



House of Commons
Public Administration
and Constitutional Affairs
Committee

**Work of the Committee
since the 2017 General
Election**

**Twenty-First Report of Session
2017–19**

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

*Ordered by the House of Commons
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Public Administration and Constitutional Affairs Committee

The Public Administration and Constitutional Affairs Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith; to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and to consider constitutional affairs.

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[Tulip Siddiq MP](#) (*Labour, Hampstead and Kilburn*)

[Eleanor Smith MP](#) (*Labour, Wolverhampton South West*)

The following Members were also Members of the Committee during the Parliament:

Sarah Champion (*Labour, Rotherham*), Paul Flynn (*Labour, Newport West*) and Sandy Martin (*Labour, Ipswich*)

Powers

The committee is a select committee, the powers of which are set out in House of Commons Standing Orders, principally in SO No 146. These are available on the internet via www.parliament.uk.

Publication

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Committee reports are published on the Committee's website at www.parliament.uk/pacac and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Libby Kurien (Clerk), Jonathan Whiffing (Second Clerk), Moonisah Iqbal, Dr Philip Larkin and Dr Patrick Thomas (Committee Specialists), Gabrielle Hill (Senior Committee Assistant), Iwona Hankin (Committee Assistant), and Ben Shave (Media Officer).

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Introduction

1. This Report briefly highlights the main themes and focus of the work of the Public Administrational and Constitutional Affairs Committee (PACAC) since the 2017 General Election. The Committee has completed over 20 reports during this time, covering the full range of areas within PACAC's remit. This report will highlight areas of particular importance within this work.
2. The Committee also has two uncompleted inquiries - on Managing Major Projects and Electoral Law Reform at the time of writing of this report. The Committee will continue and report on these inquiries separately if time allows.
3. We thank all of those who have helped with our work during this Parliament, including those who have given written and oral evidence to the Committee, participants in informal seminars and those who have provided briefing to the Committee in private. We extend particular thanks to the Committee's advisers and staff for their devotion to the quality of our considerable work.

The Work and Purpose of PACAC

Remit and Purpose

4. The remit of the Public Administration and Constitutional Affairs Committee (PACAC) is set out in the House of Commons Standing Order No. 146 as follows:

to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith; to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and to consider constitutional affairs.²

This remit is very broad. In order to provide focus to our work, the Committee re-adopted the following statement of purpose at the beginning of this Parliament:

to conduct robust and effective scrutiny in order to help create conditions where the public can have justified confidence in public services/government.¹

5. At the beginning of this Parliament, we agreed to continue to focus on two key themes and strategic priorities for our programme of work:

- The UK's changing constitution; and
- The efficacy of the civil service and machinery of government.

6. PACAC's main areas of scrutiny are: the work of the Cabinet Office and all the various bodies it sponsors, public appointments and the pre-appointment hearings associated with those appointments, government accounting, official statistics, the civil service, providers of public services and constitutional issues relating to the place of Parliament in the UK constitution and the effect of Brexit on devolution in the UK.

The future of the Committee

7. The Committee believes that PACAC's current remit is too large to be effectively covered by a single Committee. During the period 2010–2015, PACAC's work was split between the Public Administration Select Committee (PASC) and the Select Committee on Political and Constitutional Reform (POLCON). Both committees carried a heavy workload. During the two years since the 2017 General Election, the Committee has worked hard to produce 20 reports on a wide variety of topics. The Committee regrets that it has not been able to carry out scrutiny into all its areas of responsibility but is proud of the significant volume of work which has been completed. This includes scrutiny in the following areas:

- public administration and the work of the Cabinet Office - including scrutiny of the civil service, public appointments and associated pre-appointment hearings and public contracting and government accounting;

¹ <https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-administration-and-constitutional-affairs-committee/role/>

- the work of the Parliamentary and Health Service Ombudsman (PHSO) and the reports it lays before Parliament;
- the work of UKSA and official statistics - looking in particular at the governance of official statistics; and
- a wide range of work on constitutional affairs, including House of Lords reform, devolution in the context of Brexit, and the role of Parliament and the UK Constitution.
- More details are given throughout this report of the focus and extent of this work.

8. **The Committee believes that comprehensive delivery of the public administration and constitutional affairs remits, currently assigned to PACAC, comprises a workload which exceeds the resources of the Committee. Either resources should be increased, or the remit should be split between two separate committees of the House of Commons.**

9. **We also recommend that consideration is given to establishing a joint committee of both Houses to oversee official statistics and to scrutinise the work of UK Statistics Authority. This is a specialist area of policy and administration, which would benefit from the attention of a dedicated committee. The House of Lords contains expertise and experience from which such a committee would benefit.**

Engagement

10. The Committee continued its practice of tagging its reports to debates and of launching reports using the provision for select committee statements in backbench time. The following two reports were launched in that way:

- Fourth Special Report, *Government response to Committee's 13th Report of Session 2016–17 Managing Ministers' and officials' conflicts of interest: time for clearer values, principles and action*, HC 252, HC 731;
- Eighteenth Report, *Governance of Official Statistics: redefining the dual role of the UK Statistics Authority; and re-evaluating the Statistics and Registration Service Act 2007*, HC 1820.

In addition, six reports/oral evidence were tagged to debates on the Floor of the House.

11. We also pioneered some innovations to help engage the public in the work of the Committee, through:

- Hosting a web forum held in March 2018, asking for views to inform our inquiry *Devolution and Exiting the EU: reconciling differences and building strong relationships*, which received 1345 responses.²

2 See: <https://www.parliament.uk/business/committees/committees-a-z/commons-select/public-administration-and-constitutional-affairs-committee/devolution-brexit-web-forum/> Eighth Report of the Public Administration and Constitutional Affairs Committee, Session 2017–19, *Devolution and Exiting the EU: reconciling differences and building strong relationships*, HC 1485.

- Consulting people with experience of eating disorders, or of supporting relatives of them, on their views about the draft conclusions and recommendations of our seventeenth report *Ignoring the Alarms follow-up: Too many avoidable deaths from eating disorders*.³ This was highly effective and led to several additions to the report and changes to the draft recommendations and conclusions.

3 Seventeenth Report of the Public Administration and Constitutional Affairs Committee, Session 2017–19, [Ignoring the Alarms follow-up: Too many avoidable deaths from eating disorders](#), HC 855.

1 Constitutional Affairs

Constitutional Affairs

12. Since the 2017 General Election, under our constitutional affairs remit, the Committee considered:

- the UK's devolution arrangements twenty years on since the referendums to establish new bodies and in light of the implications of leaving the EU, producing two reports, *Devolution and Exiting the EU and Clause 11 of the European Union (Withdrawal) Bill: Issues for Consideration* and *Devolution and Exiting the EU: reconciling differences and building strong relationships*;⁴
- proposals for reforming the second chamber of the Houses of Parliament in *A smaller House of Lords: The report of the Lord Speaker's committee on the size of the House*;⁵
- the Committee also published three reports as part of its ongoing inquiry series on *The Role of Parliament in the UK Constitution - The Status and Effect of Confidence Motions and the Fixed-term Parliaments Act 2011*, *Status of Resolutions of the House of Commons*, and *Authorising the Use of Military Force*.⁶ Within this inquiry series the Committee also considered *Mechanisms allowing Parliament to direct the Executive*.⁷

Parliamentary Sovereignty and Accountability

13. Across the Committee's constitutional inquiries several key themes have appeared. It is clear that the sovereignty of Parliament and accountability to Parliament remain the foundation principles which underpin the operation the UK's constitution and system of government. As political culture and expectations have developed over time these principles have evolved, and the role of Parliament and in particular the House of Commons in the UK's constitutional arrangements has changed in response. The ultimate authority of the elected House of Commons as the representatives of the people became established in the twentieth century. In more recent decades, the use of referendums to settle certain issues has also added an element of direct democracy, which presents new challenges. This poses important constitutional questions for how the institutions of governance in the UK adapt to this, and to future, changes.

4 Public Administration and Constitutional Affairs Committee, First Report of Session 2017–19, [Devolution and Exiting the EU and Clause 11 of the European Union \(Withdrawal\) Bill: Issues for Consideration](#), HC 484; Public Administration and Constitutional Affairs Committee, Eighth Report of Session 2017–19, [Devolution and Exiting the EU: reconciling differences and building strong relationships](#), HC 1485

5 Public Administration and Constitutional Affairs Committee, Thirteenth Report of Session 2017–19, [A smaller House of Lords: The report of the Lord Speaker's committee on the size of the House](#), HC662

6 Public Administration and Constitutional Affairs Committee, Fourteenth Report of Session 2017–19, [The Role of Parliament in the UK Constitution Interim Report The Status and Effect of Confidence Motions and the Fixed-term Parliaments Act 2011](#), HC1813; Public Administration and Constitutional Affairs Committee, Fifteenth Report of Session 2017–19, [Status of Resolutions of the House](#), HC1587; Public Administration and Constitutional Affairs Committee, Twentieth Report of Session 2017–19, [Role of Parliament in the UK Constitution: Authorising the Use of Military Force](#), HC1891

7 Public Administration and Constitutional Affairs Committee, [The Role of Parliament in the UK Constitution: Mechanisms allowing Parliament to direct the Executive inquiry](#)

14. Our report *Authorising the Use of Military Force* examined how the conventions around the use of the royal prerogative to authorise the use of military force have adapted to changes in political culture and expectations.⁸ While it has long been the practice of governments to ensure the will of the House was supportive of decisions to take military action, since the decision to seek prior approval for military action in Iraq in 2003 the convention has become established that the Government is expected to seek prior authorisation for the House of Commons before taking military action, subject to certain exceptions. The development of this convention reflected the fact that the government of the day derives the legitimacy for its exercise of the royal prerogative in this and other areas from commanding the confidence of the House of Commons. While the Government is given great discretion over how it uses executive power, it has always been the expectation that it acts in accordance with the will of the House of Commons. In recent years mechanisms and expectations such as the convention on military action have arisen to ensure that government actions have the democratic legitimacy of being the will of the House of Commons.

15. A common concern across our constitutional inquiries has been that a culture of mistrust that has, over a long period of time, become entrenched within the UK's political system and in particular in the relations between Parliament and the Government. This lack of trust was evident and clearly intensified in the previous Government's approach to Opposition day votes and resolutions, and in the Opposition's decision to revive the motion for return using an Humble Address in order to gain access to information the Government was unwilling to provide, which we considered in our report on Status of Resolutions of the House. The Committee was clear that while the Government have considerable executive discretion to act, the essentially unlimited power of Parliament means the House of Commons is the ultimate arbiter, but we said that both Government and Parliament are expected to operate in good faith. The Committee cautioned that both Parliament and Government should be careful about taking actions which set precedents with long term effects in response to short term political pressures. It is unfortunate that this caution has not been fully heeded.⁹

16. We also found in Devolution and Exiting the EU, that the culture of mistrust has permeated the devolution arrangements. This was particularly exposed in both relations between devolved institutions and Whitehall, as well as in the relations between Whitehall and the various levels of local government in England, after the publication of the EU Withdrawal Bill in July 2017.¹⁰ It is clear from the inquiries that the lack of trust is an issue that has developed over number of years and cannot be addressed by any one simple change. Rather the issue of a lack of trust within the UK political system will require concerted institutional and cultural change, and through them, the development of understandings, norms of behaviour and friendships to underpin their effectiveness. We will consider how to continue to promote this work.

17. We have conducted these inquiries during a period when the UK's constitution has been under increasing strain. This reflects some two decades of radical change, such as the

8 Public Administration and Constitutional Affairs Committee, Twentieth Report of Session 2017–19, *Role of Parliament in the UK Constitution: Authorising the Use of Military Force*, HC1891

9 Public Administration and Constitutional Affairs Committee, Fifteenth Report of Session 2017–19, [Status of Resolutions of the House](#), HC1587

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

introduction of devolution in Northern Ireland, Scotland and Wales, the Human Rights Act 1998, the establishment of elected Mayors, the replacement of the Judicial Committee of the House of Lords with the Supreme Court, the increasing use of referendums, and the introduction of the Fixed Terms Parliaments Act 2011. The result of the 2016 EU referendum also represents a constitutional shock, challenging the prevailing view of the majority in Parliament. The present crisis is compounded by the lack of a majority government in the House of Commons. **Our committee intends to take a more comprehensive look at the state of the UK Constitution and faith in our democracy in the next session.**

2 Public Administration

18. Since the start of this Parliament, we produced two substantial reports on the Civil Service: *The Minister and the Official: The Fulcrum of Whitehall Effectiveness* and *Strategic Leadership in the Civil Service: Sustaining Self-Governance and Future Capability while Supporting the Government of the Day*.¹¹ In the wake of the collapse of Carillion, a large facilities management and construction firm that held contracts with the UK Government worth £1,719 million,¹² in January 2018, we launched an inquiry to review the Government’s approach to letting and managing its contracts.¹³

The Civil Service

19. The relationship between ministers and the civil servants that serve them was a key aspect of our inquiry into Civil Service Effectiveness. It considered how officials need to balance being fully supportive of the agenda of their ministers with the need to offer them the very best and robust advice, regardless of how unpalatable the minister might find it. Although we were told of instances where ministers suspected their wishes had been ignored or resisted by their officials, our inquiry suggested an exceptionally strong commitment within the Civil Service to carrying out their ministers’ instructions. Indeed, at times, officials have been unwilling to challenge ministers’ instructions, even where doubts exist about their Value for Money. We stressed the continued importance of officials “speaking truth to power” and stressed the need for ministers to create the necessary culture of trust in their departments to encourage them to give their best advice, even where they fear that advice might be unwelcome.

20. The Civil Service needs to be sufficiently equipped with the skills, experience and leadership, both now and in the future, to give ministers the best available advice and administrative capability to deliver their policies and projects. We addressed the crucial issue of Civil Service capability directly in our inquiries on *Civil Service Effectiveness* and *Strategic Leadership in the Civil Service*. It is an area where there has been significant change in the last decade. In 2012, the National School for Government was abolished. In its place has emerged a series of specialised academies: while departments continue to oversee the development of subject knowledge, this is increasingly supplemented by technical knowledge driven by cross-departmental Professions and Functions, including through these specialist academies. We viewed the emergence of these academies, and the more general commitment within the Civil Service to developing its own skills in specialist areas, positively. But efforts have been highly decentralised. This has brought benefits, particularly in better integrating the development of skills and knowledge with career progression, something that been lacking historically. However, this has been at the price of consistency. For example, the level of development and integration of the Professions is uneven. Some have academies but many do not. But, most significantly, the means of funding them and the level of resource they receive varies significantly. Furthermore, with learning and development largely delivered through individual departments or through

11 [The Minister and the Official: The Fulcrum of Whitehall Effectiveness](#) 5th Report of Session 2017–19 HC 497; [Strategic Leadership in the Civil Service: Sustaining Self-Governance and Future Capability while Supporting the Government of the Day](#) 19th Report of Session 2017–19 HC 1536

12 The NAO report that in the 2016–17 financial year, Carillion held 423 contracts with departments and agencies, providing revenue of £1,719 million. See NAO [Investigation into the Government’s Handling of the Collapse of Carillion](#) HC 1002 Session 2017–2019

13 [After Carillion: Public Sector Outsourcing and Contracting](#) 7th Report of Session 2017–19 HC 748

cross-departmental Professions, there is a lack of central leadership for the development of the Civil Service's stock of skills and, consequently, a lack of coordination and, ultimately, a lack of clear accountability.

21. In addition, the Civil Service Leadership Academy (CSLA) was established in 2017 to provide training for those entering the Senior Civil Service (SCS) for the first time, those recruited to senior roles externally, and those members of the SCS entering new roles that involve a significant increase in their leadership responsibilities. We were pleased to see a body established specifically to build the Civil Service's leadership capability and we were given a positive impression of its early operation. However, it has lacked the resources to establish a full-time faculty or even a proper location. We found the contrast in its level of funding with that received by the new National Leadership Centre, established to develop the most senior leaders across the public service, stark. We recommended remedying this in the next Spending Review.

22. We have drawn on the accumulated experience of the work of our predecessor committees in our work in this session. Civil Service effectiveness is less about structures and more about culture, by which we mean the values, attitudes and behaviours adopted by people in the organisation. Our two reports focus on how these need to be developed in order to improve effectiveness. Above all, ministers and officials need to develop, and to depend upon, openness and trust in all their working relationships, in order for truth to be told to power.

The delivery of outsourced services

23. The collapse of Carillion prompted our inquiry into how the Government manages its commercial relationships with the private sector companies it has chosen to rely on to deliver some public services. A key conclusion was that governments have not sufficiently taken into account the state of the markets into which they have let contracts. Carillion was not unique in its strategy of reckless expansion, underbidding to ensure contracts were won, and its payment of unjustifiable dividends. A number of the Carillion's major competitors with significant Government contracts have announced profit warnings, balance sheet write-downs or required major recapitalisation. Whilst this is the responsibility of the management of those firms, the Government is often in a monopsony position (a single buyer facing many competing sellers) when letting contracts and, as such, its decisions have a significant impact on the market. Decisions to prioritise minimising the cost of the contracts rather than balancing this against Value for Money or to aggressively transfer risk rather than ensure that it sits where it is best managed (as the Government's guidance suggests) incentivises certain types of behaviour in the market. Furthermore, as the case of Carillion highlights, the Government retains the ultimate responsibility for a service, even when it is outsourced. As such, greater appreciation of when to let contracts, how, and to whom is vital. To address this, our recommendations included a greater development of specialist contracting and contract management capability and the establishment of a Centre for Excellence for public service contracting.

24. Above all, we have learned that successful contracting is as much about human relationships and trust in any single organisation, and that over-reliance on processes and legal agreements alone is bound to lead to misunderstandings and a breakdown of trust.

Government Accounts

25. We returned to the work of our predecessor Committee in its report, *Accounting for Democracy*.¹⁴ Whilst the Committee was satisfied that the integrity of Government accounts in the UK was of a high standard, the accounts were not giving as complete a picture of Government activity and performance as they might. The Committee felt that they could be made more useful for consumers, including Parliament, rather than focussing only on satisfying accounting standards. The Committee set out four purposes that Government accounts should fulfil:

- a) To maintain and ensure the House of Commons' control of Government spending, enabling the House of Commons to hold the Government accountable for its spending;
- b) To enable the public and researchers (both in civil society and Parliament) to understand and consider the value for money offered by public spending, so that they can make decisions about the effectiveness, efficiency and economy of particular policies or programmes;
- c) To provide a credible and accurate record which can be relied upon;
- d) To provide managers inside Departments (including both ministers and civil servants) with the information that they require to run the Departments and its agencies efficiently and effectively.¹⁵

26. The Government's (very late) response was broadly positive in tone but did not directly engage with the report's recommendations. Instead, it proposed a review of Government accounts. In the report we produced to accompany the Government's response, we made recommendations for the conduct of that review, notably that its membership include external users of accounts.¹⁶ This was accepted and the review completed in April 2019.¹⁷ The review set out some positive commitments for making accounts more user-friendly. However, we hope we will be interrogating the Government about the concrete actions that it is taking to ensure these are put into practice.

27. Our overall impression is that parts of government are far better at conducting public spending control on a year-to-year basis, than on longer-term financial planning and management, but we are pleased that the government is showing an appreciation of what improvements can be made.

Pre-appointment hearings

28. During the 2017–19 Parliament we held the following three pre-appointment hearings:

- Appointment of Lord Bew as Chair of the House of Lords Appointments Commission;

14 [Accounting for Democracy: Making Sure Parliament, the People and Ministers Know How and Why Public Money is Spent](#) 14th Report of Session 2016–17, HC 95

15 [Accounting for Democracy: Making Sure Parliament, the People and Ministers Know How and Why Public Money is Spent](#) 14th Report of Session 2016–17, HC 95, p.4

16 [Accounting for Democracy Revisited: The Government Response and Proposed Review](#) 6th Report of Session 2017–19 HC 1197

17 HM Treasury [The Government Financial Reporting Review](#) CP 67 April 2019

- Appointment of Mr Harry Rich as Registrar of Consultant Lobbyists; and
- Appointment of Lord Evans of Weardale as Chair of the Committee on Standards in Public Life.

29. On each occasion, the Committee was able to endorse the Minister's recommended candidate and this led to the appointment of all three candidates. However, on all three occasions, the Cabinet Office failed to give the Committee the minimum one week's notice of the identity of its preferred candidate that its own guidance stipulates. This was disappointing and must be improved for future pre-appointment hearings within the remit of the Cabinet Office. **We have also learned how to make pre-appointment hearings most meaningful. It is important for Committees to have early engagement with the appointment process, including how the role is specified and advertised, and of how the interview panel is composed.**

Pre-Appointment Hearings: Promoting Best Practice

30. In September 2018, the Committee published its report *Pre-Appointment Hearings: Promoting Best Practice*,¹⁸ which outlined best practice in pre-appointment hearings, including the use of questionnaires prior to hearings, and highlighted the urgent need for greater diversity in public appointments. The report recommended that the Cabinet Office list of posts subject to public appointment hearings should be updated but should not be regarded as exhaustive and select committees should not be bound by it. A new list of posts subject to pre-appointment hearing was published by the Cabinet Office in January 2019.¹⁹ The Liaison Committee followed up on the work of PACAC in its own report, *Pre-Appointment Hearings*, published in June 2019, which includes as an annex, revised guidelines for Select Committees carrying out pre-appointment hearings.²⁰

18 Tenth Report of the Public Administration and Constitutional Affairs Committee, Session 2017–19, [Pre-Appointment Hearings: Promoting Best Practice](#), HC 909.

19 See Cabinet Office Guidance: pre-appointment scrutiny by House of Commons select committees, January 2019.

20 Third Report of the Liaison Committee, Session 2017–19, Pre-Appointment Hearings, HC 2307.

3 The work of the Parliamentary and Health Service Ombudsman

The work of the Parliamentary and Health Service Ombudsman

31. The Parliamentary and Health Service Ombudsman (PHSO) combines the two statutory roles of the Parliamentary Commissioner for Administration (Parliamentary Ombudsman) and the Health Service Commissioner for England (Health Service Ombudsman), whose powers are set out in the Parliamentary Commissioner Act 1967 (the PCA) and the Health Service Commissioner Act 1993 (HSCA) respectively and from time to time reports to Parliament on wider themes emerging from its casework.

Ignoring the Alarms

32. It is a function of PACAC to examine these reports and to use their findings to hold Government to account. As part of this role we published a report: *Ignoring the Alarms follow-up: Too many avoidable deaths from eating disorders*,²¹ which followed-up on a PHSO report on NHS eating disorder services.²² As part of that inquiry, we held an informal seminar with people who had lived experience of having, or being carers for people who have, a variety of eating disorders to better understand their experiences and inform our conclusions and recommendations. In our report we concluded that, while some welcome steps have been taken in response to the PHSO's recommendations, sufficient progress has not yet been made to improve services for people with eating disorders.

Scrutinising the work of the PHSO

33. The PHSO is accountable for its finances and administration to this Committee. PACAC's scrutiny of the PHSO's work is done principally by examining its reports, including through an annual scrutiny session with the Ombudsman following publication of its Annual Report and Accounts. In the 2017–19 Session we held two such scrutiny sessions and published a report following each session. *PHSO Annual Scrutiny 2016–17*²³ was published on 24 April 2018 and *PHSO Annual Scrutiny 2017/18: Towards a Modern and Effective Ombudsman Service*²⁴ was published on 25 March 2019. As set out in the second report, the PHSO has faced significant challenges in recent years which led to a significant loss of public and stakeholder confidence in the organisation. An independent peer review of the organisation concluded that the PHSO was moving out of 'critical care' and into 'recovery', a conclusion we accepted although we also agreed that there was a need to guard against complacency. The PHSO published its annual report and accounts for 2018–19 on 22 July 2019, which we expect will form the basis for the next such scrutiny session.

21 Seventeenth Report from the Public Administration and Constitutional Affairs Committee of Session 2017–19, [Ignoring the Alarms follow-up: Too many avoidable deaths from eating disorders](#), HC 855, June 2019.

22 [Ignoring the Alarms: How NHS eating disorder service are failing patients](#), Parliamentary and Health Service Ombudsman, December 2017, HC 634. The report was presented to Parliament pursuant to Section 14(4) of the Health Service Commissioners Act 1993.

23 Third Report from the Public Administration and Constitutional Affairs Committee of Session 2017–19, [PHSO Annual Scrutiny 2016–17](#), HC 492, April 2018.

24 Sixteenth Report from the Public Administration and Constitutional Affairs Committee of Session 2017–19, [PHSO Annual Scrutiny 2017/18: Towards a Modern and Effective Ombudsman Service](#), HC 1855, March 2019.

34. In our report **PHSO Annual Scrutiny 2017/18: Towards a Modern and Effective Ombudsman Service**, we reiterated the need for legislation to reform the PHSO's governance²⁵ and we strongly recommend that pre-legislative scrutiny of the Draft Public Service Ombudsman Bill is included in the next Queen's Speech. We will continue to press for this legislation as a matter of urgency. We will also continue to press for the introduction of the HSSIB Bill as soon as possible, so that the work of PHSO will be complimented by the new Healthcare Safety Investigation Branch of the Department of Health with the statutory independence and other legal powers that it requires, in order to be effective.

4 Official Statistics

United Kingdom Statistics Authority

35. The Committee carried out a major inquiry into governance of the UK Statistics Authority (UKSA) and the future of official statistics. The main findings of the Report, *Governance of official statistics: redefining the dual role of the UK Statistics Authority; and re-evaluating the Statistics and Registration Service Act 2007*, were that:

- UKSA's dual role presents it with challenges about the governance of statistics and of its own governance. Being both the UK's largest single producer of official statistics through its Office for National Statistics (ONS), and also the independent assessor of all official statistics, through its Office for Statistics Regulation (OSR) is a challenge that would be best resolved by giving responsibility for production and regulation to separate bodies. This would require changes to the legislation.
- However the Committee acknowledged the difficulty of bringing forward fresh legislation at this time and said that even without legislation, UKSA should separate OSR from ONS into a different location and distinct functions. It must also be better resourced to be proactive; exercising effective and timely regulation across the whole statistical system. It should use its power to lay reports in Parliament to highlight the most significant concerns about statistical practice.

36. In addition, although public trust in official statistics has improved since UKSA was created, UKSA does not understand who all of today's users of official statistics are or how they use statistics. The Committee recommended that UKSA must engage more effectively with existing and potential users, ensuring the Government Statistical Service is producing statistics that are easy to access and relevant, while closing gaps in data. The Committee also noted that UKSA's next 5 year strategy will be crucial to addressing the important governance issues raised in this report and to shape a world class statistical system that is fit to serve the future needs of the UK.

37. The Committee was disappointed by UKSA's handling of the long-running issue of RPI, which it said exposed the weakness in UKSA's governance of official statistics. It called on UKSA to respond quickly to the Lords Report, which it has now done. PACAC also recommended UKSA publish its recommendation for addressing the shortcomings of RPI immediately.

38. PACAC has sought to keep up with the fast-developing world of statistics and data. This is an increasingly specialist area which demands constant scrutiny and depth of expertise and experience, which PACAC has always been hard pressed to provide. This is why a new specialist joint committee of both Houses should be considered for this part of our remit. We regard our recent report on UKSA as something of a landmark, which should lead to a government review of UKSA as soon as time allows.

Conclusions

The Work and Purpose of PACAC

1. The Committee believes that comprehensive delivery of the public administration and constitutional affairs remit, currently assigned to PACAC, comprises a workload which exceeds the resources of the Committee. Either resources should be increased, or the remit should be split between two separate committees of the House of Commons. (Paragraph 8)
2. We also recommend that consideration is given to establishing a joint committee of both Houses to oversee official statistics and to scrutinise the work of UK Statistics Authority. This is a specialist area of policy and administration, which would benefit from the attention of a dedicated committee. The House of Lords contains expertise and experience from which such a committee would benefit. (Paragraph 9)

Constitutional Affairs

3. Our committee intends to take a more comprehensive look at the state of the UK Constitution and faith in our democracy in the next session. (Paragraph 17)

Public Administration

4. We have drawn on the accumulated experience of the work of our predecessor committees in our work in this session. Civil Service effectiveness is less about structures and more about culture, by which we mean the values, attitudes and behaviours adopted by people in the organisation. Our two reports focus on how these need to be developed in order to improve effectiveness. Above all, ministers and officials need to develop, and to depend upon, openness and trust in all their working relationships, in order for truth to be told to power. (Paragraph 22)
5. Our overall impression is that parts of government are far better at conducting public spending control on a year-to-year basis, than on longer-term financial planning and management, but we are pleased that the government is showing an appreciation of what improvements can be made. (Paragraph 27)
6. We have also learned how to make pre-appointment hearings most meaningful. It is important for Committees to have early engagement with the appointment process, including how the role is specified and advertised, and of how the interview panel is composed. (Paragraph 29)

The work of the Parliamentary and Health Service Ombudsman

7. In our report PHSO Annual Scrutiny 2017/18: Towards a Modern and Effective Ombudsman Service, we reiterated the need for legislation to reform the PHSO's governance and we strongly recommend that pre-legislative scrutiny of the Draft Public Service Ombudsman Bill is included in the next Queen's Speech. We will continue to press for this legislation as a matter of urgency. We will also continue to press for the introduction of the HSSIB Bill as soon as possible, so that the work of

PHSO will be complimented by the new Healthcare Safety Investigation Branch of the Department of Health with the statutory independence and other legal powers that it requires, in order to be effective. (Paragraph 34)

Official Statistics

8. PACAC has sought to keep up with the fast-developing world of statistics and data. This is an increasingly specialist area which demands constant scrutiny and depth of expertise and experience, which PACAC has always been hard pressed to provide. This is why a new specialist joint committee of both Houses should be considered for this part of our remit. We regard our recent report on UKSA as something of a landmark, which should lead to a government review of UKSA as soon as time allows. (Paragraph 38)

Formal minutes

Tuesday 1 October 2019

Members Present

Sir Bernard Jenkin, in the Chair

Ronnie Cowan Dr Rupa Huq

Kelvin Hopkins Eleanor Smith

Draft Report (*Work of the Committee since the 2017 General Election*) proposed by the Chair, brought up and read.

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

Paragraphs 1 to 38 agreed to.

Resolved, That the Report be the twenty 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 may be provided [Standing Order 134]

[Adjourned till 8 October 2019]

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2017–19

First Report	Devolution and Exiting the EU and Clause 11 of the European Union (Withdrawal) Bill: Issues for Consideration	HC 484
Second Report	Parliamentary Boundary Reviews: What Next?	HC 559 (HC 1072)
Third Report	PHSO Annual Scrutiny 2016–17	HC 492 (HC 1479)
Fourth Report	Ensuring Proper Process for Key Government Decisions: Lessons Still to be Learned from the Chilcot Report	HC 854 (HC 1555)
Fifth Report	The Minister and the Official: The Fulcrum of Whitehall Effectiveness	HC 497 (HC 1977)
Sixth Report	Accounting for Democracy Revisited: The Government Response and Proposed Review	HC 1197
Seventh Report	After Carillion: Public sector outsourcing and contracting	HC 748 (HC 1685)
Eighth Report	Devolution and Exiting the EU: reconciling differences and building strong relationships	HC 1485 (HC 1574)
Ninth Report	Appointment of Lord Bew as Chair of the House of Lords Appointments Commission	HC 1142
Tenth Report	Pre-Appointment Hearings: Promoting Best Practice	HC 909 (HC 1773)
Eleventh Report	Appointment of Mr Harry Rich as Registrar of Consultant Lobbyists	HC 1249
Twelfth Report	Appointment of Lord Evans of Weardale as Chair of the Committee on Standards in Public Life	HC 930 (HC 1773)
Thirteenth Report	A smaller House of Lords: The report of the Lord Speaker's committee on the size of the House	HC 662 (HC 2005)
Fourteenth Report	The Role of Parliament in the UK Constitution Interim Report The Status and Effect of Confidence Motions and the Fixed-term Parliaments Act 2011	HC 1813 (HC 2065)
Fifteenth Report	Status of Resolutions of the House of Commons	HC 1587 (HC 2066)
Sixteenth Report	PHSO Annual Scrutiny 2017/18: Towards a Modern and Effective Ombudsman Service	HC 1855
Seventeenth Report	Ignoring the Alarms follow-up: Too many avoidable deaths from eating disorders	HC 855

Eighteenth Report	Governance of official statistics: redefining the dual role of the UK Statistics Authority; and re-evaluating the Statistics and Registration Service Act 2007	HC 1820
Nineteenth Report	Strategic Leadership in the Civil Service: Sustaining Self Governance and Future Capability while Supporting the Government of the Day	HC 1536
Twentieth Report	The Role of Parliament in the UK Constitution: Authorising the Use of Military Force	HC 1891
First Special Report	Will the NHS never learn? Follow-up to PHSO report 'Learning from Mistakes' on the NHS in England: Government Response to the Committee's Seventh Report of Session 2016–17	HC 441
Second Special Report	The Future of the Union, part two: Inter-institutional relations in the UK: Government Response to the Sixth Report from the Committee, Session 2016–17	HC 442
Third Special Report	Lessons still to be learned from the Chilcot inquiry: Government Response to the Committee's Tenth Report of Session 2016–17	HC 708
Fourth Special Report	Government Response to the Committee's Thirteenth Report of Session 2016–7: Managing Ministers' and officials' conflicts of interest: time for clearer values, principles and action	HC 731
Fifth Special Report	Parliamentary Boundary Reviews: What Next?: Government Response to the Committee's Second Report	HC 1072
Sixth Special Report	PHSO Annual Scrutiny 2016–17: Government and PHSO Response to the Committee's Third Report	HC 1479
Seventh Special Report	Ensuring Proper Process for Key Government Decisions: Lessons Still to be Learned from the Chilcot Report: Government Response to the Committee's Fourth Report	HC 1555
Eighth Special Report	Government Response to the Committee's Eighth Report: Devolution and Exiting the EU: reconciling differences and building strong relationships	HC 1574
Ninth Special Report	Government Response to the Committee's Seventh Report: After Carillion: Public sector outsourcing and contracting	HC 1685
Tenth Special Report	Government Response to the Committee's Tenth Report: Pre-Appointment Hearings: Promoting Best Practice, and to the Committee's Twelfth Report: Appointment of Lord Evans of Weardale as Chair of the Committee on Standards in Public Life	HC 1773
Eleventh Special Report	Government Response to the Committee's Fifth Report: The Minister and the Official: The Fulcrum of Whitehall Effectiveness	HC 1977
Twelfth Special Report	Government Response to the Committee's Thirteenth report: A smaller House of Lords: The report of the Lord Speaker's committee on the size of the House	HC 2005

Thirteenth Special Report	Government Response to the Committee's Fourteenth Report: The Role of Parliament in the UK Constitution Interim Report The Status and Effect of Confidence Motions and the Fixed-term Parliaments Act 2011	HC 2065
Fourteenth Special Report	Government Response to the Committee's Fifteenth Report: Status of Resolutions of the House of Commons	HC 2066
Fifteenth Special Report	PHSO Annual Scrutiny 2017–18: Towards a Modern and Effective Ombudsman Service: Government and PHSO Response to the Committee's Sixteenth Report	HC 2640
Sixteenth Special Report	Governance of official statistics: redefining the dual role UK Statistics Authority; and re-evaluating the Statistics and Registration Service Act 2007: The UK Statistics Authority response to the Committee's Eighteenth Report	HC 2656