



HOUSE OF LORDS

Liaison Committee

1st Report of 2012–13

**Review of select committee
activity and proposals for
new committee activity**

Report

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The Liaison Committee

The Liaison Committee advises the House on the resources required for select committee work and allocates resources between select committees; reviews the select committee work of the House; considers requests for *ad hoc* committees and reports to the House with recommendations; ensures effective co-ordination between the two Houses; and considers the availability of Lords to serve on committees.

Current Membership

The Members of the Liaison Committee are:

Lord Alderdice
Baroness Browning
Lord Campbell-Savours
Baroness Corston
Lord Fellowes
Lord Hill of Oareford
Lord Laming
Lord McNally
Baroness Royall of Blaisdon
Lord Sewel (Chairman)
Viscount Ullswater

Declaration of Interests

A full list of Members' interests can be found in the Register of Lords' Interests:

<http://www.publications.parliament.uk/pa/ld/ldreg/reg01.htm>

General Information

General information about the House of Lords and its Committees is on the internet at

<http://www.parliament.uk/business/committees/>

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First Report from the Liaison Committee

REVIEW OF SELECT COMMITTEE ACTIVITY

Introduction

1. Select Committee activity is highly regarded both within the House and outside, and continues to contribute greatly to the House of Lords' reputation as a second Chamber. Last year, following the publication of the Report of the Leader's Group's on Working Practices,¹ we considered how to refocus the committee work of the House. Our aim was to refresh and rebalance the range of subjects that are scrutinised, and in doing so engage a wider range of members in the House's work.
2. In our report of March 2012 we reviewed existing select committee activity and recommended an additional unit of committee activity. We also recommended a reduction in the resources available to the European Union and Science and Technology Committees to enable the redeployment of resources to support two new *ad hoc* select committees appointed for a fixed term of up to one Session to conduct a specific inquiry into a cross-cutting area of domestic policy. We further recommended the appointment of an *ad hoc* select committee to carry out post-legislative scrutiny of a specific set of Acts.²
3. In the present report we:
 - review the existing select committee activity of the House in the light of the changes made at the start of the present session;
 - consider a proposal to extend the orders of reference of the Joint Committee on the National Security Strategy to enable it to appoint a sub-committee;
 - review the activity of the three new *ad hoc* committees, in particular the first House of Lords post-legislative scrutiny committee;
 - recommend the appointment of three new *ad hoc* select committees and two post-legislative scrutiny committees in the 2013–14 session.

Existing scrutiny Committees

4. There are currently four major House of Lords investigative Select Committees:
 - the European Union Committee
 - the Communications Committee
 - the Economic Affairs Committee
 - the Science and Technology Committee

¹ Session 2010–12 (HL Paper 136).

² Session 2010–12 (HL Paper 279).

5. In addition, three important Committees focus on scrutiny of legislation. These are the Delegated Powers and Regulatory Reform Committee, the Merits of Statutory Instruments Committee and the Joint Committee on Statutory Instruments. The Joint Committee on Human Rights and the Constitution Committee also combine investigative and scrutiny functions. All five Committees contribute greatly to the scrutiny of legislation on and off the floor of the House. Like the Constitution Committee, the European Union, Science and Technology and Economic Affairs Committees are sessional committees, so called because under Standing Order 64 their orders of appointment remain in force from one Session to the next throughout a Parliament until the House orders otherwise. The Communications Committee has been appointed each Session; and in addition *ad hoc* committees are appointed to undertake a particular inquiry and to report thereon to the House.
6. A sessional Joint Committee on the National Security Strategy was first appointed in 2010.³

The Leader's Group on Working Practices

7. In April 2011 the Leader's Group on Working Practices, chaired by Lord Goodlad, reported. Recommendations 45 and 46 of the Leader's Group report (paragraphs 236 and 237) were as follows:

“45. We recommend that the House establish two additional sessional select committees, with the intention of enhancing its capacity to scrutinise Government policy. In determining the remit of these committees, we recommend that particular regard be paid to the need for Lords committees to:

- Make best use of the knowledge and experience of Members of the House;
- Complement the work of Commons departmental select committees;
- Address areas of policy that cross departmental boundaries.

46. We recommend that in future the work of all investigative select committees of the House should be subject to regular and systematic review, and that, following the appointment of the two additional committees recommended above, any further sessional committees should only be appointed to replace existing committees, without creating extra demands on resources.”

Our Review

8. This is our second review of existing committee activity in the light of the Leader's Group report. We conducted it in the light of our conclusions in our 1st report of this Session,⁴ to which the House agreed, that the principles which we should apply in considering proposals for committee activity should be:

³ CJ (2009–10) 133; Lords Minutes of Proceedings, 1 February 2010.

⁴ HL Paper 136, Session 2010–12; HL Deb 16 June 2010, col 983.

- (a) House of Lords committees should generally seek to complement rather than duplicate the areas of scrutiny of House of Commons committees and other Lords committees;
 - (b) we will continue to support the appointment of one *ad hoc* committee at any one time, though there is a case for *ad hoc* committees with narrower and more topical remits conducting shorter inquiries;
 - (c) new committees should be appointed for a limited time only;
 - (d) we will continue to keep resource requirements closely under review to ensure that committee work provides value for money, and can be supported by members;
 - (e) in assessing proposed or existing committees we will consider whether the committee activity in question represents a productive use of the resources of the House and the administration and, where there is a need to prioritise between two or more alternatives, whether it represents a more productive use than the others in existence or proposed;
 - (f) we will continue to seek to evaluate potential impact when considering new proposals for committees, or reviewing existing activity.
9. We considered first the scope and activity of current committees, and discussed the work of the Communications Committee, the European Union Committee and the Science and Technology Committee with their respective Chairmen.

Communications Committee

10. We have already noted that the Communications Committee is not a sessional committee. In our 3rd report of last Session we recommended that it should be re-appointed on its then existing basis at the start of the 2012–13 Session. We undertook to review the question of its further re-appointment towards the end of that Session, and accordingly did so.
11. We discussed the work of the Committee with Lord Inglewood, its Chairman, whose letter to the Chairman is printed in Appendix 1. We concluded that the Committee should continue its work at this time, in the light of the current significant and fast-moving developments in the media and the creative industries, and that it should be appointed as a sessional committee at the start of the 2013–14 Session. We also discussed with Lord Inglewood a possible change of name for the Committee, as it was put to us that its current title might not describe the work of the Committee fully. As the Committee itself had been unable to agree on an alternative name, and as it has built up a reputation for its previous work, we concluded that it would be best to continue with its present name.
12. **We recommend the appointment of the Communications Committee as a sessional committee at the start of the 2013–14 Session.**

European Union Committee

13. Last year we recommended that from the start of the 2012–13 Session the number of sub-committees of the European Union Committee should be

reduced from seven to six. We discussed the work of that Committee and its Sub-Committees with its Chairman, Lord Boswell of Aynho. He told us that the change had not yet fully bedded down, but his assessment so far was that the Committee was still managing to do the job that the House had appointed it to do, and was still scrutinising nearly 1,000 documents a year. The key impact had been that the remaining Sub-Committees had had to work harder.

14. We also discussed with Lord Boswell of Aynho the recent work of EU Sub-Committee C (External Affairs), in conjunction with the House of Commons Defence Select Committee, in relation to the UK-France defence treaty. This has entailed twice-yearly meetings, involving members of those two committees and two committees of the French Parliament. Lord Boswell suggested that whilst it was good that this treaty was being scrutinised and Sub-Committee C's involvement was a pragmatic way of ensuring that the House of Lords was represented at the twice-yearly conferences, the activity was not unproblematic, because the UK-France defence treaty was not an EU treaty.

Joint Committee on the National Security Strategy

15. In December 2009 we recommended the appointment of a Joint Committee on the National Security Strategy (JCNSS). In so doing we said:

“The Government’s intention is that the joint committee would act with a light touch ...

The proposed joint committee is unlikely to need to meet with great frequency—perhaps 3 to 4 times a year. It is likely that this level of additional activity could be absorbed within existing staff resources. Other costs are not anticipated to be substantial.”⁵
16. The Committee did not meet until January 2011. It agreed its first report in February 2012. In the present Session it has become more active than originally envisaged. It has met formally six times (and twice informally) and is expected to meet twice more before the end of the Session. The Committee has been well supported by Lords members.
17. The Chair of the Joint Committee on the National Security Strategy, the Rt Hon Dame Margaret Beckett MP, wrote to the Chairmen of the two Liaison Committees (see Appendix 2) to seek their support for a change in the Joint Committee’s orders of reference, to enable it to appoint a sub-committee, with a quorum of two from each House. A power to appoint a sub-committee with a lower quorum could enable the Committee to become more active. Mrs Beckett’s letter suggests that it “would enable in-depth work to be done on topics important to national security”. A more active Committee would almost certainly need increased staffing. Thus far the Lords Clerk has supported the Committee in addition to his main duties.
18. The House of Commons Liaison Committee considered the JCNSS’s proposal for a power to establish a sub-committee at its meeting on 27 February and declined to support it.
19. **The Committee is not minded to recommend an extension to the Joint Committee on the National Security Strategy’s orders of reference to**

⁵ 1st Report Session 2009–10 (HL Paper 18).

enable it to appoint a sub-committee, and would not support an increase in the Joint Committee's resources. We suggest that further thought is given to the size and composition of the Committee's membership.

Science and Technology Committee

20. In our 1st report of last session we said that in the event of further demands for committee work requiring redeployment of committee resources we would in the first instance look towards retrenchment of the Science and Technology Committee. Accordingly in our 3rd report we concluded that from the start of the 2012–13 Session the Science and Technology Committee should be allocated the resources of a single select committee. The Committee should retain the power to appoint a sub-committee, and the power to co-opt additional members for particular inquiries, but those powers should not be exercised in such a way as to increase the workload of the Committee beyond that of a single committee unit.
21. This decision caused considerable unhappiness, and we discussed its impact with the Chairman of that Committee, Lord Krebs. Lord Krebs also provided us with a helpful letter, printed in Appendix 3. Lord Krebs said that previously the Committee had had the resources to conduct two units of activity at once. The reduction in resource to three staff members had required the Committee to undertake one unit of activity, rather than two, and the Committee no longer had a sub-committee. In the past the Committee had typically alternated a long inquiry with a short one, and the Committee had been severely constrained in the present Session by having to drop the second simultaneous inquiry.
22. We recognise the important contribution which the Science and Technology Committee makes to the committee work of the House. We believe, however, that the restructuring of committee activity which took effect at the start of the present Session needs further time to bed down.
23. **We recommend that the Science and Technology Committee should be re-appointed at the start of the 2013–14 Session with the resources of a single select committee.**

The work of the three ad hoc committees

24. We discussed the work of the three *ad hoc* committees appointed in the present session with their Chairmen. Baroness Butler-Sloss, Chairman of the Select Committee on Adoption Legislation, Lord Cope of Berkeley, Chairman of the Select Committee on Small and Medium Sized Enterprises and Exports, and Lord Filkin, Chairman of the Select Committee on Public Service and Demographic Change, were unanimous in their enthusiasm for the work of their committees, the commitment of members and the support provided by committee staff. The advantages of *ad hoc* activity which they highlighted included the commitment of the members to the subject matter for a comparatively limited period of time.
25. Lord Cope of Berkeley and Lord Filkin emphasised the importance of *ad hoc* committees starting work promptly in the new Session, so that a full programme of evidence could be arranged and any necessary visits planned in good time. Baroness Butler-Sloss drew our attention to the difficulties faced by the Adoption Legislation Committee in working on a subject area

where the Government were planning extensive change (her letter to the Chairman is printed as Appendix 4). On the other hand, there was little point in conducting post-legislative scrutiny in an area where no further change was in prospect. We asked all three Chairmen whether, on balance, they would wish to work on similar committees in the future. They all agreed that they would.

26. We consider that the three new *ad hoc* Committees have worked well this session, conducting inquiries into topical issues of widespread importance and making good use of the experience and expertise of the House.

PROPOSALS FOR NEW COMMITTEE ACTIVITY

Appointment of new committees

27. We remain of the view that the best way of ensuring that committees reflect the changing priorities of the House and engage the full range of its membership is to appoint them on a time-limited basis, to conduct a specific inquiry with a membership tailored to that task. Regular turnover of members gives a wider range of members the opportunity to serve, and short, sharp inquiries should also make it easier for members with significant commitments outside the House to participate.
28. As we anticipated in our 3rd report of last Session, fixed terms also allow us to play a more active role in reviewing and adapting the select committee activity of the House in future, thereby addressing the Leader's Group's recommendation that the House's select committee activity should be kept under regular review. The resources to support new select committee activity are released at the end of each Session, giving this Committee more room to facilitate proposals for new select committees submitted by members of the House in the course of the Session. We have also been able to consider proposals for re-appointment by existing committees, or an expansion of their activity, against this backdrop.
29. We remind members of the House that they may submit proposals for new *ad hoc* committees to the Chairman of the Liaison Committee at any time. We would particularly welcome proposals from members of the House towards the end of next Session, to inform our deliberations as we prepare to make recommendations to the House on the appointment of new *ad hoc* committees for the 2014–15 Session.
30. In our 1st report of last Session we estimated the additional marginal cost of a new unit of committee activity as £225,000. Clearly some committees are more expensive to run than others, for example those requiring substantial legal advice or overseas travel. In our 3rd report of last Session we recommended an additional unit of committee activity for the present session, and the House Committee approved this additional expenditure in principle. This increase in *ad hoc* committee activity has been very well received, and the House Committee has indicated to us that if we are persuaded by the case made to us it would ensure that funds are made available to support the work of a further additional unit of committee activity in the 2013/14 session, again costed at £225,000.
31. **As is evident below, we have indeed been so persuaded of the case for a further modest expansion of committee activity, following the expansion of *ad hoc* committee activity in the 2012–13 Session. We accordingly recommend the appointment of a further additional unit of committee activity in the 2013–14 Session.**
32. The scope for extra committees is not however without limit. The availability of committee rooms, for example, is a constraint. In addition, there is a necessary time-lag in securing staff to support new committee work—we understand that it is likely that this additional unit of committee activity will be unable to start its work until the autumn, to allow for the recruitment and training of its staff. We have therefore tried to accommodate as many of the proposals as possible, in some cases by combining more than one proposal.

Two of our recommendations are for short inquiries, with the aim of maximising the number of inquiries which can be carried out in one session.

33. **We recommend that two of the new *ad hoc* committees should last for only a few months each, to enable both to be accommodated within the 2013–14 Session.**

Pre-legislative committees in Session 2013–14

34. We remain committed to supporting the work of pre-legislative committees. The experience of recent Sessions has demonstrated the important role such committees can play in engaging a wider audience in the scrutiny of legislation than is possible on the floor of the House, and in assisting policy formulation. The staff resource currently provided for supporting pre-legislative committees enables the House to administer one such unit of activity at any one time. This has proved adequate in the current Session, although by its nature pre-legislative scrutiny work is very intensive and typically involves the staff concerned working long hours to support it.
35. **We expect the joint committee on the Draft Prisoner Voting Bill to start work shortly. We anticipate other draft legislation being presented for scrutiny during the course of the next Session.**

Proposals for *ad hoc* Committees

36. In autumn 2012 the Chairman invited proposals from members of the House for *ad hoc* Committees in the 2013–14 Session, setting a deadline of 18 January to allow time for their proper evaluation. Although in some cases members proposed only a Committee title (indicated by an asterisk in the list below), others sent in letters or memoranda, all of which are printed as Appendices to this report. The following proposals were received, including some proposals for sessional committees.

Committee organisation

- General Affairs Committee, to conduct topical inquiries at short notice, co-opting members as required (Lord Grenfell)*
- More Joint Committees (Lord Ramsbotham)

Domestic affairs

- Church and state (Lord Harries of Pentregarth)
- Discrimination and intolerance in Britain (Baroness Young of Hornsey)
- Online issues (communications) (Baroness Kidron)*
- Oversight of policy and legislation implementation (Lord Mawhinney)
- Preventing religiously-based gender discrimination in arbitration and mediation services (Baroness Cox, with letters of support from Lord Eden of Winton and Lord Elton)
- The consequences of the use of personal service companies for tax collection (Lord Myners)*
- The response of voluntary organisations to a changing environment in order to better serve the communities they support (Baroness Andrews)

- Welfare and protection of children—the place and treatment of children within society (Lord Foulkes of Cumnock)*
- Social mobility (Baroness Tyler of Enfield)
- Inquiries (Lord Shutt of Greetland)

Foreign and international affairs

- General foreign affairs committee (Lord Forsyth of Drumlean, Lord Hannay of Chiswick, Lord Howell of Guildford, Lord Kerr of Kinlochard, Earl of Sandwich, Lord Luce*, Baroness Manningham-Buller*)
- Reviewing the post-2015 Millennium Development Goals (Baroness Nicholson of Winterbourne)
- Select Committee on the Commonwealth (Lord Foulkes of Cumnock)*
- The Arab Spring: consequences and prospects (Lord Davies of Stamford)*
- The future of UK in Europe and the consequences of detachment (Lord Christopher)*
- The support and promotion of the need for modern foreign language skills in the UK's economy, education and international relations (Baroness Coussins)
- Britain's influence abroad (Baroness O'Cathain)

Growth

- Financing of infrastructure (including energy, transport, flood defence and housing) (Lord Whitty)*
- Future land use (including planning, agriculture, forestry, housing and development) (Lord Whitty)*
- Joint Committee on growth and competitiveness (Lord Hennessy of Nympsfield)
- Overseas trade (Lord Ezra, Lord Stoddart of Swindon*)

Health and social care

- Review of the long term financial and clinical sustainability of the present configuration of health and social care systems (Lord Warner)
- The implementation of parity of esteem for mental and physical health in the NHS (Lord Layard, Baroness Hollins, Baroness Meacher, Lord Stevenson of Coddenham, Lord Bragg, Lord Patel of Bradford and Lord Tunnicliffe)

Olympic and Paralympic legacy

- Legacy of the London 2012 Olympic and Paralympic Games (Baroness Billingham, Baroness Doocey, Lord Moynihan)
- Legacy of the United Nations Resolution declaring the 2012 Olympic truce (Lord Bates)

Science and technology

- Better regulation of risk based on robust scientific evidence (short inquiry) (Earl of Lindsay, Lord McKenzie of Luton and Lord Curry of Kirkharle)
 - Disposal and potential re-use of nuclear waste, and the co-ordination of the UK's nuclear industry in both respects (Viscount Hanworth)*
37. We were delighted by this response to our request, which demonstrates the enthusiasm of members of the House for *ad hoc* Committee activity. We considered the proposals received against the criteria set out in the Leader's Group's Report, quoted in paragraph 7 above.
38. We also took into account our helpful meeting with the Chairmen of the three *ad hoc* Committees appointed by the House in the present session. Our discussion with Baroness Butler-Sloss, Chairman of the Select Committee on Adoption Legislation, Lord Cope of Berkeley, Chairman of the Select Committee on Small and Medium sized Enterprises and Exports, and Lord Filkin, Chairman of the Select Committee on Public Service and Demographic Change, led us to conclude that it is important to ensure that the work of *ad hoc* Committees can be confined to a single session.

An ad hoc Committee with an international dimension

39. Several members proposed a Select Committee on Foreign Affairs, with others proposing subjects for an *ad hoc* committee with an international dimension. Taking into account recent Parliamentary activity, we considered that several of these ideas, including a proposal by Baroness O'Cathain on Britain's interests abroad, could be developed to examine the coordination between Government departments in the use of 'soft power' in promoting the UK's interests abroad.⁶ This inquiry would, we believe, be sufficiently focused to enable the Committee to conclude its work within a single session.
40. There has been increasing emphasis on the value of soft power in recent years. Lord Carter of Coles conducted a review of 'public diplomacy' in 2005, which led to the creation of a Public Diplomacy Board.⁷ This was replaced in 2009 by a Strategic Communication and Public Diplomacy Forum, but this has now been stood down. The 2010 Strategic Defence and Security Review (SDSR) and the National Security Strategy stressed the value of soft power in response to the challenges facing defence funding. The SDSR refers to a need for a "whole of government" approach to foreign and defence policy, and the value of British culture and language, and participation in international institutions, to Britain's role in the world.
41. The Foreign Secretary argued for the importance of soft power as a "vital component" of the UK's international influence in a 2010 speech.⁸ To that end, the 2010 FCO Business Plan contained a commitment to "develop a long-term programme to enhance UK 'soft power', coordinated by the

⁶ 'Soft power' can be defined as the ability to attract and co-opt rather than coerce, use force or give money as a means of persuasion. The American political scientist and Harvard scholar Joseph S Nye is considered to have pioneered this concept, alongside that of 'smart power'.

⁷ Lord Carter of Coles, Public Diplomacy Review, December 2005

⁸ William Hague, speech on 'Britain's values in a networked world' Lincoln's Inn (15 September 2010)

National Security Council". A motion on the importance of soft power was debated in the House on 28 April 2011.⁹

42. An *ad hoc* select committee could examine the coordination between Government departments in the use of 'soft power' in promoting the UK's interests abroad, and future priorities in this regard.
43. **We recommend the appointment of an *ad hoc* committee on the use of soft power in promoting the UK's interests abroad, to report by the end of the 2013–14 Session.**

A short *ad hoc* Committee on the strategic issues for regeneration and sporting legacy from the Olympic and Paralympic Games

44. Several members, including Lord Moynihan, former Chairman of the British Olympic Association, proposed inquiries relating to the Olympic and Paralympic Games. Both the current and the previous Government are committed to achieving a lasting legacy from the London 2012 Games, in the successful delivery of which several members of the House played a leading role.
45. There is a large range of issues which could be covered by such an inquiry. We consider that at this stage it would be preferable for an inquiry to be focused on the regeneration legacy and the sports legacy—the two issues highlighted by Lord Moynihan. A short inquiry focused on these strategic issues would be particularly timely in the run up to the Glasgow Commonwealth Games in July and August 2014.
46. **We recommend the appointment of an *ad hoc* committee on the strategic issues for regeneration and sporting legacy from the Olympic and Paralympic Games, to report by autumn 2013.**

A short *ad hoc* Committee on the consequences of the use of personal service companies for tax collection

47. This proposal was put forward by Lord Myners. Personal service companies (PSCs) are owned, run by and employ one person. They are widely used by contractors and freelancers who often draw their income by way of a dividend from the PSC's profits. Many employers insist on contractors/freelancers having personal service companies to avoid the hassles and costs of employment rights when hiring an employee for a short-term job. For contractors and freelancers PSCs reduce their tax bills. For genuine one-person businesses, where there are running costs incurred, these tax benefits are generally seen as acceptable. But the system encourages abuse where long-term employees are paid through a personal service company solely to pay less tax than they would have if their income had been subject to income tax like a regular employee. Numerous attempts have been made to tackle this abuse. In 2000 the Government introduced legislation to prevent the use of PSCs purely to convert employee income into dividend income to lessen their tax bill. These rules are still in place and go by the name IR35.

⁹ Baroness Taylor of Bolton to call attention to the level of co-ordination between Government departments on the use of soft power in the interests of the United Kingdom, HL Deb, 28 April 2011, Col. 278

48. In 2012 PSCs hit the headlines when a Treasury review found 2,400 ‘off-payroll’ engagements with staff earning more than £58,200 a year in central government departments and their arms length bodies. The House of Commons Public Accounts Committee held a brief inquiry and reported on this issue in September 2012.¹⁰ The Commons inquiry focused on the public sector and administration of the existing system.
49. A short House of Lords *ad hoc* inquiry could be carried out within 6–8 oral evidence sessions, and include examination of the use of PSCs both in the public and private sectors.
50. **We recommend the appointment of an *ad hoc* committee on the consequences of the use of personal service companies for tax collection, to begin its work following the completion of the work of the committee on the Olympic and Paralympic Games and to report by the end of the 2013–14 Session.**

Post-Legislative scrutiny

51. The Leader’s Group on Working Practices recommended that the House “appoint a Post-Legislative Scrutiny Committee, to manage the process of reviewing up to four selected Acts of Parliament each year.”¹¹ The Government have committed to publish post-legislative assessments of almost all Acts passed since 2005 within 3–5 years of their passing. While a considerable number of post-legislative memoranda have been published, some are already being considered by House of Commons committees and others are not suitable for a significant post-legislative scrutiny inquiry.
52. In our 3rd report of last Session we supported a variant proposal from the Leader of the House, that it would make better use of the expertise of members to establish an *ad hoc* committee on a particular Act or Acts. We recommended the adoption of a post-legislative scrutiny Committee to examine the Children and Adoption Act 2006 and the Adoption and Children Act 2002. We agree with Baroness Butler-Sloss, the Chairman of the Adoption Legislation Committee, that the work of that Committee has been successful and is helping to inform current debates on Children and Families policy.¹²

A post-legislative scrutiny committee on the Mental Capacity Act 2005

52. The Ministry of Justice published the post-legislative scrutiny memorandum for the Mental Capacity Act 2005 in October 2010.¹³ Following publication of the post-legislative memorandum the House of Commons Select Committee on Justice held an evidence session with the Public Guardian and the Director of the Royal Courts of Justice Group, and the House of Commons Health Select Committee has similarly heard a limited amount of evidence.

¹⁰ House of Commons Committee of Public Accounts, Off-payroll arrangements in the public sector, September 2012 available at:

<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmpubacc/532/532.pdf>

¹¹ Paragraphs 134–141.

¹² The Committee’s two reports are published as HL Paper 94, 1st report of Session 2012–13, Adoption: Pre-Legislative Scrutiny and HL Paper 127, 2nd report of Session 2012–13, Adoption: Post-Legislative Scrutiny.

¹³ <http://www.justice.gov.uk/downloads/publications/moj/2010/Memorandum-Justice-Select-Committee.pdf>

53. The Act provides a legal framework for making decisions on behalf of adults whose mental capacity is impaired. It was substantially amended by the Mental Health Act 2007. The Mental Capacity Bill was subject to pre-legislative scrutiny. A post-legislative review of the Act would not only provide an important opportunity to consider the issues above but it could look at how the pre-legislative scrutiny process influenced the passage of the Bill, whether issues that were raised in pre-legislative scrutiny were ignored and whether any such issues have led to problems since the Act came into force.
54. The Government's post-legislative memorandum suggested that the legislation was working well other than in a few "small and technical" areas. This view was broadly upheld in 2010 by the Public Guardian's evidence to the Justice Committee. Since that date concerns have been expressed that the procedural safeguards in the Act may be inadequate to satisfy the requirements of the Human Rights Act 1998. The Mental Capacity Act was amended in the light of the Bournemouth judgment which found the UK in breach of Article 5 of the ECHR. The recent findings about the treatment of residents at the Winterbourne View care home, together with a recent Mencap report highlighting deficiencies in the care of mentally disordered patients, suggest that the legislative regime for mentally incapacitated adults would merit scrutiny by a House of Lords post-legislative scrutiny committee. Such scrutiny could include consideration of external oversight of the decisions made on behalf of incapacitated individuals by medical professionals and guidelines on "best interests" decisions, where social workers and others have taken over decision-making in areas such as personal welfare, type of care or financial affairs on someone else's behalf.
55. **We recommend the appointment of an *ad hoc* post-legislative scrutiny committee to examine the Mental Capacity Act 2005, to report before the end of the 2013–14 Session.**

A post-legislative scrutiny committee on the Inquiries Act 2005

56. The Inquiries Act 2005 replaced a number of older statutes with a single, unified scheme for the holding of public inquiries. According to the Ministry of Justice, the Act aimed: "to make inquiries swifter, more effective at finding facts and making practical recommendations, and less costly whilst still meeting the need to satisfy the public expectation for a thorough and wide ranging investigation. [It] also aimed to restore public confidence in the inquiry process particularly given the concerns and controversies generated by the conduct of inquiries such as the Bloody Sunday Inquiry and other earlier pre-2005 Act inquiries."¹⁴ The Ministry of Justice published a post-legislative assessment of the Act in 2010.¹⁵ The House of Commons Justice Select Committee has not undertaken post-legislative scrutiny of the Act.

¹⁴ *Memorandum to the Justice Select Committee: Post-Legislative Assessment of the Inquiries Act 2005*, paragraph 6: <https://www.justice.gov.uk/downloads/publications/moj/2010/Post-Legislative-Assessment-Inquiries-Act.pdf>

¹⁵ <http://www.justice.gov.uk/downloads/publications/moj/2010/Post-Legislative-Assessment-Inquiries-Act.pdf>

57. The Act granted ministers a significant range of powers in relation to inquiries, including powers:
- To set up an inquiry;
 - To set the terms of reference;
 - To appoint the chairman and panel members;
 - To suspend an inquiry;
 - To terminate an inquiry;
 - To restrict public attendance at an inquiry or part of an inquiry;
 - To restrict publication of inquiry documents;
 - To vary or revoke restrictions on public access to the inquiry or its documents.
58. The Joint Committee on Human Rights has expressed concerns that inquiries held under the Act might be insufficiently independent to satisfy the requirements of article 2 of the European Convention of Human Rights (the right to life). Concerns have also been raised around the confidentiality of information provided to inquiries after the inquiry has concluded. Under the Act, once the inquiry record has been lawfully passed to, and held by, a public authority (such as a government department), the record ceases to be exempt from the provisions of the Freedom of Information Act 2000.
59. A post-legislative committee could consider issues including the function of inquiries and the principles that should underlie their use, and the extent to which the Inquiries Act 2005 reflects those principles; the respective roles of Parliament, the Government, the courts and inquiry panels themselves in making decisions about inquiries; the success of the 2005 Act in securing public confidence in inquiries; and the extent to which the 2005 Act has enabled inquiries to be cheaper and quicker than those before 2005.
60. **We recommend the appointment of an *ad hoc* post-legislative scrutiny committee to examine the Inquiries Act 2005, to report before the end of the 2013–14 Session.**

SUMMARY OF RECOMMENDATIONS

61. We recommend the appointment of the Communications Committee as a sessional committee at the start of the 2013–14 Session.
62. The Committee is not minded to recommend an extension to the Joint Committee on the National Security Strategy's orders of reference to enable it to appoint a sub-committee, and would not support an increase in the Joint Committee's resources. We suggest that further thought is given to the size and composition of the Committee's membership.
63. We recommend that the Science and Technology Committee should be re-appointed at the start of the 2013–14 Session with the resources of a single select committee.
64. Following the expansion of *ad hoc* committee activity in the 2012–13 Session we recommend the appointment of a further additional unit of committee activity in the 2013–14 Session.
65. We recommend that two of the new *ad hoc* committees should last for only a few months each, to enable both to be accommodated within the 2013–14 Session.
66. We expect the pre-legislative scrutiny joint committee on the Draft Prisoner Voting Bill to start work shortly. We anticipate other draft legislation being presented for scrutiny during the course of the next Session.
67. We recommend the appointment of an *ad hoc* committee on the use of soft power in promoting the UK's interests abroad, to report by the end of the 2013–14 Session.
68. We recommend the appointment of an *ad hoc* committee on the strategic issues for regeneration and sporting legacy from the Olympic and Paralympic Games, to report by autumn 2013.
69. We recommend the appointment of an *ad hoc* committee on the consequences of the use of personal service companies for tax collection, to begin its work following the completion of the work of the committee on the Olympic and Paralympic Games and to report by the end of the 2013–14 Session.
70. We recommend the appointment of an *ad hoc* post-legislative scrutiny committee to examine the Mental Capacity Act 2005, to report before the end of the 2013–14 Session.
71. We recommend the appointment of an *ad hoc* post-legislative scrutiny committee to examine the Inquiries Act 2005, to report before the end of the 2013–14 Session.

APPENDIX 1: LETTER TO THE CHAIRMAN FROM LORD INGLEWOOD, CHAIRMAN OF THE SELECT COMMITTEE ON COMMUNICATIONS

First, congratulations on your appointment as Chairman of Committees.

I am writing to you, early in your period of office, to make one or two comments, I hope constructive, about the Liaison Committee's consideration of select committee activity at the end of the last session. I am afraid that, as far as the Communications Committee was concerned, the process left something to be desired, and I hope that when the Liaison Committee comes to review select committee activity towards the end of this session, things might be done slightly differently.

In summary, the Communications Committee felt that decisions about its future were being made without appropriate consultation. The Committee respects the Liaison Committee's reasons for regularly reviewing select committee activity but there was a strong feeling in the Committee that the Liaison Committee was not really aware of the work the Communications Committee was doing and yet did not seek to ask the Committee to explain its case and describe its recent activities. Eventually, after I wrote to your predecessor, I was invited to address the Liaison Committee, and, as you know, the Communications Committee was re-appointed for this session. While this was a satisfactory outcome in the short term, the point remains that the Committee did not feel that the process was sufficiently informed or transparent.

As you know, I have also been giving some thought as to whether the Committee might seek to change its name. It strikes me that the name Communications Committee is sometimes confusing externally; people think we are concerned with House of Lords corporate communications. I wonder if the Select Committee on Communications and Media or the Select Committee on Communications, Media and the Creative Industries, or some such title, might be more apt. This is very much a preliminary thought, and I have only discussed it briefly with the Committee, but I would, however, appreciate your thoughts about this.

I would be delighted to meet with you to discuss further. Once again, congratulations on your appointment.

28 JUNE 2012

INGLEWOOD

**APPENDIX 2: LETTER TO THE CHAIRMAN FROM THE
RT HON DAME MARGARET BECKETT MP, CHAIRMAN OF THE
JOINT COMMITTEE ON THE NATIONAL SECURITY STRATEGY**

I am writing to you, in my capacity as Chair of the Joint Committee on the National Security Strategy, to seek the support of the two Liaison Committees to a change in the Joint Committee's orders of reference.

The Joint Committee on the National Security Strategy is not currently empowered to appoint a sub-committee. Up until now, this has not been problematic. However, as the Committee's work has progressed, a strong feeling has arisen in the Committee that it would be useful to have the power to appoint a sub-committee to enable a smaller group of Members to conduct discrete detailed pieces of work. The Joint Committee has a membership of 22, and it is not practicable for the whole Committee to be involved in the more detailed investigation that the Committee wishes to pursue. The appointment of a sub-committee—with a quorum of two from each House—would enable in-depth work to be done on topics important to national security, which fall across the responsibilities of Government Departments, on an ad hoc basis, which could then inform the whole Committee's work. The power to appoint a sub-committee would give the Committee a little more flexibility in designing its work programme and making a positive contribution.

I should be very grateful for the support of the two Liaison Committees to this request, and for your advice on how best to proceed to secure the agreement of the two Houses. I should be delighted to discuss further if it would be helpful.

14 FEBRUARY 2013

RT HON DAME MARGARET BECKETT MP

APPENDIX 3: LETTER TO THE CHAIRMAN FROM LORD KREBS FRS, CHAIRMAN OF THE HOUSE OF LORDS SCIENCE AND TECHNOLOGY COMMITTEE

Resourcing of the Science and Technology Committee

Thank you for our productive meeting of 13 November regarding the resourcing of the Science and Technology Committee. In the light of our discussion, I would like to make a proposal for consideration at the next meeting of the Liaison Committee. I ask that the Liaison Committee reconsider its decision, subsequently endorsed by the House, to allocate the Science and Technology Select Committee **“the resources of a single select committee”, as part of its review of activities of committee activities in the 2012–13 Session and to inform its deliberations on these activities in the 2013–14 Session. I would argue that it is of great importance that the Science and Technology Committee have the necessary staffing resources reinstated to allow it to undertake two units of activity at once. I offer the following reasons in support of this proposal:**

Importance of Science and Technology to the UK economy

In a recent speech to the Royal Society, the Chancellor of the Exchequer emphasised what he referred to as “the economic benefits of scientific excellence”. The Government are committed to supporting science and innovation as a means to stimulate economic growth, and the Committee is similarly persuaded that science and technology are key to stimulating the UK economy. We are already considering one of the eight future technologies in which the Chancellor argued the UK could be world-leading and, with the resources of a Sub-Committee, could lend further support to achieving this aim. Furthermore, with these resources restored we could scrutinise the allocation of the £600 million for “research council infrastructure, and facilities for applied research and development” pledged in the Autumn Statement, to ensure that capital funding for research is used appropriately.

One of our primary considerations in choosing inquiry topics is whether they “cover areas of science and technology that Government are or should be involved in, are of public concern, or where action is required to stimulate the advancement and application of science”. The Committee has, historically, drawn attention to the need for appropriate development and support for key economic growth areas including nanotechnology, renewable and nuclear energies, and the computing market. In these difficult economic times, it is essential that the Committee has the resources to offer this continued support and, where necessary, challenge to Government to rethink how it can better use science to stimulate the economy. The House of Lords is well respected as a House of expertise and, given both the current drive for science to stimulate the economy and the significant experience of the Science and Technology Committee, it would seem entirely appropriate to restore to the Committee the staffing resources to undertake two units of activity at the same time.

Use of science in Government

Furthermore, both the previous and current Governments are committed to ensuring that science informs policy making in every department. The Committee supports this commendable aim by challenging Government on its use of science.

For example, last year we published a report which made recommendations to enhance the system of departmental Chief Scientific Advisers who challenge the use of science in policy making by departments, and, in 2011, we considered how the Government could make better use of the behavioural sciences in our behaviour change report. The Committee needs the resources to support two units of activity if we are to ensure that Government policy making is adequately informed by science, whilst, at the same time, exploring new areas of science which the Government ought to consider.

Follow-up and responsive activities

The Committee regularly revisits previous inquiry topics to ensure that the areas considered are developing and to review whether further action is necessary. For example, we recently revisited a report into heritage science, and, over the past decade, have challenged Government to reconsider its position on radioactive waste management through several follow-up inquiries. This ability to follow-up on previous reports is one of our strengths as a sessional Committee. It is only with sufficient resources that this activity combined with new, substantive inquiries can be undertaken.

In addition, in the past, with further resources the Committee was able to undertake activities to respond to significant, time-sensitive developments in science policy, such as holding evidence sessions to clarify issues surrounding the “shaping capabilities” agenda of the Engineering and Physical Sciences Research Council, and refocusing its follow-up activities to cover issues relevant to the swine flu pandemic in 2009, as this pandemic occurred. With reduced staffing resources the Committee is limited in its capacity to undertake this kind of work and important opportunities are missed to deal with certain timely issues.

Breadth of possible topics for consideration and the impact of reports

The Committee has a broad remit, “to consider science and technology”. We seek to ensure that inquiry topics are selected from across the broad spectrum of scientific and technological disciplines, including the biological, physical and social sciences. In the past year we have considered a variety of topics from Higher Education in Science, Technology, Engineering and Mathematics subjects, to sport science, to nuclear research and development, to heritage science. These reports have generated significant press coverage and have influenced the thinking of Government. For example, the Universities and Science Minister described how our “challenging report” into nuclear research and development capabilities raised the issue to “high on our [the Coalition Government’s] agenda”, and, in my capacity as Chairman, I am regularly invited to give interviews to major news outlets about our inquiries. Given the range of possible topic areas, the impact our reports have, and the importance of science and technology both to the economy and policy making, it would seem proper to reinstate the staff resources to allow the Committee to undertake two units of activity concurrently.

I would be most grateful for the opportunity to present this proposal to the Liaison Committee at a future meeting.

APPENDIX 4: LETTER TO THE CHAIRMAN FROM THE RT HON THE BARONESS BUTLER-SLOSS GBE, CHAIRMAN OF THE SELECT COMMITTEE ON ADOPTION LEGISLATION

Evaluation of post-legislative scrutiny committee: the Select Committee on Adoption legislation

The House of Lords Select Committee on Adoption Legislation was the first House of Lords Committee to be established specifically to conduct post-legislative scrutiny. In March 2012 the Liaison Committee stated that it would “be necessary to evaluate the outcome of the first post-legislative scrutiny committee. This will be a future task for this Committee.” This note aims to inform that evaluation.

Our approach

There are several ways that post-legislative scrutiny could be approached: one way would be to take an Act and look at it section by section considering how it was drafted, what parliament intended when it was debated, how it was implemented and how it has worked in practise. The other approach, which we chose to take, is to use the legislation as the basis for a broader and more topical inquiry. We looked at both the legislation already on the statute book and the Government’s current plans for policy changes. To do anything else would not have made sense given the amount of government activity in the area of adoption policy. We comment on this under ‘timing’ below.

The timing of our inquiry

Throughout our inquiry the Government developed its policy on adoption at a rapid rate. We understand that before recommending we be appointed the Liaison Committee was aware that the Prime Minister had stated that speeding up the adoption process was a Government priority, but we are not sure whether the Government members of the Committee made clear how much policy was going to develop before we were tasked with reporting. To summarise: on 14 March 2012 the Government published *An Action Plan for Adoption: Tackling Delay*. We were appointed on 21 May 2012, with a remit to report by the end of February 2013. We heard evidence from 26 June to 4 December 2012. On 7 November 2012 draft clauses on adoption were published and our terms of reference were amended to include pre-legislative scrutiny. We published our report on the draft clauses on 19 December 2012. On 24 December the Government published its plans to provide greater support for adopters, and on 24 January 2013 the Government published a wide-ranging package of reforms to improve adopter recruitment. We considered our first draft of the report on 29 January. On 5 February the Children and Families Bill was published, containing provisions on ethnic matching, fostering for adoption, adopter recruitment, the adoption register, adopter support services and post-adoption contact.

While we welcome the energy the Government has put into this area it is questionable whether areas of fast-moving policy change are best suited to a post-legislative scrutiny review. Our witnesses naturally wanted to focus on current government announcements rather than pure post-legislative scrutiny. Our report has inevitably focused on these changes too. We found it particularly frustrating towards the very end of our inquiry, when we were agreeing the text of our

recommendations, that the Government published the Children and Families Bill with very little notice (the Chairman and secretariat were given less than 24 hours' advanced sight, and only after repeated requests; the remaining Committee members did not see the Bill until after it was published, by which time the Committee had already spent two meetings considering the first draft of the report). Publishing the Bill before we published our report not only necessitated several last minute rewrites of the draft report but also meant that the legislation could not be informed by our recommendations and the expertise which we have developed.

Our terms of reference

The Liaison Committee initially suggested we be established to examine the Children and Adoption Act 2006 and the Adoption and Children Act 2002. However, initial scoping of the topic led to the House giving us the terms of reference "to consider the statute law on adoption" [HL Deb 21 May 2012 col 636]. This wider scope allowed us to consider the full gambit of adoption legislation without having to pause at artificial barriers created by the history of different pieces of legislation governing the same policy area. It also allowed us to look at the relevant secondary legislation.

Government memoranda

The Government has committed to publishing post-legislative scrutiny memoranda for all Acts passed since 2005. This meant that there was already a post-leg memorandum on the Children and Adoption Act 2006 but not on the Adoption and Children Act 2002. This was not a problem as the Government's written evidence covered the 2002 Act. We see no reason for future decisions about post-legislative scrutiny to be restricted to those Acts for which post-leg memoranda are available.

25 FEBRUARY 2013

BUTLER-SLOSS

APPENDIX 5: COMMITTEE PROPOSALS FROM MEMBERS OF THE HOUSE

Letter to the Chairman from Baroness Andrews OBE

I attach a proposal which has the support of Lord Boateng, Baroness Sherlock, Baroness Pitkeathley, Baroness Massey of Darwen, Lord Best, Baroness Tyler of Enfield, Baroness Barker, Baroness Fookes and Baroness Eaton. In brief: it is that one of the new Select Committees should ask the following question:

How can voluntary organisations best respond to the changing environment in order to better serve the communities they support?

The topic would, I believe, meet the fundamental criteria of the new Select Committees, and indeed, exemplify the present gap in the Select Committee system. In terms of cross cutting policy there is nothing more universal in its relationships and impact than the voluntary sector which affects the work of most government departments and influences policy—not least in terms of its delivery—from international affairs, to health and social policy, and education and welfare.

Given the breadth of the sector, I have refined the question so that it can be answered usefully. It focuses on the future and will give the Committee an opportunity to learn from the sector how it sees the challenges facing it (e.g. a changed landscape and new demands upon it), and how it is responding to that. While it will involve a little ‘stock taking’ It would also, I believe, generate new Information about the choices facing the sector, its capacity in terms of human and financial resources and how it is managing that, future configurations (mergers etc) and governance issues.

The topic is evidently timely in several ways. The sector is dealing on every front with changing funding, political and legal landscapes; and demand for new services in a competitive framework. At the same time, there are questions over the future shape and nature of philanthropy, relationships and partnerships, and new forms of funding.

The sector is both spacious and diverse but the enquiry could be structured so that it did produce a clear analysis. Witnesses could be drawn from ‘umbrella’ organisations; and chosen sectors; alongside academics and think tanks.

The new Committee, by its ability to ask dispassionate and forensic questions will also be able to cut through areas which are sometimes very emotive, and would be very well placed to establish baseline information which will allow judgements to be made about the way the whole might look in 5–10 years time, and what it will be capable of. I think this is a question which would command widespread interest across and beyond the House of Lords

I hope you think this is a positive and salient suggestion. I would, however, of course, welcome any advice from you, or Philippa Tudor.

17 DECEMBER 2012

ANDREWS

Letter to the Chairman from Lord Bates

I would be most grateful if consideration could be given to the establishment of an ad hoc Select Committee to take evidence and make recommendations on the United Nations General Assembly resolution (A/66/862) declaring the period of truce to transcend both the Olympic and Paralympic Games in London.

Traditionally the truce resolution has been symbolic however there were significant efforts led by the Foreign and Commonwealth Office to seek to give the Olympic truce a more meaningful role in the London 2012 Games. The UK had a significant mandate as the 2012 Olympic truce resolution was not only signed but co-sponsored by all 193 member states of the UN General Assembly, but how was the mandate delivered on the ground in conflict affected areas? What tangible results were delivered as a result of the 2012 Olympic truce and what steps are being taken by whom to ensure that they are built upon in Sochi 2014 and Rio 2016?

It is of course for the Committee to determine who might be invited to submit evidence but amongst the key actors to be considered would be: Rt Hon William Hague MP, Rt Hon Philip Hammond MP, Rt Hon Teresa May MP, Rt Hon Justine Greening MP, Lord Coe, Lord Moynihan, Baroness Grey-Thomson, Dame Tessa Jowell MP, Richard Ottaway MP, Mayor Boris Johnson, Dr Jaques Rogge (IOC), Sir Philip Craven MP (IPC), Dr Wilfried Lemke (UN Special Advisor of Peace and Development through Sport), H E Roberto Jaguaribe, Ambassador of Brazil to the United Kingdom; HE Alexander Yakovenko, Ambassador of the Russian Federation to the United Kingdom, Justin Forsyth (Save the Children)

The UN Secretary General Ban Ki-moon has recognised that the Olympic truce 2012 took a major step forward and he has invited ideas as to how this progress could be build upon; I would envisage a report and recommendations feeding into that process with the UN and International Olympic Committee.

15 OCTOBER 2012

BATES

Letter to the Chairman from Baroness Billingham

Please find enclosed my suggestion for the setting up of a Select Committee to review the legacy from the 2012 Olympic Games.

I believe this is a crucial issue and one which engages the general public. They demand we keep the government to fulfil its promises and create a generation of athletics, sportsmen and women not forgetting to extend the legacy promised at the time of the bid.

18 NOVEMBER 2012

BILLINGHAM

Letter to the Chairman from Baroness Billingham

I am writing following our brief conversation last week on my proposal to set up a Select Committee to review the legacy from the 2012 Olympic Games.

This is an issue of interest to the general public, not least because of the wonderful success of the games, but also the demand that we can create a new generation of

young people with access to both sport and the arts. In other words, we must fulfil our promise made at the time of the original bid and keep faith with our promise.

I understand there is a similar proposal already on your table; I hope therefore this letter will add weight to that suggestion.

18 NOVEMBER 2012

BILLINGHAM

Letter to the Chairman from Baroness Coussins

When you spoke to the meeting of Crossbenchers recently, you asked for ideas for ad hoc committees for the next session.

I should like to propose an ad hoc committee to consider how HMG supports and promotes the need for modern foreign language skills in the UK's economy, education and international relations, and to make recommendations.

This work would be of great importance, given the increasing body of evidence from a variety of sources which now suggests that the UK's economic competitiveness being significantly undermined by a lack of language skills in the workforce, driving recruitment practices and research contracts overseas. It is also very much a cross-departmental issue, involving the DfE, BIS, the Treasury, the F&CO, the MOJ, the Home Office, Health and DFID—and probably others too. This makes it particularly difficult to address the issues in conventional ways and an ad hoc committee would be an excellent mechanism to bring the issues together in a coherent way, identifying common concerns and solutions.

I declare an interest as Chair of the All Party Parliamentary Group on Modern Languages, but this role has shown me that there is a great deal of interest on all sides of the House for this topic, as well as great deal of scope for practical, realistic and achievable recommendations on to government.

If it would be helpful to meet to discuss or clarify this proposal, I should of course be happy to do so.

10 DECEMBER 2012

COUSSINS

Letter to the Chairman from Baroness Cox

I am writing to request consideration of the establishment of an 'Ad Hoc' Committee to address two interrelated issues which are currently causes of deep concern for many members of this House and of the general public.

I refer to problems experienced by many women in this country caused by religiously sanctioned gender discrimination associated with the rulings of quasi-legal systems which threaten to undermine the fundamental principle of 'One Law For All'.

There are many well-documented cases of the suffering of women caused by discriminatory policies such as unequal access to divorce; polygamy; discrimination with regard to child custody and inheritance; sanctioning of domestic violence and treating a woman's testimony as worth only half that of a man's.

There is also deep concern over certain quasi-legal bodies which are perceived as having the authority of the official legal system. Although these are clearly not

operating on an official 'de jure' basis they are often seen as having genuine legal authority, thereby violating, de facto, the principle of 'One Law For All'.

Another problem relates to decisions of religious tribunals which are enforceable under UK law if they operate under the provisions of the Arbitration Act. Decisions which are discriminatory (for example men receiving double the inheritance awarded to women or child custody being automatically awarded to the husband) could apply to matters which are currently under the jurisdiction of the family courts. We also understand that some tribunals are straying into judging criminal matters, which raises the prospect of "offenders" escaping a criminal record. Moreover, while the Arbitration Act in its present form is suitable for freely agreed arbitrations it needs reconsideration in its application to tribunals whose jurisdiction has not been freely accepted and this is something best explored in such a Committee.

There is abundant evidence demonstrating the validity of these concerns which needs serious analysis in a context which would address sensitive and potentially controversial issues in a responsible, authoritative way and consider appropriate responses. A booklet documenting some of this evidence (in support of the Arbitration and Mediation Services (Equality) Bill) is available, highlighting the urgent need for such an Enquiry in order to promote remedies to alleviate the unacceptable suffering of many women in this country today. I attach a short paper with a summary of some of the main causes of concern; I would naturally be willing to make further information available. Perhaps I should mention that Lord Mackay of Clashfern, Lord Carlile of Berriew and Lord Dholakia are all in agreement with this letter.

Application for Consideration of an Ad Hoc Committee

Public Concern

There is widespread concern about two interrelated issues the development of quasi-legal systems which violate the fundamental principle of 'One Law For All'; and religiously sanctioned gender discrimination which is causing severe suffering for many women in this country.

While the fundamental right of freedom of belief is to be cherished, there are well-reported cases of women who suffer from discrimination inherent in religiously sanctioned rulings who accept these rulings on the basis of lack of adequate information about their legal and civil rights available in this country or because of intimidation by families and/or communities.

There are many well-documented cases of suffering, often intense and sustained, of women caused by discriminatory policies associated with unequal access to divorce; polygamy; discrimination with regard to child custody and inheritance; sanctioning of domestic violence and the practice which regards a woman's testimony as worth half that of a man's.

Examples of women who suffer on account of gender discrimination include those affected by rulings applied in sharia 'courts' or 'councils' or in the Beth Din of the orthodox Jewish community.

The existence of quasi-legal bodies in ways which may be perceived as having the authority of the official legal system is cause for concern: although they are clearly not operating in an official 'de jure' capacity, they are often perceived as having genuine legal authority, thereby violating, de facto, the principle of 'One Law For All'.

Another problem relates to decisions of religious tribunals which are enforceable under UK law if they operate under the provisions of the Arbitration Act. Such decisions which are discriminatory (for example men receiving double the inheritance women or child custody being determined on arbitrary ages rather than the best interests of the child) could apply to matters which are currently under the jurisdiction of the family courts. We also understand that some tribunals are straying into judging criminal matters, which raises the prospect of “offenders” escaping a criminal record. Also, while the Arbitration Act in its present form is suitable for freely agreed arbitrations, it needs reconsideration in its application to tribunals whose jurisdiction has not been freely accepted and this is something best explored in such a Committee.

Parliamentary Concern

Over 70 Peers from across the House have given their support to the request for a Committee to consider the issues identified above. There is abundant evidence which needs to be made available for serious analysis in a context which would address sensitive and potentially controversial issues in a responsible, authoritative way so that steps can be taken to alleviate the unacceptable suffering of many women in this country today.

12 Peers gave overwhelming support to The Arbitration and Mediation Services (Equality) Bill in the Second Reading Debate; many others, who were unable to speak on that day, have promised strong support for the Bill in its attempt to address the issues which would be addressed by a Committee. Lord Mackay of Clashfern, Lord Dholakia and Lord Carlile of Berriew, inter alia, are in support of this application.

Sources of Evidence would include:

- (a) Organisations which support women suffering from such discrimination, such as Karma Nirvana and the Iranian and Kurdish Women’s Rights Organisation.
- (b) Organisations concerned with the need to protect the principle of ‘One Law for All’, including ‘One Law For All’ and British Muslims For a Secular Democracy.
- (c) Individual women who have the courage to give their personal testimonies of suffering from this gender discrimination.
- (d) Legal experts who have expressed concern over and interest in these issues, including those directly involved with women’s rights, family law and associated religious issues.
- (e) Theological and academic scholars, including those from relevant faith traditions.
- (f) Professional personnel involved with domestic violence, child custody and related matters.
- (g) Visits to a representative sample of relevant religious quasi-judicial bodies.
- (h) A booklet of evidence prepared in support of the Arbitration and Mediation Services (Equality) Bill.

Letter to the Chairman from Baroness Doocey OBE

Further to our brief discussion earlier this week, I am writing to suggest we set up an Olympic Legacy Select Committee to try to ensure a lasting legacy from the 2012 Olympic and Paralympic Games.

You may be aware that I chaired both the London Assembly and Metropolitan Police Authority's Olympics Committees which monitored the delivery of the Games and also served as a member of the Home Office Olympic Security Board.

The work I did on these Committees over the past 5 years has left me in no doubt that it is essential that a Select Committee operating looking at the legacy be set up now when it can have some influence into the decisions being made. The Games cost £9 billion plus, so it is crucial that this money provides a lasting legacy rather than just six weeks of sport.

14 DECEMBER 2012

DOOCEY

Letter to the Chairman from Lord Ezra MBE

I am writing to you in response to your request in the Red Benches newsletter No 34 for proposals for select committees for the next Session.

I wish to propose an ad hoc committee on Overseas Trade. This would be a follow-up to the Overseas Trade Committee which reported on 30 July 1985 and met under the chairmanship of Lord Aldington, on which I served, having recommended that such a committee be set up in an earlier debate.

My reason for proposing this is the recent publication of details of the trade gap of £28bn for the quarter ended October 2012, which was said to be the worst ever recorded. The Times had a leading article on this on 7 December.

The Overseas Trade Committee of 1985 drew attention to the adverse trade balance in manufactured goods which had then occurred and warned of serious consequences if major remedial action was not taken.

The government of the day criticised the report as being too alarmist. The fears of the Committee turned out to be justified and the trade gap has progressively widened since then.

I consider that it would be timely for a new Overseas Trade Committee to take up the thread from where the old committee left off, analyse the present and prospective situation and make recommendations.

I am sending a copy of this letter to the Viscount Falkland, Lord Selsdon and Lord Stoddart of Swinclon who also served on the original committee.

13 DECEMBER 2012

EZRA

Letter to the Chairman from Rt Hon the Lord Forsyth of Drumlean

I understand you are looking for suggestions of select committees. I really do think we should have an International Committee of the House to reflect the global interests of members. We are very well served on Europe but less so on the rest of the world probably in relation to trade and other matters.

19 DECEMBER 2012

FORSYTH OF DRUMLEAN

Letter to the Chairman from Lord Hannay of Chiswick GCMG CH

I understand that it would be in order for me to write to you as Chair of the Liaison Committee to make a proposal for a new Committee to be established in the next session of this Parliament.

The proposal I would like to make is that a Committee, which could either be called “Foreign Affairs” or “International Affairs”, should be established. I feel that there are many international issues which would merit study by a Committee before being brought to the floor of the House for debate. There would seem to me to be a plethora of talent in our House to provide members of such a Committee—former Foreign and Defence Secretaries, former civil servants and diplomats, former military men, and many who have worked in the NGO sector on international questions. And the lack of any such Committee does seem to me a glaring lacuna in our Committee structure.

I understand that there is a strong, and legitimate, desire to avoid duplicating the work of the Foreign Affairs Committee of the House of Commons. It should not be too difficult to establish either a set of guidelines or even a binding limitation which would avoid that trap.

I am naturally aware that Lord Howell of Guildford has been canvassing a proposal of this kind. I totally support his proposal; but have been told that it is not sufficient for him to simply quote my name as a supporter. It is in that spirit that I am submitting the present proposal which I hope will receive sympathetic attention.

12 DECEMBER 2012

HANNAY OF CHISWICK

Letter to the Chairman from Rt Rev the Lord Harries of Pentregarth

I write to suggest that there might be an ad hoc committee to examine the relationship of Church and State. I believe there would be good support for this in the House, and it is backed by all those I have spoken to, who include Lord Mackay, Lord Plant, Lord Griffiths of Burry Port (who is a Methodist Minister), Rabbi Baroness Julia Neuberger and Lord Ahmed of Rotherham.

There are a number of issues floating around at the moment which concern this relationship and it would be good to undertake the kind of sober and rational examination that a House of Lords Committee does so well. You might think it appropriate for such a committee to be chaired by a senior retired judge, for example.

19 DECEMBER 2012

HARRIES OF PENTREGARTH

Letter to the Chairman from Rt Rev the Lord Harries of Pentregarth

I said I would write further to expand a little on why I think this is the right time to have a committee on the relation of church and state.

- (1) Those who argue for the disestablishment on the grounds that the country is becoming increasingly secular in its outlook have been very active in recent years, and are likely to become more so.
- (2) Other faith communities, especially Muslims and Jewish leaders, have said that they very much appreciate the value of establishment, as it

provides “an umbrella”, in the words of Lord Sacks, under which other faith communities can feel confident in making their contributions to the formation of public policy. It would be good to have this view recognised and taken into account at a time when other faith communities play such a significant role in our society.

- (3) Legislative changes such as that making it possible for an heir to the throne to marry a Roman Catholic raise questions about their implication for the establishment of the Church of England.
- (4) Looking ahead to the next coronation service, our society will be a very different one from the time when the present Queen was crowned. It would be a good to have a House of Lords view about how this might be reflected in the service.
- (5) The appointment of a new Archbishop of Canterbury, who has an important role in the life of the nation, sees the beginning of a new phase in the life of the Church of England and this presents an opportune moment to reflect seriously on the relationship of the church and state.
- (6) The last commission, which was set up by the Church of England, to study this relationship was that under Professor Sir Owen Chadwick which reported in 1970. Much has changed in the intervening years.

17 JANUARY 2013

HARRIES OF PENTREGARTH

Letter to the Chairman from Lord Hennessy of Nympsfield

May I offer a suggestion for a short-life ad hoc Select Committee on Growth and Competitiveness following the publication of Michael Heseltine’s NO STONE UNTURNED IN PURSUIT OF GROWTH last month?

I have discussed the idea with Michael, Andrew Adonis, Ken Baker and Digby Jones. All four have expressed enthusiasm. It strikes me as the kind of timely subject of interest to all parties and the cross benches that might merit the creation of a Joint Committee drawn from both Houses.

I attach a snatch of Lords Hansard for 9 October 2012 in which I floated the idea plus a follow-up column in The Tablet (not printed).

22 NOVEMBER 2012

HENNESSY OF NYMPSFIELD

Letter to the Chairman from Rt Hon the Lord Howell of Guildford

I understand that you are asking Peers to put forward some suggestions for new committees of the House, for consideration by the Liaison Committee in the New Year.

I would like to join many other Peers in arguing strongly for a new International Affairs Committee in the House of Lords.

I understand very well the concern about duplication with the House of Commons Foreign Affairs Committee and, indeed, can speak with some experience on this matter, having myself been chairman of the FAC for a period of almost ten years.

Duplication can and must be avoided but I have reason to believe that investigations and reports by their Lordships which followed up on FAC Reports,

and brought to bear the depth of experience in the Lords in ensuring that recommendations in FAC reports were followed through and developed, would find favour in the Commons. Indeed this would be their Lordships acting on their proper advisory and supportive role to the work of the Commons.

(I attach at the end of this letter a preliminary list of the areas where FAC reports in recent years would clearly benefit from Lords' attention and reinforcement, greatly to the public benefit).

Another concern is expense, which should clearly be at the forefront. I believe that the Lords input to the examination of international affairs, and the fast-changing world scene, can be delivered to great effect and at very modest additional cost. I need hardly add that with many newcomers to the House in recent years the pool of individuals with both experience and available time to serve on such a committee is probably now very large.

A further relevant observation is that while we already have a distinguished committee that can look at the world through EU eyes the shift of both power and economic significance to the rising nations of Asia, Africa and Latin America is now accelerating, giving rise to entirely new concerns about the positioning of the UK specifically in this new milieu.

In all of this it is increasingly important that Parliament as a whole should have a voice. The combination of Commons work and the Lords' unique and, I believe unrivalled capacity for in-depth analysis is needed to deliver this.

Finally, having just completed two and a half years as a Minister inside the Foreign and Commonwealth Office—a department which has made great efforts to develop a continuing and informed dialogue with Parliament on world affairs I can affirm my impression that an International Affairs Committee drawn from the highly experienced members of this House would be seen as a positive development.

As to issues for inquiry, the ones crying out for follow-up from the FAC are:

- (1) those concerned with the network of relations with the other 53 Commonwealth countries, where the FAC has made a number of recommendations all of which require pursuing and enhancing
- (2) Follow-up work on the FAC report on Turkey and the rise of the new Middle East powers
- (3) Growing importance of the African voice in all international issues, alongside the prospect of transformed economic outlooks in several key African states
- (4) Chinese presence and activity outside China, especially round the Indian Ocean and in Africa
- (5) The rise and significance of new 21st century regional organisations both in Pacific Asia and in Central (Caspian) Asia, and British interests in these regions
- (6) Prospects for UK commercial, political and security cooperation with new allies, such as Korea, China, Japan, Mexico, Turkey, Brazil.
- (7) Changing Maghreb issues and British interests
- (8) Changing relations with Australia and Canada (overlaps with (1) above)
- (9) Seabed issues and changing seabed activity and regimes

- (10) The impact of digital fabrication on international relations
- (11) Modernisation of global energy governance and the UK's role and interests in this field.

Many more areas could be added, given the large number of valuable reports which the FAC have produced over past years which could benefit from re-visiting and follow up.

I hope therefore that the Committee will be able to look favourably at this proposal, given its very extensive support in all parts of the House, its clear need and the new international circumstances which increasingly demand precisely the sort of attention that a committee of this House is well-placed to provide.

18 DECEMBER 2012

HOWELL OF GUILDFORD

Letter to the Clerk from Lord Kerr of Kinlochard GCMG

I have seen Lord Sewel's note about proposals for Committee Activity in 2013/14, and would like to take this opportunity to say, not for the first time, that the absence of a Foreign Affairs Committee in this House continues to baffle and disappoint me. The External Affairs Sub-Committee of the EU Select Committee continues to stretch its mandate manfully and constructively; but it is intrinsically unsatisfactory that this House should address world issues through the prism of embryonic EU relationships and structures. The result is that most of the key future foreign policy issues for this country are not addressed by any Committee in this House, although this long-term nature—and our expertise—means that they might be more appropriately be tackled here than in the Commons

10 DECEMBER 2012

KERR OF KINLOCHARD

Letter from Lord Bragg, Baroness Hollins, Lord Layard, Baroness Meacher, Lord Patel of Bradford, Lord Stevenson of Coddenham, and Lord Tunnicliffe

The House has recently passed a historic amendment establishing parity of esteem for mental health with physical health as a principle for the NHS. How to achieve this is now one of the most pressing issues for the NHS. We therefore propose an ad-hoc select committee on 'The implementation of parity of esteem for mental health with physical health in the NHS'.

There is great expertise on these issues in the House and no shortage of potential advisors.

19 DECEMBER 2012

BRAGG, HOLLINS, LAYARD,
MEACHER, PATEL, STEVENSON,
TUNNICLIFFE

Letter to the Chairman from the Earl of Lindsay, Lord McKenzie of Luton and Lord Curry of Kirkharle

We would like to make the following proposal for an Ad Hoc Select Committee to make a short inquiry into how risk can be better regulated based on robust scientific evidence.

In his report *Reclaiming health and safety for all: an independent review of health and safety legislation*, Professor Ragnar Löfstedt said that “I believe there needs to be a shared understanding of risk and how it should be regulated and that a mechanism is needed to bring together Parliament, policy makers, academics, and the public to achieve this. This should be broader than just health and safety and encompass other areas such as health and environmental issues as well”.

He recommended that “the House of Lords be invited to set up a Select Committee on risk or establish a sub-committee of the Science and Technology Committee to examine this issue and consider how to engage society in a discussion about risk”. In parallel, he recommended that “the Government asks the Chief Scientific Adviser to convene an expert group aimed at addressing this challenge. The outcomes of such work need to be disseminated widely across Parliament, policy makers, academics and the public”.

This topic has been considered by various bodies but continues to be an area where more needs to be done. We note that, in his October 2012 Bernal lecture on science, risk and regulation, the Minister of State for Universities and Science, the Rt Hon David Willetts MP said that “We really can remain at the cutting edge of the world’s science and technology. But I have also identified a real threat to it—an approach to regulation so far removed from any rational appraisal of risk that it threatens to exclude Europe from many of the key technologies of the twenty first century”.

Unfortunately, a number of case studies illustrate what happens when decisions are made based on an assessment of the hazard rather than the risk. An example is the banning by the EU of the use of Bisphenol A (BPA) in babies’ bottles in 2010 even though the view of independent experts (who advise the European Food Safety Authority) is that exposure to BPA does not represent a risk to consumers (including infants and pregnant women).

We believe that regulation, regardless of its origin, should be risk-based and evidence-based. It is important not only for economic growth but also so that everyone can benefit from technological advances. To achieve this both we in Parliament and policy makers need to do more to engage with society in a debate about the risks and benefits of new technologies and the advantages (and limitations) of a risk-based and science-based approach.

To address the second of Professor Lofstedt’s recommendations, the Government Chief Scientific Adviser convened a workshop in November of policy makers, businesses and academics. A report on the outcome of this event is expected in January 2013. It is possible that the report will highlight further issues that could also be examined further by an Ad Hoc Select Committee inquiry.

12 DECEMBER 2012

LINDSAY, MCKENZIE OF LUTON,
CURRY OF KIRKHARLE

Letter to the Chairman from Rt Hon the Lord Mawhinney

Further to our conversation, I would like to suggest, for your consideration, a new committee to “oversee” the implementation of policy and legislation, with similar activities in the devolved administrations, with a view to encouraging a more coherent application of Parliaments’ wishes nationwide.

8 JANUARY 2013

MAWHINNEY

Letter to the Chairman from Lord Moynihan

Further to the decision of the Liaison Committee to recommend the appointment of the two new cross cutting ad hoc committees during the current session I would be grateful if consideration could be given at the December meeting of the Liaison Committee to the establishment of an ad hoc committee on 'London 2012 Olympic and Paralympic Legacy'.

Following the success of the of the Games the House held a well attended debate on November 8—unusually extended due to speaker demand. It was comprehensive in its coverage of a wide range of legacy issues. The genesis of many of the speeches was the undertaking made both by the current and previous Governments for a regeneration and a sporting legacy from the Games. Currently Parliament has no forum to examine the cross-departmental issues, policy implications and opportunities which flow from this objective and the question as to how best such legacies can be realised.

Should this initiative find favour it might be helpful if the remit of the Committee worked to the two principal areas of the Regeneration Legacy and the Sports Legacy. There will be many other issues Members will no doubt want to cover the need to transform the landscape for those with disabilities, the role of women in sport, the Olympic Arts and Cultural Festivals, the Olympic Truce, Inter-faith Dialogue through sport and the many other issues also raised during the time limited debate.

If you would like to talk through these ideas please do not hesitate to let me know, particularly since I have now handed the baton of the Chairmanship of the British Olympic Association to Lord Coe and I would be happy to devote time and resource to this idea. As you may know I have always held the belief that as important as hosting a successful Olympic and Paralympic Games is the need to leave a Legacy from the Games commensurate with the investment made to ensure their success in 2012. The House has always provided all party support, expertise and input to assist with the delivery of a successful Games. I have no doubt that in a constructive approach an ad hoc Select Committee would add significant value to the delivery of an impressive Legacy from London 2012.

9 NOVEMBER 2012

MOYNIHAN

Letter to the Chairman from Baroness Nicholson of Winterbourne

As I am sure you noticed in Hansard, I had the opportunity to lead a debate on the post-2015 Millennium Development Goals last Thursday. The debate was particularly well attended with a lengthy and strong list of speakers who each made valuable contributions.

Since then, I have been approached by many colleagues who either spoke in the debate or read it in Hansard asking me about what are the next steps to take this forward. During the debate two mechanisms were suggested by colleagues. The first was to request the government to produce a Green or White Paper on the subject, which obviously is not something that I would raise with you. The second, however, was the establishment of an ad hoc committee in the Lords for the purpose of reviewing the post-2015 development goals. I am thus responding to your kind suggestion to all Peers that we write to you about possible ad hoc committees.

I am aware that the Commons' International Development Select Committee is currently pursuing an inquiry into the post-2015 development goals and I expect that this would mean that the establishment of an ad hoc committee would be ruled against on the grounds that we would be duplicating the effort of the Commons. Although, I do not agree that would be the case I wish to put forward a second proposal just in case. Many of those who have approached since the debate have highlighted the comment I made about the need to redefine what we mean by 'development'. I and other colleagues stressed a wide range of topics that included conflict, human rights, disability, mental health, manufacturing, migration, trade, education, security, exports, and the political economy to just mention some. This underlines that the subject is one that does not fit a particular government department, agency or sponsored organisation but includes DFID, the FCO, UKTI, Export Finance, CDC, UKBA, the Home Office, Department of Health, MoD, the BBC World Service, the British Council and so on. It thus requires a whole-of-government, or if you prefer a joined-up government, perspective, which by the very departmental nature of Commons Select Committees they cannot provide but which the Lords would with its depth of expertise and experience on these issues would be ideally suited to deliver. It would also be doubly timely considering the recent National Audit Office and Independent Commission for Aid Impact reports on the Conflict Pool, which is jointly managed by MoD, DFID and the FCO, which have both heavily criticised the lack of coordination between departments in providing a coherent and effective government strategy and implementation on the ground.

I would, of course, be more than happy to come and see you to discuss this further and look forward to hearing from you.

30 NOVEMBER 2012

NICHOLSON OF WINTERBOURNE

Letter to the Chairman from Baroness O'Cathain OBE

I am writing to suggest that the Liaison Committee considers recommending the appointment of an ad-hoc Select Committee on the effective exercise of British influence abroad, to consider whether Government departments with an overseas presence (the Foreign & Commonwealth Office, the Department for International Development, the Ministry of Defence and the Department for Business, innovation and Skills) are sufficiently joined-up in pursuing UK interests abroad.

I am aware that there have been several proposals for a Foreign Affairs or International Relations Committee considered and rejected by the Liaison Committee in previous sessions, but I hope that this more limited proposal for a Committee reporting within the session might find favour, especially as its cross-departmental remit would allow the Committee to avoid duplicating the work of either the Foreign Affairs Committee in the House of Commons, or the foreign affairs Sub-Committee of the European Union Committee in the Lords.

22 JANUARY 2013

O'CATHAIN

Letter to the Chairman from Lord Ramsbotham GCB CBE

I am responding to your call for select committee proposals, fully realising that what I am proposing is not for a purely House of Lords Committee, but an extension of the number of Joint Committees, and that I may not be submitting correctly.

It is quite clear that the Joint Select Committee on Human Rights has fulfilled its expectations, not least because its reports and recommendations affect both Houses. Looking at the list of House of Lords Committees, Justice and the Criminal Justice System are not represented. But, now that there is a Ministry of Justice as well as a Home Office, there are House of Commons Justice and Home Affairs Select Committees.

Based on experience of imperfectly scrutinised legislation, having read a number of the reports produced by the two Committees and bearing in mind the particular expertise that rests in the House of Lords, I wonder whether there is not a good case for either or both these Committees to be made joint? I know that Lords membership would strengthen each, and could result in wider examination and better scrutiny of issues. I have had recent experience of where, for example, I might have been able to help the Home Affairs Select Committee. Chairing an inquiry into Enforced Removals of failed asylum seekers, I have found that a recent report by the HASC on the governance of such removals had taken remarkably little evidence and so failed to identify a number of faults that need urgent rectification.

Anyway, I put it forward for your consideration, as I did in a recent debate.

9 DECEMBER 2012

RAMSBOTHAM

Letter to the Chairman from the Earl of Sandwich

I am writing to support a proposal for a new International Affairs Committee of this House. This proposal was put forward on two previous occasions by Lord Howell, Lord Blaker, myself and others and I believe the case is stronger now than it was in 2004 because of the numbers of foreign affairs and development specialists in the House I am not, however, with those who would like to add defence and security.

The stumbling block in the Liaison Committee has always been duplication with the Commons and we agree that the Foreign Affairs and International Development Committees must have precedence, not least in the choice of subjects. The Lords being a revising chamber, it also makes sense that a Lords committee on international affairs should keep a close watch on the subjects followed by the FAC and IDC and should both complement and follow up what those committees are doing. Follow-up reports would provide continuity and strengthen the authority of Parliament as a whole.

A new committee must also, of course, be aware of the EU Select Committee and in particular the work of Sub-Committee C. The EU Committees have recently begun to produce shorter updates and follow-up reports and are arguably better than the FAC at staying with particular issues.

But there is a wealth of knowledge and experience here that is not being used sufficiently, and there are many, perhaps less topical or controversial, issues that the Commons select committees have not taken up. The EU Committees cannot cover non-EU countries adequately (examples are the UK and Nepal, problems of smaller/island states, African diplomacy and issues in many Commonwealth countries).

19 DECEMBER 2012

SANDWICH

Letter to the Chairman from Rt Hon the Lord Shutt of Greetland OBE

I would like to propose an ad hoc committee on Inquiries for consideration by the Liaison Committee for the next session.

The Inquiries Act 2005 provides the statutory framework which may be used by ministers wishing to establish an enquiry with full powers to call for witnesses and evidence. Since the Act was passed a number of inquiries have been set up under its remit, such as investigating the deaths of Bernard Lodge (a prisoner who committed suicide in HMP Manchester), Baha Mousa (an Iraqi civilian who died in British military custody), Azelle Rodney (who died following an operation by the Metropolitan Police), Billy Wright (who died in the Maze Prison in Northern Ireland), and other events of public concern such as the recent Leveson Inquiry into the phone-hacking scandal and the failings in patient care at Mid-Staffordshire NHS Foundation Trust.

We have also seen reviews of events being carried out that have not formally been public inquiries, such as the review by Sir Desmond de Silva QC into the death of Patrick Finucane, and the Hillsborough Independent Panel to oversee the release of documents related to the 1989 Hillsborough football disaster.

Whilst the events that all of these inquiries and reviews have investigated have necessarily been a cause of public concern, on some occasions the very establishment of an investigation has itself been controversial the family of Patrick Finucane, for example, are still pressing for a full public inquiry into his death.

There was concern when the bill (as it then was) was being scrutinised by Parliament that, given Ministers' various powers under the Act, there is the potential for the independence of inquiries to be compromised, particularly in relation to restricting public access and the absence of any requirement for victims to be involved or consulted on the process of setting up an enquiry or formulating the terms of reference. The JCHR has expressed concerns about whether a 2005 Act inquiry can comply with Article 2 of the European Convention on Human Rights, particularly in respect of inquiries in Northern Ireland.

Given the number of reviews and inquiries which have recently reported, I believe that a Lords ad hoc committee on Inquiries would be timely. Such a committee could review whether the current system of statutory and non-statutory inquiries and reviews operate in a way which are effective, cost-efficient and command full public confidence.

22 JANUARY 2013

SHUTT OF GREETLAND

Letter to the Chairman from Baroness Tyler of Enfield

Conscious that I may have missed your formal deadline (for which many apologies) and also that I have already attached my name to a proposal co-ordinated by Baroness Andrews regarding the voluntary sector, I wondered if I could in addition submit a proposal for ad hoc Select Committee inquiry relating to Social Mobility.

In short it is that the one of the new Committees should look into why social mobility has remained stubbornly low in the UK compared to other countries and is currently regressing, and what in public policy terms should be done about it. The essential task would be twofold: identify the key barriers that are preventing social mobility from increasing; and propose policy responses that

would ensure that people's life chances were determined by their own efforts and achievement rather than circumstances of their birth.

Such an inquiry would be very cross cutting, drawing together the work of many different external agencies and government departments and range across all the different life stages of an individual i.e. early years, school, work and beyond. As well as highlighting the importance of early years services, schools, higher education, vocational education and training, employment practices and career progression, it also touches on key issues of family support and external contacts and social networks. These issues are not currently being picked up in a joined up way by the Departmental based Select Committees in the Commons. The Committee would be able to take a long term perspective and draw on international evidence from other countries that enjoy higher rates of social mobility than the UK.

Although a lot has been written on the subject by academics and others, it has so far failed to translate through into effective action in the UK context. An analytical inquiry by a cross party Committee would be able to identify both the root causes of the problem as well as pinpoint effective approaches in the UK that could be scaled up or international experience that was capable of being replicated in this country.

The nub of my proposal is set out above. Should you wish to see the *Context* for this suggestion, more detail is set out below.

Appendix: Social mobility in the UK is stubbornly low compared with other OECD countries and has started to move backwards in recent years. All too often where a person ends up in life in terms of income and social class is still pre-determined by the circumstances of their birth. The roots of the problem start a long time before university and the world of work. Children on free school meals are only half as likely as to get good GCSEs as the average, ruling them out of the race for a university place long before A levels. More children from some private schools go to Oxbridge than the entire cohort of children on free school meals. This lead to a big and inequitable skewing of opportunities to those from better off homes.

Last May, the All-Party Parliamentary Group on social mobility put forward what it called the 'seven key truths about social mobility' about the unequal opportunities that start in the earliest years of life, and persist and often widen later on.

These are:

- (a) The point of greatest leverage for social mobility is what happens between ages 0 and 3, primarily in the home
- (b) You can also break the cycle through education...
- (c) ...the most important controllable factor being the quality of your teaching
- (d) But it's also about what happens after the school bell rings, particularly extra-curricular activities and outside opportunities
- (e) Going to University is the top determinant of later opportunities—so what happens at school, particularly A level 18 attainment, is key
- (f) But later pathways to mobility such as apprenticeships and other forms of workplace education and training are possible, given the will and proper support including effective careers advice

- (g) Personal resilience, character and emotional wellbeing are crucial to success and have been the missing link in the chain, overlooked in debates about social mobility. Character and resilience are a shorthand for the ability to make the most of the opportunities that present themselves, to stick at things to complete the task in hand and the tenacity to bounce back from the knocks that life inevitably brings.

The Group also found the social mobility is really three subjects not one, namely.

- Breaking out from poverty of aspiration or a troubled background;
- Moving up to ensure that all can achieve their full potential;
- Allowing “stars to shine” i.e. nurturing outstanding talent.

Each of these areas requires different policy responses relating to the different life stages of early years, school years and later life in the workplace.

I hope the above is helpful and of interest.

22 JANUARY 2012

TYLER OF ENFIELD

Letter to the Chairman from Rt Hon the Lord Warner

If it is not too late can I suggest a topic for the next round of these Select Committees.

This would be “to review the long term financial and clinical sustainability of the current health and social care systems in their current forms.” I recognise that this has some connection with Geoff Filkin’s current committee’s work to whom I gave evidence recently. However there are a wider set of issues for consideration, particularly given the iconic status of the NHS. There is growing informed concern that a combination of living longer, worsening morbidity, rising public expectations and the limits of taxability are likely to make our current arrangements unsustainable. But the elected political class—across the parties are reluctant to discuss the issue. This would in my view be a good topic for some dispassionate analysis by their Lordships House.

8 JANUARY 2013

WARNER

Letter to the Chairman from Baroness Young of Hornsey OBE

Please find below a brief proposal for the establishment of a Select Committee. I hope this is enough information to be going on with but if you require any further information, please do not hesitate to let me know.

Select Committee on Discrimination and Intolerance Britain can point to a proud tradition of progress in the fight against practices and attitudes that adversely affect people with disabilities, women, black and ethnic minorities and other, disadvantaged groups as they attempt to go about their everyday life. Nonetheless, many people—including those both directly and indirectly affected, policy makers and politicians etc—will acknowledge that we still have a long way to go. Whether its religious intolerance, hate crimes against people with disabilities, racism on the football pitch, violent assaults against women or homophobic bullying, there is

ample evidence to indicate that too many people in our society experience anxiety and are made to feel vulnerable by these actions.

Taking advantage of the wide range of knowledge and expertise in the Lords across all parties and groupings, the aim of this Select Committee would be to bring together social policymakers, those who've worked in the criminal justice system, politicians, psychiatrists and psychologists, economists, programme makers—indeed as wide a selection as possible of peers with knowledge of and experience in addressing the consequences and effects of homophobia, racism, and other forms of discrimination. The Select Committee would seek to examine the impact of legislation and policy, changes in society's attitudes, differences across generations and the role of the media. If there is an opportunity to do so, we should also seek to examine examples from beyond the UK via video conferencing and inviting witnesses from overseas to submit evidence.

The breadth of subject is deliberately ambitious, although the remit could be scaled down if thought necessary.

Why this subject is important

- (1) A quick search through House of Lords Select Committees suggests that this vital subject area is yet to be tackled in a way that fully exploits the range of expertise in the House;
- (2) It is a subject which will connect with a very wide range of people outside the 'Westminster Village' and will enable witnesses and testimonies to be drawn from the general public, third sector organisations, private and public sectors, community groups, politicians with a range of views and from a variety of government departments, and so on;
- (3) The Select Committee will provide an opportunity for sharing examples of projects and programmes that addressed this issue, showing what has worked and what hasn't;
- (4) The Select Committee's report and the debate that follows should be of interest and use to politicians from both Houses and to the media;
- (5) The subject is timely given the changes imminent at the Equalities and Human Rights Commission.

Starting with an open mind and with the input of a diverse range of contributors, it should be possible to come to a better understanding of how discrimination and intolerance are fostered and how the causes and manifestations of these destructive attitudes and actions might be addressed.