Environmental Audit, Energy and Climate Change).

## After inquiry

- 1) Monitoring implementation of recommendations by traffic lights (Public Administration, Home Affairs, Transport, Political and Constitutional Reform)
- 2) Six month follow up on implementation of reports (Defence)
- 3) Survey of previous oral witnesses to gather views on performance of committees in public evidence session (Education)
- 4) Holding debate in Westminster Hall to follow up on perfunctory government response on Work programme (Work and Pensions)
- 5) Appointing a Member to lead on the follow-up to each inquiry (Education).

## Other

- 1) European Scrutiny Committee seeking opinions from other committees on EU documents
- 2) Giving formal opinion to European Scrutiny Committee on EU Commission communication *Towards a more competitive and efficient defence and security sector* (Defence)
- 3) Legislative scrutiny places substantial pressures on committee resources and time (Communities and Local Government)
- 4) Use of professional trainers (Environmental Audit, Welsh Affairs)
- 5) Foreign Affairs Committee conducts scrutiny of treaties (not in core tasks)

- 6) Move to paperless distribution of committee papers has improved conduct of meetings (Work and Pensions, Welsh Affairs)
- 7) NAO help provided with monthly bulletin of sustainable development (Environmental Audit)
- 8) Concerns about timing and quality of government responses (Communities and Local Government)
- 9) Outreach programme with local authorities sharing scrutiny practice (Communities and Local Government)
- 10) Joint working on EU JHA issues between Justice, Home Affairs and European Scrutiny Committees
- 11) Justice triggered enhanced scrutiny mechanism in respect of Orders under Public Bodies Act 2011—Administrative Justice and Tribunals order.
- 12) Political and Constitutional Reform Committee as key player in field of political and constitutional research and policy making
- 13) Defence and other committees conducted inquiries into the implications of Scottish independence
- 14) “All Members of the Education Committee treat witnesses with respect and courtesy”
- 15) Justice: “witnesses are always treated with respect and courtesy and given a fair hearing”
- 16) Scottish Affairs takes a searchlight approach to inquiries
- 17) Both Scottish Affairs and Public Administration have been clerked by job sharers
- 18) Scottish Affairs has not been allowed by the Scottish Parliament to hold meetings at Holyrood but Welsh Affairs has good relations with the National Assembly for Wales and has been able to use their meeting rooms in Cardiff
- 19) Northern Ireland Affairs Committee has excellent relations with both the NI Assembly and the NI Executive. For example, the then Speaker of the Assembly rang the Committee staff to offer the Committee the use of the Senate Chamber at Stormont for its public evidence sessions, and the Chairs of two of the Assembly’s Committees invited NIAC to Stormont to take public evidence from them on its “Banking” inquiry. NIAC has regular informal meetings with NI Ministers, and has also taken public evidence from them on several occasions
- 20) The Administration Committee and its staff regularly talk to overseas delegations (regular visits organised by Overseas Office and CPA) about the work of the Committee. From this word spread about our report ‘First Weeks at Westminster’ and as a result colleagues in Iraq, Hong Kong and Tanzania whom we had not met asked for copies of the report to find out about the Committee’s approach to induction of Members
- 21) A new proactive media approach with a dedicated media officer has resulted in positive coverage of some major initiatives of the Administration Committee which have not resulted from inquiries but Committee decisions—allowing commercial filming of ‘Suffragette’, new camera angles in the Chamber, offering banqueting rooms for hire.

# Annex C: Parliamentary Commissions— Note by the Chair of the Treasury Committee and former Chair of the PCBS, Andrew Tyrie MP

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## Introduction

1) This paper draws on extensive exchanges with colleagues on the Parliamentary Commission on Banking Standards. It also reflects a large number of suggestions from the senior members of staff of the Commission. It addresses two issues:

- How to decide whether a Parliamentary Commission might be the best vehicle to examine a subject
- How a Commission might work to best effect if it is selected as the method to be used.

2) The advantages of the Parliamentary Commission approach are:

- flexibility
- speed
- the chance to assemble Parliamentarians with expertise in a subject
- cost.

The fact that a Commission will be composed of legislators makes it particularly suitable in cases where it will be necessary to translate its conclusions into legislation.

3) Each Commission will be unique and will have its own requirements for success, so they will need to be structured and to operate in different ways. There is no one-size-fits-all model.

## Criteria for a Parliamentary Commission

4) Before deciding how to structure any inquiry body, it is important to decide what the problem is that it will be asked to solve, and over what timescale.

5) The experience of the PCBS suggests that the following are necessary for a Parliamentary Commission to be the best choice of method and for such a Commission to be a success:

- There needs to be a clear and identifiable problem with a high level of public concern and salience
- This problem needs to be amenable to proposals for change
- There should be all-party agreement to the idea of a Parliamentary Commission—party divisions would have been fatal to the PCBS

- The problem cannot readily be dealt with by an existing select committee, and the Commission approach is likely to be quicker and cheaper than a judge-led inquiry or a committee of experts.

6) The narrow space that this combination of features allows will mean that Parliamentary Commissions are likely to be infrequent. In the case of the PCBS, the Treasury Committee could also have been a suitable vehicle to perform the task, but it would have meant the TSC doing little else and made performing its necessary duties (such as scrutiny of the Bank of England, the Autumn Statement, the Budget and public appointments) difficult. The creation of the PCBS meant that the TSC was able to continue work at almost its normal level.

7) If a Commission is decided upon, I would make the following observations.

### Membership

8) The membership of 10 was at the top end of what is manageable. Certainly for technical subjects, and probably for most other subjects, the smaller the membership, the better—6 would be ideal, unless more are required to balance a lot of different views. But in that case, a different sort of body might be preferable—perhaps one that is a debating forum rather than an inquisitorial body—and so a Parliamentary Commission is less likely to be appropriate.

9) The PCBS had considerable Commissioner expertise. This meant that it was able to acquire credibility quickly, and that the Members were already up to speed with a good deal of the often highly technical subject matter.

10) The membership was also a considerable advantage when considering subsequent legislation, as the peers from the PCBS were able to persuade their colleagues in the upper House, and therefore the Government, of the merits of a number of its key recommendations.

11) The five Commons Members were drawn from existing Members of the Treasury Committee. While the consequent heavy workload for the five of us was a distinct disadvantage, it had the advantage that we were used to working together, had knowledge in the subject area and could maintain contact with the rest of the Committee during the inquiry and subsequently. Nonetheless, the workload of the Treasury Committee scarcely dipped from the very high level of the first two years of the Parliament; its work during the PCBS was still comparable to that of the more active years of the Committee in the previous Parliament.

12) It should be borne in mind that some Members on the relevant departmental committee may feel aggrieved that their committee is not examining the subject of the Commission's inquiry unless they themselves are on the Commission. In the case of the TSC, this was assuaged somewhat by the fact that the need for the PCBS had been triggered by the TSC's own inquiry into the LIBOR scandal.

### Setting up

13) The summer recess began very soon after the PCBS was created. This made it much more difficult to recruit staff. Many people in outside organisations were away in August, unable to be interviewed or unwilling to focus on the issue when approached.

14) The Commission held several meetings at the start to plan our work. These gave an essential sense of direction and, importantly, some limit to what we were trying to achieve. There was considerable input from Members, with valuable proposals on how to conduct the work and what to examine.

## Staffing

15) It would be a mistake to assume that future Commissions should necessarily follow the staffing model of the PCBS. The model we used, based around a fairly traditional core of committee staff, may not suit all circumstances.<sup>40</sup> It will always be necessary to deploy some House staff as their experience of committees, Members, procedure and the House will be relevant. We were fortunate in obtaining the services of an outstanding clerk as chief of staff who was made available at very short notice. He did an excellent job in putting together and leading a staff team under severe time pressures. High quality clerk support will certainly be necessary for any future Commission. But although it would be the least risky choice to follow the well understood practice of employing a clerk to be the chief of staff, this may not be the best option. The PCBS was covering a technical area where the Commission might have benefited from a technically expert outsider (a financial lawyer, for example, or someone from the Bank of England) as chief of staff. A trained project manager would also be helpful as part of the team, not least for cost control.

16) The technical nature of the PCBS's work meant that the PCBS required staff from outside Parliament, some of whom had to be paid for—although several were offered free of charge.

17) The PCBS eventually employed around 25 staff in all, although at any one time the team had at most about 20 staff. The outsiders were recruited on a variety of terms including unpaid loan, secondment and short-term contract. This allowed the Commission to carry out its work at a fraction of the cost of a judge-led inquiry. I identified most of the organisations from whom we drew secondees and contacted their leaders to request high quality staff—the chief of staff followed up, usually with an interview. Given the substantial personal engagement between Members and staff on the Commission, there is a case for even closer involvement by the Chairman of a future Commission in the recruitment of secondees and external staff. In the cases of most seconded staff, we took the first choice offered, given the speed required for the work to be done. We would have been able to ask an organisation for someone else, but at the cost of time lost. The Treasury undertaking to refund the costs enabled decisions to be made more quickly. This flexibility worked well. Having all its staff in one place was very helpful, and likely to be so in future cases.

18) The House of Lords contribution to the staffing of the Commission was nugatory: it provided only half the time of a single clerk. The Lords does of course have a smaller staff than the Commons, but even so it appears that it is not capable of providing staff support to joint Commissions on an equivalent basis. The Commons will need to be prepared to provide the bulk of the parliamentary staff for future Commissions. The

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40 A Clerk/Chief of Staff at SCS level; a Library specialist in the subject area temporarily promoted to SCS level; 50–75% of a senior specialist in the subject area at band A2; a second clerk at band A2; two committee assistants at band B2; a committee assistant at band C; a committee support assistant at band D1; and a media officer at band B1

notion that the Lords take the lead in most Joint Committees, and that they should be run with Lords procedures, should end.

19) Other House staff elsewhere in DCCS (in particular the Treasury Committee and the Scrutiny Unit) and in the Library were also called upon from time to time to help with specific tasks. The support was often outstanding. I would also particularly like to record my appreciation of the imaginative suggestions made by some of the most senior Commons Clerks.

20) The staff recruited from elsewhere adjusted with varying success to the requirements of the Commission. Some became indispensable members of the team; some failed to adapt; some were better placed to contribute ideas than to produce briefings or drafts; and a few promoted their own hobbyhorses too much. None of these behaviours had much to do with seniority. Commissions should be prepared to send people back if they consume too much management or colleague time for the benefit they contribute.

21) Staff interests were declared and conflicts of interests were vetted—this was essential to promote the credibility of the Commission.

## Funding

22) The Treasury agreed to refund the cost of the PCBS. But if the Government agrees to fund a future Commission, it is important not to kill the goose that is laying the House's golden egg. The House should charge the Government the marginal, not the average, cost of the resources it commits. The House could ask the NAO to allocate someone who could reassure the Government about the costs that are charged and who could work alongside the project manager (see para 15). I needed to devote more time to cost control, and to ensuring that only the marginal cost was charged, than I would have liked.

23) The Treasury initially resisted the notion of direct repayment, suggesting that the House should pass a supplementary estimate to cover the cost. This would have appeared as the House increasing its budget without the Treasury incurring any extra cost. I intervened to resolve this and the Treasury made a direct transfer to the House.

24) It is impossible to estimate the cost of a future Parliamentary Commission without knowing the subject matter: each will have its own demands, and it may be possible to have a Commission without needing to call on any additional Government funding if it is on a subject where the House had expert staff available. There will, however, always be non-financial effects on other committees or departments of the House from the redeployment of staff. If Commissions were to become regular events the House may need to budget for them as it already does Joint Committees on draft legislation.

25) The appendix gives the costs of a number of other recent inquiries. It also compares in more detail the costs of the Commission with that of the Salz review commissioned by Barclays to provide a plan for cultural change following the Libor scandal—a related but more limited subject. These figures suggest that the cost of the PCBS was comparatively modest.

26) Commissions should therefore be capable of offering significant attractions for the executive. They can report more quickly, and at a fraction of the cost. These attractions will, however, depend on the exercise of self-discipline by any future commission.

### **Use of counsel, etc**

27) The Commission was given the power to appoint counsel as specialist advisers to question witnesses. This happened in a few full Commission meetings and in some of the panels, and was generally a success. I would recommend giving this power to any future Commission. I agree with some on the Liaison Committee that select committees should have this power, too.

### **Operation of panels**

28) The PCBS was given the power to appoint sub-committees (“panels”), with a quorum of only one. Their purpose was to take formal evidence. These were useful on occasion, as they enabled much more evidence to be gathered on a wider range of subjects than would have been possible by the Commission on its own. They also allowed evidence to be gathered in unusual ways, for example through a visit to the home of a seriously ill witness. However, their drawback is that a newly formed group of Members may—for party political or personal reasons—lack the trust in each other necessary to delegate important work to a small group or a single Member with a particular interest or apparent hobbyhorse. There is also the risk that Members may attach less importance to evidence they have not personally heard while emphasising evidence only they have heard: these could cause difficulty in agreeing the Report or Reports.

29) It was probably a mistake that the Commission’s panels piggy-backed on existing sub-committee arrangements. Although the panels did not have a power to report, the differences from normal sub-committees in purpose and organisation were not sufficiently clear. Future Commissions should be given the power to create panels for evidence-taking only. These panels must nevertheless give witnesses the full protection of parliamentary privilege. Their powers will need to be defined in the resolution creating any future Commission. This should not prevent a Commission creating conventional sub-committees, should it wish to do so.

### **Powers to obtain documents and witnesses**

30) The PCBS was given the normal powers to send for persons, papers and records. It was able to secure the witnesses and documents it wanted, after a few exchanges on occasion. Future Commissions should have these powers.

### **Virtual meetings**

31) The Commission was given the novel power for the Chairman to report to the House orders, resolutions or special reports on behalf of the Commission, having consulted other Members and obtained a majority. This was designed to speed the work of the Commission, especially during recesses. In the event, this precise power was not used, although the Commission made use of telephone conferences to discuss matters among Members. We might have used them more, but the House’s ICT systems remain inadequate. I would nevertheless recommend giving this power to any future

Commission. Indeed, I think that ‘virtual meetings’ should become part of Parliamentary work, reflecting practice in most other walks of life these days. I believe that committees should be able to decide for themselves those things which need to be agreed at a physical meeting (Reports are one clear example).

## Timetable

32) The initial timetable of the Commission—as set by the House at the instigation of the Government—was wholly unrealistic: it envisaged completing legislative scrutiny by Christmas and the report on banking standards shortly thereafter! Governments will often want instant responses. A Commission needs to be set up with a realistic time allowed for its work, so that it can be planned properly. The Commission issued five Reports, but the very large fifth and final one would have been shorter and crisper with more time.

33) During the nine months of the inquiry, some staff and Commissioners worked very long hours during the working week and at weekends. Nonetheless, there was a risk at some stages that the final report would not be delivered on time. The technical nature of some of the report drafting, combined with the need to translate such technical material into an accessible House style, was an enduring problem—technical experts who could contribute to this drafting were always at a premium, as were House staff with a full grip on the subject matter.

34) As already noted, the PCBS produced five Reports culminating in a long final one. All the reports were drafted in conventional committee style with analysis of evidence leading to conclusions. Commissions should consider adopting different styles of reports to suit their subject—for example those of the Franks report into the loss of the Falkland Islands in 1982 or, in particular, the Vickers report into banking. The reporting style may partly be consequent on the choice of chief of staff (see para 15), as well as on the preferences of Members.

## Follow-up

35) A Commission has one unique advantage over any other form of inquiry: it consists of legislators, who will be motivated to secure, and capable of securing, any legislation consequent upon a Commission recommendation. This is the main reason why it was a great mistake that the PCBS—and its staff—was dissolved when it made its fifth report in June 2013. It should have been kept in being longer to do the follow up necessary in order to capitalise on its work and, in particular, to ensure that its recommendations were incorporated in legislation. In the absence of a Commission, responsibility for the subject areas of its work lies with the Treasury Committee and the Lords Economic Affairs Committee.

36) Commission Members decided that they wanted to continue to operate informally even if the Commission could no longer make formal reports. But scattering the staff meant an immediate and irrevocable loss of collective memory. This has handicapped follow up work ever since, reducing Parliament’s effectiveness.

37) Support for follow up work had to be reassembled. Former Commissioners had the assistance of House legal advisers to draft amendments and one (excellent) person part time from the Scrutiny Unit, but otherwise the follow up on the Bill was done by TSC

staff who were also doing other things. Only one of these staff had worked for any time at all on the PCBS, so the team had to get up to speed with a vast and complex subject almost from scratch in some areas.

38) It is in any case a risk to assume that the relevant departmental or Lords committees will want, and be able, to do the follow up work. As it happened, the Lords members of the PCBS were assiduous and committed in working with the Chairman to press the Government to move a very long way on a number of key issues. That the legislative follow up was largely successful should not, however, give any false comfort about how Parliamentary resources were allocated to this work in the months after reporting. The allocation of these resources was inadequate.

39) Commissions should be aware that follow up may be necessary even after any relevant bill has received Royal Assent: secondary legislation and non-statutory implementation will need continuing scrutiny and pressure to ensure that the executive delivers on its promises.

## Appendix on costs

In November 2012, Chloe Smith, Parliamentary Secretary, Cabinet Office, provided details of the costs of public inquiries held in the last ten years:

**John Stevenson:** To ask the Minister for the Cabinet Office (1) what the (a) highest and (b) lowest cost was of a public inquiry held in the last 10 years; [119573]

(2) what the average cost was of public inquiries held in each of the last 10 years; [119574]

(3) how many public inquiries there have been in each of the last 10 years; [119575]

(4) what the average length of time taken was for a public inquiry between 2002 and 2012 to date; and what the (a) longest and (b) shortest such inquiry has been. [119576]

**Miss Chloe Smith:** I refer the hon. Member to the following table:

| Inquiry   | Chair               | Legislation   | Duration  | Costs (£ million)    |
|---|---------------------|---|---|----------------------|
| Bloody Sunday Inquiry                                 | Lord Saville        | Tribunals of Inquiry (Evidence) Act 1921  | January 1998 to June 2010   | <sup>(1)</sup> 191.5 |
| Shipman Inquiry                                       | Dame Janet Smith    | Tribunals of Inquiry (Evidence) Act 1921  | January 2001 to January 2005  | <sup>(1)</sup> 21    |
| Investigation surrounding the death of Dr David Kelly | Lord Hutton         | Non-statutory   | July 2003 to January 2004   | 1.68                 |
| Soham Murders Inquiry                                 | Sir Michael Bichard | Non-statutory   | December 2003 to June 2004  | 1.9                  |
| Zahid Mubarek Inquiry                                 | Mr Justice Keith    | Non-statutory   | April 2004 to June 2006   | 4.2                  |
| The Billy Wright Inquiry                              | Lord MacLean        | Section 7 of the Prison Act (Northern Ireland) 1953. Converted to inquiry under Inquiries Act 2005  | November 2004 to October 2010   | 30.5                 |
| Rosemary Nelson Inquiry                               | Sir Michael Morland | Section 44 of the Police (Northern Ireland) Act 1998  | November 2004 to May 2011   | 46.46                |
| The Robert Hamill Inquiry                             | Sir Edwin Jowett    | Section 44 of the Police (Northern Ireland) Act 1998. Converted to inquiry under Inquiries Act 2005 | November 2004 to present. (Although the RHI report has been completed and the Inquiry fulfilled its terms of reference, the Inquiry report will not be published until the conclusion of related legal proceedings) | 33                   |
| The ICL Inquiry                                       | Lord Gill           | Inquiries Act 2005  | January 2008 to July 2009   | 1.91                 |
| The Baha Mousa Inquiry                                | Sir William Gage    | Inquiries Act 2005  | May 2008 to September 2011  | 12.99                |
| Outbreak of Clostridium difficile infection           | Dame Deirdre Hine   | Inquiries Act 2005  | October 2008 to March 2011  | 2                    |
| Iraq Inquiry  | Sir John Chilcot    | Non-statutory   | June 2009 to present  | <sup>(2)</sup> 6.1   |

| <b>Inquiry</b>                                 | <b>Chair</b>            | <b>Legislation</b> | <b>Duration</b>   | <b>Costs (£ million)</b> |
|--|-------------------------|--------------------|---|--------------------------|
| The Al Sweady Inquiry                          | Sir Thayne Forbes       | Inquiries Act 2005 | November 2009 to present  | <sup>(3)</sup> 12.5      |
| The Azelle Rodney Inquiry                      | Sir Christopher Holland | Inquiries Act 2005 | March 2010 to present   | <sup>(4)</sup> 1.435.485 |
| Mid-Staffordshire NHS Foundation Trust Inquiry | Robert Francis QC       | Inquiries Act 2005 | June 2010 to present (following on from earlier inquiry from January 2005-March 2009) | <sup>(5)</sup> 11.75     |
| The Detainee Inquiry                           | Sir Peter Gibson        | Non-statutory      | July 2010 to present  | <sup>(6)</sup> 1.70      |
| The Leveson Inquiry                            | Lord Justice Leveson    | Inquiries Act 2005 | July 2011 to present  | <sup>(7)</sup> 3.9       |

(1) Inquiry commenced more than 10 years ago but ended within the timeframe requested.

(2) To end March 2012.

(3) As at 31 July 2012.

(4) As at 30 September 2012.

(5) As at 5 September 2012.

(6) To end March 2012.

(7) As at 30 June 2012.

Comparison with Barclays' Salz review:

| <b>Cost category</b>   | <b>Salz Review</b>   | <b>Parliamentary Commission on Banking Standards</b>   |
|--|--|--|
| Report leadership, consulting, media, PR and report writing services | £11.9m   | £0.57m   |
| Fees and expenses for legal advice                                   | £0.7 (plus a further £1.1 incurred in support of the interview process)  | £0.14m   |
| Leasing of office space and IT equipment (in London)                 | £1.0m  | £0.03m   |
| Other costs including customer research, travel, printing            | £0.1m  | £0.25m   |
| <b>Total</b>   | <b>£13.7m (plus a further £1.1 incurred in support of the interview process)</b>   | <b>£0.98m</b>  |
| <b>Main caveats</b>  | <ul style="list-style-type: none"> <li>• Barclays provided temporary office space in New York.</li> <li>• In addition, Barclays retained Boies, Schiller &amp; Flexner as its own legal advisers.</li> <li>• The estimated costs of the Review (above) include VAT, which banks in the UK cannot reclaim.</li> </ul> | <ul style="list-style-type: none"> <li>• The House of Commons provided office space, security, and a significant proportion of the parliamentary staff at less than full cost (approximately 1/3 of full cost was not charged for).</li> <li>• Nine members of Commission staff were seconded from outside of parliament at no cost to the Commission, and a further member of staff was seconded to the Commission from outside parliament at a discounted cost.</li> <li>• The estimated costs of the Commission's work (above) are net of VAT, which the House of Commons can reclaim.</li> </ul> |

## Annex D: Legacy reports published this session by select committees

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Backbench Business Committee, First Special Report, *Work of the Committee in the 2010–15 Parliament*, HC 1106

Communities and Local Government Committee, Tenth Report, *The work of the Communities and Local Government Committee since 2010*, HC 821

Defence Committee, Twelfth Report, *Towards the next Defence and Security Review: Part three*, HC 1127

Education Committee, Eighth Report, [\*Closing the gap: the work of the Education Committee in the 2010–15 Parliament\*](#), HC 1120 (including [video](#))

Energy and Climate Change Committee, Tenth Report, [\*Fuelling the debate: Committee successes and future challenges\*](#), HC 830 (including [ePub](#))

Environment, Food and Rural Affairs Committee, Ninth Report, *Work of the Committee: 2010–15*, HC 942

Environmental Audit Committee, Eleventh Report, [\*A 2010–15 progress report\*](#), HC 885 (including [summary leaflet](#))

European Scrutiny Committee, Thirty-eighth Report, *Scrutiny Reform follow-up and Legacy Report*, HC 918

Justice Committee, Tenth Report, *The work of the Committee during the 2010–2015 Parliament*, HC 1123

Procedure Committee, Seventh Report, [\*Matters for the Procedure Committee in the 2015 Parliament\*](#), HC 1121

Science and Technology, Ninth Report, [\*Legacy—Parliament 2010–15\*](#), HC 758

Other Committees which have not published legacy reports, but have submitted written evidence to this inquiry, are listed on page 59 (Published written evidence).

# Formal Minutes

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**Wednesday 11 March 2015**

Members present:

Sir Alan Beith, in the Chair

Mr Adrian Bailey

Dame Anne Begg

Mr Clive Betts

Sir Malcolm Bruce

Sir William Cash

Geoffrey Clifton-Brown

Sir Alan Haselhurst

Miss Anne McIntosh

Andrew Miller

Sir Richard Ottaway

Mr Andrew Tyrie

Draft Report (*Legacy Report*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 115 read and agreed to.

Annexes A to D agreed to.

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

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

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

Written evidence was ordered to be reported to the House for publishing with the Report (in addition to that ordered to be reported for publishing on 23 October, 27 November and 11 December 2013, 22 January, 26 February and 30 April 2014, 14 January, 4 and 24 February 2015).

[Adjourned till a date and time to be fixed by the Chair.]

## Published written evidence

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The following written evidence was received and can be viewed on the Committee's inquiry web page at [www.parliament.uk/liaisoncom](http://www.parliament.uk/liaisoncom). SCE numbers are generated by the evidence processing system and so may not be complete.

- 1 Administration Committee ([SCE 0001](#))
- 2 Better Government Initiative ([SCE 0019](#))
- 3 Better Government Programme, Regulatory Policy Institute ([SCE 0012](#))
- 4 Chris Banks CBE, Chair of the Public Chairs' Forum ([SCE 0025](#))
- 5 Communities and Local Government Committee ([SCE 0002](#))
- 6 Culture, Media and Sport Committee ([SCE 0016](#))
- 7 David Walker, editor of Guardian Public ([SCE 0024](#))
- 8 Defence Committee ([SCE 0005](#))
- 9 Dr Cristina Leston-Bandeira, University of Hull ([SCE 0023](#))
- 10 Dr Emma Crewe, Research Associate, SOAS, University of London ([SCE 0022](#))
- 11 Dr Ruth Levitt and William Solesbury, King's College London ([SCE 0020](#))
- 12 Education Committee ([SCE 0003](#))
- 13 Energy and Climate Change Committee ([SCE 0018](#))
- 14 Environment, Food and Rural Affairs Committee ([SCE 0021](#))
- 15 Environmental Audit Committee ([SCE 0013](#))
- 16 Environmental Audit Committee ([SCE 0035](#))
- 17 European Scrutiny Committee ([SCE 0015](#))
- 18 Foreign Affairs Committee ([SCE 0027](#))
- 19 Foreign Affairs Committee ([SCE 0041](#))
- 20 International Development Committee ([SCE 0031](#))
- 21 Joint Committee and Select Committee on Statutory Instruments ([SCE 0008](#))
- 22 Justice Committee ([SCE 0011](#))
- 23 Justice Committee ([SCE 0034](#))
- 24 Nicholas Try, Politics Student, University of Sheffield ([SCE 0029](#))
- 25 Political and Constitutional Reform Committee ([SCE 0004](#))
- 26 Political and Constitutional Reform Committee ([SCE 0039](#))
- 27 Public Administration Select Committee ([SCE 0017](#))
- 28 Public Administration Select Committee ([SCE 0033](#))
- 29 Science and Technology Committee ([SCE 0026](#))
- 30 Scottish Affairs Committee ([SCE 0030](#))
- 31 Scottish Affairs Committee ([SCE 0036](#))
- 32 Scrutiny Unit ([SCE 0038](#))
- 33 Simon Renwick, Politics Student, University of Sheffield ([SCE 0028](#))
- 34 Transport Committee ([SCE 0006](#))
- 35 Transport Committee ([SCE 0040](#))
- 36 Welsh Affairs Committee ([SCE 0010](#))
- 37 Welsh Affairs Committee ([SCE 0037](#))
- 38 Work and Pensions Committee ([SCE 0009](#))
- 39 Work and Pensions Committee ([SCE 0032](#))

## List of Reports from the Committee during the current Parliament

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### Session 2014–15

|              |               |        |
|--------------|---------------|--------|
| First Report | Legacy Report | HC 954 |
|--------------|---------------|--------|

### Session 2013–14

|              |                                 |        |
|--------------|---------------------------------|--------|
| First Report | Civil Service: lacking capacity | HC 884 |
|--------------|---------------------------------|--------|

|               |  |         |
|---------------|--|---------|
| Second Report | Filming of private deliberative meetings | HC 1203 |
|---------------|--|---------|

|                      |   |         |
|----------------------|---|---------|
| First Special Report | Civil Service: lacking capacity: Government response to the Committee's First Report of Session 2013–14 | HC 1216 |
|----------------------|---|---------|

### Session 2012–13

|              |  |        |
|--------------|--|--------|
| First Report | Select Committees and Public Appointments: the Government's response | HC 394 |
|--------------|--|--------|

|               |  |        |
|---------------|--|--------|
| Second Report | Select committee effectiveness, resources and powers | HC 697 |
|---------------|--|--------|

|              |   |        |
|--------------|---|--------|
| Third Report | Select committee effectiveness, resources and powers: responses to the Committee's Second Report of Session 2012–13 | HC 911 |
|--------------|---|--------|

|                      |   |        |
|----------------------|---|--------|
| First Special Report | Select Committees and Public Appointments: Government response to the Committee's First Report of Session 2012–13 | HC 912 |
|----------------------|---|--------|

### Session 2010–12

|              |   |        |
|--------------|---|--------|
| First Report | Select Committees and Public Appointments | HC 830 |
|--------------|---|--------|

|                      |  |        |
|----------------------|--|--------|
| First Special Report | The Work of Committees in Session 2008–09: Government Response to the Committee's Second Report of Session 2009–10 | HC 415 |
|----------------------|--|--------|

|                       |   |        |
|-----------------------|---|--------|
| Second Special Report | Pre-Appointment Hearings: Further Government Response to the Committee's Second Report of Session 2009–10 (The Work of Committees in Session 2008–09) | HC 564 |
|-----------------------|---|--------|