Review of House of Lords Investigative and Scrutiny Committees: towards a new thematic committee structure
**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.

**Membership**

The Members of the Liaison Committee are:

- Lord Bradley (from 1 July 2019)
- The Earl of Courtown (in place of Baroness Evans of Bowes Park)
- Baroness Evans of Bowes Park (until 1 July 2019)
- Lord Foulkes of Cumnock (until 1 July 2019)
- Baroness Garden of Frognal (until 1 July 2019)
- Baroness Hayter of Kentish Town (from 1 July 2019)
- Lord Hope of Craighead
- Lord Lang of Monkton
- Lord Low of Dalston
- Lord McFall of Alcluith (Chair)
- Lord Newby
- Lord Smith of Hindhead
- Lord Tyler (from 1 July 2019)
- Lord Williams of Elvel

**Declaration of interests**

See Appendix 1.

A full list of Members’ interests can be found in the Register of Lords’ Interests: [http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests](http://www.parliament.uk/mps-lords-and-offices/standards-and-interests/register-of-lords-interests)

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**Committee staff**

The staff who worked on this inquiry were Philippa Tudor (Clerk), Alice Delaney (Research Assistant) and Heather Fuller (Committee Assistant).

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Summary

Summary of conclusions and recommendations

Chapter 1: Background to the review

Introduction
Our inquiry
Our report

Chapter 2: House of Lords committees: the present structure

Introduction
Sessional select committees
Joint committees
Special inquiry, or ad hoc, committees
  Figure 1: House of Lords investigative and scrutiny committee structure in 2018/19

Chapter 3: Purpose of committees and underlying principles

Purpose of committees
Five key purposes for future Lords committees
Key principles for House of Lords committees
  Cross cutting
  Comprehensive
  Flexible
  Open and outward-looking
  Effective
  Box 1: Witnesses’ views on the need for improved follow-up by committees

Chapter 4: Delivering a new committee structure

The development of our current structure
A thematic structure
Delivering a new structure
Special inquiry committees
Joint and specialist scrutiny committees
Scrutiny of treaties and trade and other agreements
Committee financial and staff resources

Chapter 5: Legislative Scrutiny

Introduction
Pre-legislative scrutiny
  Box 2: Witness support for pre-legislative scrutiny
  Figure 2: Volume of pre-legislative scrutiny since 1997
Post-legislative scrutiny
  The origins of post-legislative scrutiny
  Post-legislative scrutiny by House of Lords committees
  Table 1: Historic post-legislative scrutiny committees
  Box 3: Witness views on post-legislative scrutiny
Enhancing post-legislative scrutiny

Chapter 6: Communications and public engagement

Internal communications
External communications 45
  Box 4: Importance of public engagement 46
  Engagement techniques 47
  Box 5: Active engagement examples 48
Risks 49
Communication resources 50
  Press and media and marketing resources 50
  Digital resources 50

Chapter 7: Working with the House of Commons and devolved legislatures 53
Joint working 53
Working better together 54
Concurrent or joint meetings?
  Box 6: Example of concurrent meeting between committees of both Houses 55
Working with the devolved legislatures 55

Chapter 8: Committee Chairs and Members 58
Selection of members and duration of membership 58
The role of Committee Chairs 59
A Forum for Committee Chairs and continuing professional development 61
Increasing information about membership and attendance 62

Chapter 9: Committee witnesses and evidence 64
Introduction 64
Witness diversity 64
The nature of evidence 66
  ‘Go-to democracy’ in seaside towns (July-October 2018) 66
  Community conversations brought back to Westminster (October-December 2018) 66
  Partnering with organisations to engage local communities (October 2018) 67

Chapter 10: Committee rooms and restoration and renewal 68

Chapter 11: Evaluation 70
Introduction 70
  Present House of Lords practice 70
  Legacy reports in other legislatures 71
Evaluation going forward 72

Appendix 1: List of Members and declarations of interest 73
Appendix 2: List of witnesses 74
Appendix 3: Call for evidence 81
Appendix 4: The Jellicoe review and other changes 84
Appendix 5: Note on the seminar with Lord Norton of Louth and the Campaign for an Effective Second Chamber 89
Appendix 6: Note on the seminar with Lord Stern of Brentford and Alun Evans on a possible thematic structure for House of Lords committees 91
Appendix 7: Note on the seminar with Lord Clement-Jones and Lord Mendelsohn on the impact of technological change on House of Lords committees 93

Appendix 8: Note on the seminar with Helen Jones MP on public engagement within parliamentary committees 96

Appendix 9: Note on the seminar with Lord Blunkett on the impact of restoration and renewal on House of Lords committees 99

Appendix 10: Note by the Chairman of the Working Group on Communications 102

Evidence is published online at https://www.parliament.uk/hl-liaison-review-of-committees/ and available for inspection at the Parliamentary Archives (020 7219 3074).

Q in footnotes refers to a question in oral evidence.
SUMMARY

In 2019 the work of House of Lords Committees is more important than ever. Select committees are one of Parliament’s main tools in holding Government to account and House of Lords committees, which are both cross-party and cross-cutting, play a vital role in examining policy across Government departments. They also play a key role in assisting work in the Chamber, enabling Peers to draw on their reports on Bills, and during debates. Their detailed and authoritative work has become an increasingly important feature of the House in recent years, and our review has sought to take account of the incremental development of our committees since the last major review by the Jellicoe committee more than 25 years ago, while building upon the unique attributes which allow them to bring such rigour to the scrutiny of government.

Our approach to up-dating the ways Lords committees operate has been evolutionary, seeking to adapt to today’s circumstances and provide flexibility for future change. The recommendations contained within this report would allow us to strengthen further the contribution made by Lords committees through developing our thematic approach to committee work, delivering improvements to our communications and public profile, and enhancing our capacity for follow-up and measuring impact.

Continuing also the process of incremental development, we announce a number of specific changes. In October 2015, in response to requests from members, we recommended the establishment of the newest sessional committee, on International Relations, at the start of the 2016–17 session. This recommendation, which was subsequently agreed by the House of Lords, was subject to a full review of all committees to be undertaken in the 2017–18 session. This was to be conducted in addition to the regular reviews of committee activity which we report on to the House at the end of each session.

We have indeed carried out a full review during 2017–19, taking advantage of the longer than usual session. Of the many witnesses who participated by giving oral and written evidence, none suggested that the International Relations Committee should be discontinued. We conclude that the International Relations Committee has quickly become an important feature of the House of Lords range of committees, and should continue.

When we reported in 2015 many of those who commented expressed the view that there were other priority areas for increased committee activity by the House of Lords. A key theme of the review was therefore the consideration of the overall structure of House of Lords committees, and the identification of scrutiny gaps.

At present the largest group of committee activity is the EU Committee and its six sub-committees. Until the current discussions of the UK’s membership of the EU have concluded, it is premature to take decisions as to the extent and scope of the EU scrutiny by House of Lords committees. We plan to return to this part of our consideration in a later report, including the important issue of the potential long-term need for effective committee scrutiny of treaties.

The current EU sub-committee structure does not include dedicated scrutiny of our main public services, such as health and education; nor does the wider structure of sessional committees. Several witnesses suggested that this was the main gap in the current House of Lords investigative committee structure,
and we agree. In 2012 the House agreed to additional provision for the Committee Office of up to £225k (the estimated additional marginal cost of a new committee), subject to the House agreeing the Liaison Committee report. We note that the Committee Office has not yet drawn down on the additional £225k budget agreed by the House in relation to the previous expansion of committee activity and consider that this should now be drawn down to fund a new sessional committee on public services, to be appointed from the start of the next session.

We do not consider that the case has been made at present for all thematic committees to have the power to appoint a sub-committee—and as noted above, it is imperative to await the outcome of Brexit and its impact on the EU committees before making firm decisions on the potential for any re-allocation of existing resources. We propose, however, that committee Chairs should be able to make an annual request to the Liaison Committee for the power and resources to appoint a sub-committee, prior to the re-appointment of the relevant committee in the next session.

Many of our witnesses highlighted the important work of existing committees, including the special inquiry (formerly ad hoc) committees and we recommend that their work should continue as at present.

In relation to the selection process for special inquiry committees we recommend that the member of the House putting forward each of the shortlisted proposals be invited to appear before the Liaison Committee to present their case in person.

In order to address the limited ability of special inquiry committees to follow up their work we recommend that at a convenient period of time after the publication of the special inquiry committee’s report, receipt of the Government’s response and a debate in the House, the Chair of the former Committee may write to the Chair of the Liaison Committee and make the case for the Liaison Committee to hold a small number of evidence sessions to follow up the special inquiry committee’s recommendations. If the Liaison Committee accepts the case for follow up, it will then co-opt the Chair and three members of the former committee (ensuring one member from each group) onto the Liaison Committee with a view to holding two or three evidence sessions, as necessary, ideally in one meeting. This would be followed by a very short Liaison Committee report, to which the Government must respond in the usual fashion.

We need to do more to ensure that the work of our committees is better communicated both within the House and outside it, including to new audiences. We make a number of recommendations to assist this, starting with the agreement of clear objectives at the start of each major inquiry, to assist with identification of a wide range of witnesses, a clear media strategy, continuous improvement and the follow-up of recommendations.

In bringing this major review to its conclusion, whilst we recommend moving towards a system of thematic committees, it is not envisaged that this new system will broadly change the way in which committees currently work or are appointed. We believe, however, that this improved structure, achieved within existing financial resources, will allow committees to maintain and use the strengths of in depth, detailed inquiries that House of Lords committees currently carry out, and that our recommendations in relation to improving committee communications both inside and outside the House will help to increase the effectiveness of their work.
SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Purpose of committees and underlying principles

1. We conclude that scrutiny of Government, influencing policy, informing debate in the House and beyond, engaging with the public and detailed investigation are key purposes to House of Lords committees. (Paragraph 28)

2. We believe that House of Lords committees should be:
   - Cross-cutting
   - Comprehensive
   - Flexible
   - Open and outward-looking
   - Effective (Paragraph 29)

3. We recommend that House of Lords committees should continue to be cross-cutting in nature, working across a number of Government departments and with the ability to consider major policy issues with the requisite degree of breadth and depth. This is a strength of the current arrangements and should be maintained going forward. This approach helps to ensure that our committees complement, rather than duplicate, the departmental approach of the House of Commons. (Paragraph 34)

4. We consider that the structure of our committee work should be comprehensive in order to minimise the potential for scrutiny gaps and assist the House in its function as a revising Chamber. The incremental development of our committee structure to date has resulted in some scrutiny gaps. Our recommendations in this report seek to address this situation. (Paragraph 37)

5. We believe that House of Lords committees should develop greater flexibility to enable their work to respond to the changing external environment, whilst simultaneously addressing new challenges. Our approach to committee work should be responsive and agile enough to allow committees to horizon scan, deal with emerging themes and respond to constant societal and technological changes. (Paragraph 41)

Delivering a new committee structure

6. We recommend that the House move towards an expanded thematic structure for its committees along the following broad subject areas:

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<th>Current committees</th>
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Alongside a Continuing European Union Committee (see paragraph 51 below). (Paragraph 50)

7. We propose, however, that committee Chairs should be able to make an annual request to the Liaison Committee for the power and resources to appoint a sub-committee, prior to the re-appointment of the relevant committee in the next session. We suggest that any such request should usually be received by the end of February. The Liaison Committee would then assess whether or not to support such a request, based upon the case presented and the resources available at that time. If necessary, following Liaison Committee consideration, such requests would be referred to the Finance Committee and House of Lords Commission for consideration of any resource implications. (Paragraph 55)

8. Whilst we recommend moving to a system of thematic committees, it is not envisaged that this new system will broadly change the way in which committees currently work nor the way they are appointed. We believe this new structure will allow committees to maintain and use the strengths of in depth, detailed inquiries that House of Lords committees currently carry out. (Paragraph 56)

9. We recommend the appointment of a Public Services Committee in the next session, with terms of reference which require it to consider public services, including health and education. (Paragraph 59)

10. We recommend that, in future, the member of the House who has proposed a shortlisted special inquiry topic be invited to appear before the Liaison Committee to present their case in person. The Committee will then consider their representations before deciding which inquiry topics to propose for the agreement of the House. We hope that this new process will reassure Members that their case has been heard, loud and clear. (Paragraph 65)

11. We recommend that at an appropriate period of time after the publication of the special inquiry committee’s report, receipt of the Government’s response and a debate in the House, the Chair of the former Committee may write to the Chair of the Liaison Committee and make the case for the Liaison Committee to hold a small number of evidence sessions to follow up the special inquiry committee’s recommendations. If the Liaison Committee accepts the case for follow up, then it will co-opt the Chair and three members of the former committee (ensuring one member from each group, including the Chair) onto the Liaison Committee with a view to holding two or three evidence sessions, as necessary, ideally in one meeting. This would be followed by a very short Liaison Committee report, to which the Government must respond in the usual fashion. (Paragraph 68)

12. We recommend that the work of the following joint committees (in addition to occasional draft bill joint committees) should continue largely unchanged:

- Joint Committee on Human Rights
- Joint Committee on the National Security Strategy
- Joint Committee on Statutory Instruments (Paragraph 70)
Legislative scrutiny

13. We strongly endorse the work of the Joint Committee on Statutory Instruments, the Delegated Powers and Regulatory Reform Committee (DPRRC) and the Secondary Legislation Scrutiny Committee (SLSC), and note that the reports of the DPRRC and SLSC are frequently referred to in debates in both Houses of Parliament. (Paragraph 88)

14. We strongly endorse the importance of scrutiny of draft bills. While accepting that it is inevitable that there will be peaks and troughs in the availability of draft bills, we consider that the Government should attempt to provide greater certainty as to the timetabling of pre-legislative scrutiny committees. We recommend that committees should, where appropriate, consider undertaking the scrutiny of a draft bill within their terms of reference. (Paragraph 93)

15. Noting the success of the House of Lords post-legislative scrutiny committees, and the fact that Commons committees have limited capacity to conduct in-depth reviews, we recommend that the Lords should in future play a more systematic role in post-legislative scrutiny, working in partnership with Commons committees. (Paragraph 103)

16. We consider that post-legislative scrutiny inquiries are better suited to retaining a dedicated post-legislative scrutiny committee under the existing system. This committee should continue to operate on the same basis as our current post-legislative scrutiny activity, with committee Chairs and members appointed on an annual basis and the topic decided by the Liaison Committee. (Paragraph 104)

17. We consider that Government Memoranda on Acts should be presented to the House of Lords as well as to Commons committees, and recommend that this practice should start as soon as practicable, with the Memoranda being presented to the Lords Liaison Committee. (Paragraph 106)

18. We also recommend the establishment of a central database of post-implementation memoranda, together with a list of post-legislative scrutiny reviews conducted by Parliament, with the relevant Government response. (Paragraph 107)

Communications and public engagement

19. We recommend that a weekly report should be circulated to all members of the House summarising committee work. This report could include newsworthy developments, summaries of evidence sessions, upcoming events and report summaries. This report should be separate to current documents provided for the information of members such as Red Benches. (Paragraph 113)

20. In order to improve the timeliness of debates on committee reports, we recommend that reports should usually be debated within three sitting months of publication, to ensure relevance when the debate is held. If a Government response is delayed beyond the usual two month period without the written agreement of the committee, that should not be considered a valid reason for delaying the debate on the report. We note that the House of Lords Companion to the Standing Orders states that the convention that debate takes place after the government have responded is subject to the proviso “unless the committee wishes otherwise”. (Paragraph 115)
21. We recommend that the Procedure Committee consider the order of speakers in debates on committee reports, in particular, consideration of whether the relevant Minister should speak at the beginning of a committee report debate, after its introduction, rather than the end, as at present. (Paragraph 116)

22. In order to assist in internal promotion of committee reports, we recommend that the Procedure Committee should examine ways in which opportunities could be made available to highlight important committee work on the floor of the House. (Paragraph 118)

23. We recommend that there should be formal communications strategies agreed at the outset of all major committee inquiries. The outline plan for communications should promote member engagement throughout the inquiry and after report publication. (Paragraph 122)

24. We recommend that stakeholder mapping should be part of the standard process carried out at the beginning of each inquiry. The mapping should involve committee members and aim to identify individuals and organisations to be directly involved in the inquiry for formal evidence, as well as individuals and organisations in wider civic society who might find the inquiry and report of interest. (Paragraph 124)

25. There should be an effort to understand how successful press coverage is achieved. Whilst appearing on national TV and radio is positive for report publications, there should also be targeting to technical and regional press outlets where individuals are affected by the topics at hand. Similarly, a greater understanding is needed of how successful social and digital engagement is being achieved and how it can be improved. (Paragraph 126)

26. There should be an increase in the use of active social media and digital platforms across committees. (Paragraph 129)

27. We recommend that there should be an increase in the number of events and seminars that are held during the course of major inquiries and report publication, in an effort for committees to broaden their audience and impact. This might involve:

(a) initial roundtables of stakeholders at the beginning of the process prior to formal evidence sessions

(b) visits to include open meetings with academics, businesses and other stakeholders—some of which should involve local/regional/specialist media

(c) use of focus groups or equivalent representation of general public from across the country

(d) presentation of the final report to a range of stakeholders, including but not limited to business, university or professional bodies with media presence. (Paragraph 130)

28. It was also suggested that one way to increase the public or semi-public activity would be to include the Lord Speaker or the Senior Deputy Speaker in some of these events, and for a number of events in relation to report publication or later relevance to be run by the Lord Speaker or Senior Deputy Speaker and supported by the relevant committee. (Paragraph 131)
29. We consider that the key benefit of House of Lords committees using social media is the opportunity this provides for witnesses and other stakeholders to comment interactively. (Paragraph 135)

30. We conclude that the need for, and benefits of engagement that witnesses presented, alongside the solutions recommended, significantly outweigh the possible risks that accompany increased engagement. (Paragraph 136)

31. As one of the principal means for the public to engage with Parliament, committee websites should remain a priority. The work that is taking place to develop new committee websites will be of vital importance in ensuring that our committees are properly equipped to engage with stakeholders and the wider public. (Paragraph 143)

32. Parliament must meet its legal and ethical duties to ensure that its new website is accessible to as many people as possible. (Paragraph 144)

33. As much committee information as possible should be made available using 'open data' principles. (Paragraph 145)

34. Whilst it is acknowledged that there is a place for the current style and substance of House of Lords committee reports, there needs to be active work towards producing committee reports in a variety of formats that are more accessible to a wider audience. This could include condensed reports, summaries through infographics, and interactive presentations. A full assessment of the possibilities should be carried out in order to establish the most useful and engaging style which would be appropriate to the subject matter of, and likely target audience for, the report. (Paragraph 146)

35. In future we think it likely that more people will wish to engage with House of Lords committees through Mass Online Forums, and we accordingly recommend that the new parliamentary website should be developed with that in mind. (Paragraph 147)

36. It should be ensured that no procedural or technical restrictions impair the ability of committees to accept evidence in alternative formats. (Paragraph 148)

**Working with the House of Commons and devolved legislatures**

37. We welcome the suggestion from House of Commons colleagues that the two Liaison Committees should meet together from time to time, and hope that this can be piloted on an informal basis in the next Parliamentary session. This would provide a valuable mechanism for closer joint working between the two Houses, and could deliver a more comprehensive approach to Parliamentary scrutiny. (Paragraph 156)

38. We recommend that House of Lords committees should continue to pursue ways of meeting on an informal basis with House of Commons committees. The Liaison Committee will continue to support and seek to enable such work. (Paragraph 160)

39. We consider that House of Lords committees should seek to take into account relevant work by the Council of Europe and the Organisation for Security and Co-operation in Europe. (Paragraph 165)

40. Dialogue between Westminster and the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly is very important. Our
evidence demonstrates the positive experience of informal joint working structures such as the Interparliamentary Forum on Brexit. We recommend that this format should be encouraged further to facilitate other discussions of cross-party concerns of the devolved legislatures and the UK Parliament. (Paragraph 166)

41. Informal joint working still requires resource, mostly by way of staff support but with a small amount of expenditure needed for travel to other legislatures in the United Kingdom when it is their turn to host the informal meetings. Hitherto this activity has been organised by the House of Lords Committee Office. If this important work develops further, as we hope it will, then consideration should be given to providing dedicated resources for inter-parliamentary dialogue within the United Kingdom. (Paragraph 167)

Committee Chairs and Members

42. There is a difficult balance to be struck between facilitating continuity of membership and expertise whilst also providing new members with the opportunity to serve on committees. In particular, there could be a case for providing a degree of flexibility in the three-year rotation rule when its rigid application would result in a large number of members of a committee being “rotated off” simultaneously, or in the event of a very short parliamentary session being held. We recommend that the Procedure Committee gives further consideration to the operation of the rotation rule in due course. (Paragraph 173)

43. On balance, we do not recommend the election of Chairs of House of Lords committees. (Paragraph 179)

44. We support the recommendation of the Gender-Sensitive Parliament Audit that CPD must be publicised and expanded. We further recommend that CPD should be regarded as an integral part of the role of committee Chairs and members, focused upon specific areas of requirement, such as press and media training. (Paragraph 189)

45. We recommend that the Committee Office should produce a general guide to House of Lords committees for members of the House, including guidance as to where to go for further information about membership and the work of current committees. (Paragraph 194)

46. We have already changed the term “ad hoc” committee to special inquiry committee, and consider that other small changes, in particular replacing the term Chairman with Chair, would be appropriate. We intend to review the language and terminology used in committee proceedings more systematically, and to recommend further changes later this year. (Paragraph 195)

Committee witnesses and evidence

47. Expanding the variety of voices that a committee hears from is important to ensure that committees are undertaking their role most effectively. Diversity comes in many forms, and hearing a range of different perspectives means that committees are better informed and can more effectively scrutinise public policy and legislation. (Paragraph 200)

48. We endorse the work of the witness diversity working group, and encourage the implementation and continued reflection of the success of
these recommendations and the impact they have on committee output. (Paragraph 201)

49. We encourage the introduction of a formal monitoring system for committee witness diversity as soon as possible in order to better understand the current witness base, as well as to track and monitor the progress we make in hearing the views of a greater variety of voices. (Paragraph 203)

50. We endorse the various techniques that have been used by the 2018–19 special inquiry committees to gather evidence. We support the ongoing use of innovative ways to collect evidence and expand the variety of voices that committees hear from. Committees should continue to develop new techniques to gather evidence, ensuring that such techniques are tailored to the individual aims of the committee and inquiry, as and when they are used. (Paragraph 210)

Committee rooms and restoration and renewal

51. The Restoration and Renewal of the Palace of Westminster provides an important opportunity to address this situation. As there is a separate consultation exercise under way we thought it necessary only to note 9 key questions for further consideration:

- How many committees need to be accommodated, bearing in mind (i) how often they meet to hear evidence in public; (ii) the number of members involved and (iii) the likely number of committees meeting simultaneously on peak committee days of Tuesday and Wednesday?

- How many joint committees need accommodating both during Parliament’s decant to alternative accommodation and on return to the Palace of Westminster, and when and where should they meet?

- How can equality of access for members and visitors with disabilities to and from Lords committee rooms be delivered (including fire evacuation provision)?

- Can some flexible meeting spaces be provided (so rooms can be made larger or smaller according to need and the nature of the meeting)?

- How much space is needed for members of the public to attend committee meetings now that public meetings are webcast?

- What arrangements should be made for waiting areas for witnesses and the visiting public?

- What other users of committee rooms need to be accommodated (for example party meetings, all party parliamentary groups, staff meetings and training sessions)?

- What security adjustments are needed to meet current and future potential challenges and threats?

- Is the current committee corridor the quietest location for committee rooms (important for broadcasting and recording, as the river front is less frequently impacted by noise from protesters)? (Paragraph 215)
Evaluation

52. We expect that in future all House of Lords committees will increase their focus on setting clear objectives and evaluating their effectiveness, and may consider producing legacy reports at the end of each session or Parliament. This will help to demonstrate how committees deliver detailed scrutiny and value for money on behalf of the House as a whole. (Paragraph 230)

53. We expect to continue our present practice of publishing a “highlights” report of overall House of Lords committee activity at the end of each session. We will also continue to keep the effectiveness of House of Lords committees under regular and ongoing review. (Paragraph 231)
CHAPTER 1: BACKGROUND TO THE REVIEW

Introduction

1. Committee activity is a vital part of the work of the House of Lords, which is well placed to draw on the extensive and wide-ranging expertise of members and adds significant value to the work of Parliament as a whole. House of Lords committees also contribute to society more widely through their influence on government policy and societal change. Committees provide an increasingly important opportunity for people from all walks of society and all parts of the United Kingdom to interact with the House of Lords.

2. We could and should, however do more to increase the effectiveness of House of Lords committees to ensure they are at the forefront of engaging members of the wider House and the public in their work. House of Lords committee inquiries should inspire conversation and debate about the important issues they address. House of Lords committees could also make far greater use of digital tools, as well as more traditional meetings and visits, to extend their reach.

3. In January 2018 the House of Lords Liaison Committee launched its review1 of House of Lords investigative and scrutiny committees. This was planned as a wide-ranging examination, not least because it was the first over-arching review of House of Lords committees since the Committee chaired by Lord Jellicoe reported in 1992. During that time there has been significant change in society, in the constitution, in communications, and in the House itself. The result of the 2016 referendum on UK membership of the EU could also have an impact on the work of our committees, given the current focus on scrutiny derived from our membership of the EU. Some, but not all, of these developments have been reflected in piecemeal changes to House of Lords committees. The incremental changes have had a significant impact on the overall structure of Lords committees. As this structure is a key theme of our review, we highlight these historic changes briefly in Appendix 4.

Our inquiry

4. During the last 25 years, House of Lords committees have developed significantly. We have added new sessional committees, including the Constitution Committee and more recently the International Relations Committee. In the present decade the Lords has expanded greatly its use of ad hoc (special inquiry) committees, and typically now appoints four each year, including one devoted to post-legislative scrutiny. Committees are

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valued and regarded highly in the House for the expertise, experience and wisdom that they bring to their work. Much of this work merits a wider audience. Of course not all inquiries attract media interest, and sometimes that is right. The role of some of our committees is to do the forensic scrutiny of areas, including secondary legislation, which is on occasion difficult for members of the House of Commons, with their constituency responsibilities, to find the time for. Some of this detailed scrutiny work may not always be newsworthy, but it is in all our interests as citizens to ensure secondary legislation is appropriate and effective.

5. This review was announced as long ago as October 2015, when the Liaison Committee, and then the House as a whole, agreed to the establishment of the International Relations Committee at the start of the 2016–17 session. This was subject to “a full review of the Committee work of the House, to take place during the 2017–18 session, with a view to rationalising Committee activity.” The aim of the review was to ensure House of Lords committees continue to work as well as they can and to consider how they should adapt for the future. We invited submissions from any interested parties, posing five key questions, with other more detailed questions in the call for evidence (please see Appendix 3).

6. This has been the most comprehensive review of House of Lords select committees ever undertaken, and has followed two distinct, but overlapping, phases. Firstly, between April and November 2018, the Committee held 23 oral evidence sessions with 52 witnesses. The Committee also received 79 pieces of written evidence. All of this has been published on the Committee’s website, and some of the evidence thus published provoked further discussion and the submission of further written evidence. The Committee was keen to learn lessons from the House of Commons as well as from other parliaments and assemblies, and following receipt of a number of written submissions, also benefited from exploring some of the themes in oral evidence. As well as seeking the views of a wide range of individuals and organisations outside the House, engagement with members of both Houses of Parliament has been a key theme of the inquiry. The Chair held around 90 meetings with individual Peers and meetings with individuals and staff teams across the Committee Office on a number of occasions. The Chair also attended meetings of each party group and the Crossbench Peers to discuss the review, and held regular drop-in sessions for members.

7. Secondly, between November 2018 and April 2019 we arranged a series of seminars to explore the developing key themes of the review, including the purpose of committees and post-legislative scrutiny; structure of committees; technology and public engagement, working with the House of Commons and Restoration and Renewal of the Palace of Westminster. Members of the House were invited to attend all of these seminars and a note of each was taken. These seminars were as follows:

- 14 November 2018: Informal meeting with Chair of the EU Select Committee Lord Boswell of Aynho and the EU Sub-Committee Chairs
- 27 November 2018: Seminar with Lord Norton of Louth and the Campaign for an Effective Second Chamber (please see Appendix 5)

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2 Liaison Committee, An International Relations Committee (2nd Report, Session 2015–16, HL Paper 47, paras 7 and 13)
• 4 December 2018: Seminar with Lord Stern of Brentford and Alun Evans on a possible thematic structure for House of Lords committees (please see Appendix 6)

• 22 January 2019: Seminar with Lord Clement-Jones and Lord Mendelsohn on the impact of technological change on House of Lords committees (please see Appendix 7)

• 12 February 2019: Seminar with Ms Helen Jones MP, Chair of the House of Commons Petitions Committee, on public engagement within parliamentary committees (please see Appendix 8)

• 30 April 2019: Seminar with Lord Blunkett and Baroness Scott of Needham Market on the impact of restoration and renewal on House of Lords committees (please see Appendix 9).

8. As the review progressed some measures were either piloted or put in place as a result of the evidence and consultation. These included piloting a range of innovative methods of public engagement, changing the name of ad hoc committees to special inquiry committees, and increased transparency measures in relation to the process of selecting topics for scrutiny by special inquiry committees.

9. In addition, Lord Gilbert of Panteg, Chair of the Communications Committee, chaired a working group looking at committee communications, and the report from that group is published in Appendix 10 to this report. Committee Office staff reported the findings of the work of their witness diversity group. The Chair of the Liaison Committee also held 15 meetings with the Chairs of investigative committees in order to consider emerging proposals.

10. In January 2019 the House of Commons Liaison Committee launched its review into the effectiveness and influence of the select committee system, which concluded in June 2019, to coincide with the 40th anniversary of the creation of the departmental select committee system. There is some overlap between this review and our own review, and the Chair was pleased to have been invited by the Commons Committee to participate in their round table held at the Institute for Government (IfG) on 6 March 2019.

Our report

11. The next two chapters of this report set out the present structure of House of Lords committees and discuss the purpose of committees and underlying principles to guide their future activity. Chapter 4 outlines changes to the committee structure that should be delivered to address current gaps in scrutiny. The next part of the report considers some key aspects of House of Lords committee activity: legislative scrutiny (Chapter 5), internal and external communications and public engagement (Chapter 6), and working with the House of Commons and devolved legislatures (Chapter 7). We move on to consider issues connected with committee Chairs and members (Chapter 8), committee witnesses and evidence (Chapter 9) and committee rooms and the Restoration and Renewal of the Palace of Westminster (Chapter 10). We conclude by considering the important part which evaluation plays in monitoring and improving committee effectiveness (Chapter 11).
CHAPTER 2: HOUSE OF LORDS COMMITTEES: THE PRESENT STRUCTURE

Introduction

12. House of Lords committees which deal with public matters can be categorised as either ‘investigative’ committees (a select or joint committee established to consider matters of public policy) or ‘legislative scrutiny’ committees (considering draft, primary or secondary legislation). Each type of committee is composed of a limited number of members of the House, hence the term ‘select committee’. Some committees are set up each session (permanent, or sessional committees) while others are set up for the purpose of a single inquiry (special inquiry, formerly known as ad hoc committees).

13. Our inquiry did not cover select committees which deal with private business (including personal bills, standing orders (private bills) and hybrid instruments committees) or the domestic and procedural affairs of the House.

Sessional select committees

14. Over the past 45 years, the House of Lords has developed a large number of permanent (or sessional) select committees, as follows:

- European Union Committee (1974, currently with six sub-committees)
- Science and Technology Committee (1980)
- Delegated Powers and Regulatory Reform Committee (1992)
- Constitution Committee (2001)
- Economic Affairs Committee (2001, currently with the power to appoint a sub-committee on the draft Finance Bill)
- Secondary Legislation Scrutiny Committee (2004, currently with the power to appoint a sub-committee)
- Communications Committee (2007, sessional since 2013)
- International Relations Committee (2016)

Joint committees

15. Joint committees may be appointed permanently to conduct investigative or scrutiny work, to consider specific public policy matters (such as parliamentary privilege and Lords reform), public bills and draft bills. There are currently three main permanent joint committees, as follows:

- Joint Committee on Statutory Instruments (1972)
- Joint Committee on Human Rights (2001)

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3 Under House of Lords Standing Order 64 certain committees are appointed on a “sessional” basis, which means that their orders of appointment remain in force from one session to the next throughout a Parliament until the House orders otherwise. Sessional committees are for most practical purposes in permanent existence.

4 The Joint Committee on Statutory Instruments must be appointed each session pursuant to House of Lords Standing Order 73, but in practice it has always been re-appointed.
• Joint Committee on the National Security Strategy (2010)

16. The Joint Committee on Consolidation Bills, first established in 1894, considers the form rather than the merits of bills that consolidate the law, by repealing and re-enacting existing provisions in other Acts relating to one area, without amending it.

17. Other joint committees are appointed from time to time, for example to consider draft bills (pre-legislative scrutiny).

**Special inquiry, or ad hoc, committees**

18. The third main category of investigative committees in the House of Lords is special inquiry, or ad hoc committees. As described above, this part of House of Lords committee work has expanded considerably since 2012, and in recent years it has become the norm to appoint four new special inquiry committees each year.

19. An overview of House of Lords investigative and scrutiny committees in financial year 2018/19 is shown in the following diagram.

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5 The Joint Committee on Consolidation Bills must also be appointed each session pursuant to House of Lords Standing Order 51.

6 The Committee last met in February 2014, when it considered the Co-operative and Community Benefit Societies Bill, which was referred to it, together with a Report of the Law Commission and the Scottish Law Commission on the Bill (Cm 8768).
Figure 1: House of Lords investigative and scrutiny committee structure in 2018/19

House of Lords Scrutiny committees 2018-19

Secondary legislation committees
- Joint Committee on Statutory Instruments
- Delegated Powers & Regulatory Reform Committee
- Secondary Legislation Scrutiny Committee

Joint committees
- Joint Committee on Human Rights
- Joint Committee on the National Security Strategy
- Pre-legislative (Draft Bills) Committee

EU committees
- EU Select Committee
  - EU Financial Affairs Sub-committee
  - EU Internal Market Sub-committee
  - EU External Affairs Sub-committee
  - EU Home Affairs Sub-committee
  - EU Justice Sub-committee
  - EU Energy and Environment Sub-committee

Special inquiry committees
- Intergenerational Fairness
- Seaside Towns
- Rural Economy
- Bribery Act 2010 (Post-legislative scrutiny)

Non-EU sessional committees
- Constitution Select Committee
- Communications Select Committee
- International Relations Select Committee
- Science and Technology Select Committee
- Economic Affairs Select Committee
- Finance Bill Sub-committee
CHAPTER 3: PURPOSE OF COMMITTEES AND UNDERLYING PRINCIPLES

Purpose of committees

20. Before being able to understand issues with the current House of Lords committee system, and the possible alternatives that are available to improve it, the committee agreed that understanding the purpose of committees was the necessary first step.

21. In 1992 the Jellicoe Review established three broad categories as to the purpose of House of Lords committees:

- To make reports to the House
- To exert an influence on Government
- To address some recommendations to a wider audience beyond the House and the Government.7

22. The evidence we received during our current review reiterated many of these original principles. Michael Clancy, Director of Law Reform at Law Society of Scotland, considered that the purpose of committees should be “looking at policy, examining legislation, looking at the way in which government is working and reporting to the House”.8 He added that whilst the focus “relates to the influence upon the Government and upon legislation and policy, nevertheless the public expect some kind of reaction from the House of Lords”.9 Lord Norton of Louth suggested that committees have a responsibility to more than just one audience. He stated that it was the role of committees to “inform not just the House, but also government and others in the field … as well as on occasion the wider public”.10

23. Lord Norton also emphasised the importance of developing a relationship between committees and the public:

“Filling gaps in terms of legislative and administrative scrutiny is necessary for the House to fulfil its core functions. Doing so is necessary, but it is not sufficient. It omits the third primary function, which is to give voice to and consider the concerns of citizens.

The legitimacy of the House derives from fulfilling the functions outlined above, but it is crucial to emphasise the limitations of seeing them purely in terms of legislative-executive relations. They need to be located within the prism of legislative-public relations. Both Houses act as a buckle… between government and citizens”.11

24. The Jellicoe Review had noted that the purpose of Lords’ committees is “unlike the Commons’ departmentally-related committees”.12 The Review suggested that “Lords’ select committees do not seek to hold Ministers

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8 Q 61 (Michael Clancy)
9 Ibid.
10 Written evidence from Lord Norton of Louth (RIS0023)
11 Supplementary written evidence from Lord Norton of Louth (RIS0079)
to account or scrutinise the work of Government departments in any comprehensive way”.\(^\text{13}\)

25. Our evidence demonstrated a shift in opinion since the Jellicoe review published its findings. Several witnesses noted the need for House of Lords committees to hold Ministers and the Government to account. Mr Alun Evans, Chief Executive at the British Academy, highlighted the need for committees to hold the Government to account and said committees “are essential for proper scrutiny of the legislature and of the Executive”.\(^\text{14}\) Robert Khan, Executive Director of External Affairs, Law Society of England and Wales, suggested the purpose of committees is to “provide robust scrutiny not just of government legislation but of government actions more generally”.\(^\text{15}\)

26. In direct contrast with the conclusions of the Jellicoe Review, Dr Ruth Fox, Director and Head of Research at the Hansard Society, highlighted the “anticipatory power” of committees “in terms of persuading Ministers to think again”.\(^\text{16}\) The view that Lords committees do now have a role in holding Government and Ministers to account was also supported by members of the House. Lord Blencathra described the purpose as “holding Government to account”\(^\text{17}\) and Lord Clement-Jones phrased it as “challenging government”.\(^\text{18}\)

Five key purposes for future Lords committees

27. Whilst the Jellicoe review established three key purposes to House of Lords committees, our evidence has led to us expanding this as we identified five key purposes which we believe should be reflected in the future work of House of Lords committees:

- Scrutiny of Government: committees play an important role in holding the executive to account, providing scrutiny of government policy, actions and legislation. They do this both by their own scrutiny activity and by aiding the scrutiny work of the House and Parliament.
- Influencing policy: committees can help to inform the development of policy, and provide a forum for external organisations and wider society to advocate proposals and influence policy development.
- Informing debate in the House and beyond: committees play an important role in shaping and contributing to public policy debates.
- Engaging the public in the work of the House: Members of the House of Lords do not have the constituency links and engagements of their counterparts in the Commons. Our committee work, however, offers the opportunity to engage with the public in the work of the House and allows issues that are of concern in wider society to be addressed to members of the House.
- Detailed investigation: Lords committees often undertake inquiries that have a great deal of depth, and produce reports that are well-researched and evidenced, with resulting credibility. Others, including the Delegated Powers and Regulatory Reform Committee and the

\(^{13}\) Ibid.
\(^{14}\) Q 31 (Alun Evans)
\(^{15}\) Q 61 (Robert Khan)
\(^{16}\) Q 37 (Dr Ruth Fox)
\(^{17}\) Q 80 (Lord Blencathra)
\(^{18}\) Q 148 (Lord Clement-Jones)
Secondary Legislation Scrutiny Committee, conduct specialist scrutiny to assist debates on the floor of the House. This is an important attribute, but there are also some topics where short and discrete reports, responding to issues of immediate concern and relevance, are helpful.

28. **We conclude that scrutiny of Government, influencing policy, informing debate in the House and beyond, engaging with the public and detailed investigation are key purposes to House of Lords committees.**

**Key principles for House of Lords committees**

29. Having identified the key purposes of Lords committees, and also reflecting the evidence we received, we then defined five key principles that should shape this work. Taken together, we consider that these would help to develop an enhanced approach to House of Lords committee activity. **We believe that House of Lords committees should be:**

- Cross-cutting
- Comprehensive
- Flexible
- Open and outward-looking
- Effective

30. The following paragraphs explore these principles in greater detail.

**Cross cutting**

31. Since 1979 the departmental structure of House of Commons select committees has provided a clear structure and purpose for most of their committees, whose role is to examine “the expenditure, administration and policy” of the relevant department and its “associated public bodies”.

32. The Hansard Society noted that the current Lords committee system “more easily accommodates and encourages scrutiny of cross-departmental topics than its counterpart in the Commons, where ‘siloeed’ scrutiny has been a perennial weakness”. This strength was also reiterated by the Lord Bishop of Birmingham, the Convenor of the Lords Spiritual, who said that the “emphasis” in Lords committees “on subject areas that cut across departments ensures that the Lords complements the work of the Commons, instead of competes with it”.

33. Professor Meg Russell, Director, Constitution Unit, University College London, said that “one of the great strengths” of Lords committees is the “complementarity, the fact that committees in the Lords do not simply duplicate the Commons”. In our evidence the relationship between committees of the two Houses and their ability to complement one another,

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20 Written evidence from the Hansard Society (RIS0048)
21 Written evidence from the Bishop of Birmingham (RIS0066)
22 Q 1 (Prof Meg Russell)
rather than simply replicate, was reiterated as key to the development of any committee structure.

34. **We recommend that House of Lords committees should continue to be cross-cutting in nature, working across a number of Government departments and with the ability to consider major policy issues with the requisite degree of breadth and depth. This is a strength of the current arrangements and should be maintained going forward. This approach helps to ensure that our committees complement, rather than duplicate, the departmental approach of the House of Commons.**

**Comprehensive**

35. Building on the theme of cross-cutting House of Lords committees and complementarity with the House of Commons, witnesses identified a need for parliamentary committees to be increasingly aware of each others’ work. Increased awareness and information-sharing, facilitated by use of technology, could help establish parliamentary scrutiny rather than solely Commons or Lords scrutiny, and avoid possible scrutiny gaps across the two Houses. Professor Russell, when reflecting on the idea of Parliamentary scrutiny, thought the correct approach would be “identifying real scrutiny gaps and weaknesses in the parliamentary system as a whole and how they can be filled”.23

36. The current structure of House of Lords committees has developed in an ad hoc way, as laid out in earlier chapters. While some areas of public policy—one such as the European Union—are well-covered and well-resourced, in other major policy areas there are significant scrutiny gaps. This is particularly the case for issues surrounding public services and social affairs, which are not always well covered by the remits of our current committees. Our approach to building upon our current committee structure aims to fill these scrutiny gaps and ensure that there is comprehensive scrutiny of major policy both in the House of Lords, and across Parliament more widely.

37. **We consider that the structure of our committee work should be comprehensive in order to minimise the potential for scrutiny gaps and assist the House in its function as a revising Chamber. The incremental development of our committee structure to date has resulted in some scrutiny gaps. Our recommendations in this report seek to address this situation.**

**Flexible**

38. The current committee system has limited flexibility in its ability to react to external events. Dr Fox, stated a “critique would be that the adaptability and flexibility you have built in is essentially a once-a-year opportunity”,24 and she would question “whether that is necessarily as flexible as you might want going forward”.25 Dr Fox recognised, however, that “the fact that the committee structure is not tied to the shadowing of government departments allows the Upper House more discretion.”26

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23  Q 6 (Professor Meg Russell)
24  Q 44 (Dr Ruth Fox)
25  Ibid.
26  Written evidence from the Hansard Society (RIS0048)
39. The need to improve the agility of House of Lords committees was highlighted as an important measure in ensuring that a revised structure could stand the test of time. Mr Clancy emphasised the connection between flexibility and the future and explained “the structure has to be sufficiently fixed to do the job but sufficiently flexible to take account of changes as time goes on.” Committees, and the House itself, will need to take into account ongoing societal changes and the continuing impact of developing technology, amongst many other challenges in forthcoming years.

40. On a more positive note, several witnesses highlighted the fact that Lords committees typically avoid the temptation of “ambulance-chasing” the latest media headlines, and thought that this approach could be developed further. Lord Hollick emphasised the ability of Lords committees to take a longer-term view, and to look at future policy initiatives, “on a cross-party basis, with the benefit of considerable political, academic, business and professional expertise, we are able to take a longer view on a lot of important things … giving a longer-term perspective.”

41. We believe that House of Lords committees should develop greater flexibility to enable their work to respond to the changing external environment, whilst simultaneously addressing new challenges. Our approach to committee work should be responsive and agile enough to allow committees to horizon scan, deal with emerging themes and respond to constant societal and technological changes.

Open and outward-looking

42. Many of our witnesses from both inside and outside the House of Lords were strongly of the view that Lords committees should be better equipped to engage with wider audiences, both within Parliament—including the House of Commons—and beyond Westminster. We agree that this is an area where Lords committees need to build upon good work that has been undertaken in recent years and we explore this theme further in Chapter 6.

Effective

43. Committees should seek to understand, monitor and measure their impact. This will entail greater emphasis on planning, particularly in connection with the overall aims of major inquiries and in developing strategies for public engagement and media. We recognise the current weaknesses in tracking committee recommendations and consider that dedicated follow-up activity should form part of a new approach. We explore some means for addressing this further in the final chapter of this report, but set out here some structural challenges which currently limit our ability to understand impact and ensure effectiveness.

44. The annual cycle of appointment and reporting for special inquiry committees attracted widespread comment, much of it critical. Following up committee recommendations is one of the key tools for committee effectiveness, and a repeated criticism was the lack of resources by House of Lords committees to conduct systematic follow-up of earlier inquiries. Whilst this was to some extent true of most committees, the problem was particularly acute in relation to the complete absence of flexibility to follow up special inquiry

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27 Q 68 (Michael Clancy)
28 Q 92 (Lord Lisvane)
29 Q 100 (Lord Hollick)
committee reports as demonstrated in Box 1. This issue is a consequence of the time-limited nature of special inquiry committees, which are dissolved once their report has been ordered to be printed. There is currently no formal mechanism for reconvening the committee, or further follow-up other than the government response, debate in the chamber, and letters to and from the Liaison Committee. Baroness Tyler of Enfield, who acted as Chair of the Financial Exclusion *ad hoc* Committee in the 2016–17 Parliamentary Session and has been a member of four other *ad hoc* committees, highlighted that the limited potential for follow-up “significantly diminishes the likelihood of the recommendations being taken seriously by Government”.30

**Box 1: Witnesses’ views on the need for improved follow-up by committees**

> “With the follow-up, particularly with the *ad hoc* committees, that is a real issue at the moment. There is an accountability cliff that it goes off.”31

> “Sessional committees retain an infrastructure to follow up recommendations affecting government and others, but *ad hoc* committees tend to struggle with follow-up procedures”32

> “The weakness that we have all identified is the follow-up. I would like to see a system …of an annual follow-up”33

> “This follow-up question is probably the most important part of the whole exercise… we must do this better”34

> “We ought to be looking very much at more formal ways of follow up and checking out what has happened as a result of the report, because not only is it good for the Committees and policy but it is very good for the reputation of the House to see how we influence policy”35

> “The fact that *ad hoc* committees dissolve after the publication of their report is seen as one of the weaknesses, if not the main weaknesses of House of Lords *ad hoc* committees. This severely limits the ability to do follow up, which is in sharp contrast to a sessional committee”36

> “Committees are cut off and their recommendations may languish once the period of existence has come to an end. There needs to be more post-report action”37

30 Written evidence from Baroness Tyler of Enfield ([RIS0044](#))
31 Q 22 (Prof Matthew Flinders)
32 Q 82 (Lord Trefgarne)
33 Q 143 (Baroness McIntosh of Pickering)
34 Q 143 (Lord Cameron of Dillington)
35 Q 144 (Baroness Pikeathley)
36 Written evidence from Thomas Caygill ([RIS0008](#))
37 Written evidence from Baroness Deech ([RIS0024](#))
CHAPTER 4: DELIVERING A NEW COMMITTEE STRUCTURE

The development of our current structure

45. House of Lords committees have developed piecemeal over the past five decades, and there has been no previous attempt to consider the overall committee structure. The lack of a guiding logic to committee structure has resulted in significant gaps arising in scrutiny. On occasion, the work of the special inquiry committees (formerly known as ad hoc committees) has filled scrutiny gaps, but not in a systematic fashion. The principal policy areas that have suffered from a lack of detailed scrutiny are social affairs and public services, including health and education, though there are inevitably other omissions, not least because the current sessional committees cannot be expected to examine all areas of policy exhaustively.

46. Compelling evidence to the review has suggested that introducing a thematic structure for House of Lords committee work would best deliver against the five principles set out in Chapter 3, and would offer the most coherent approach to filling the current major gaps in scrutiny.

A thematic structure

47. A range of proposals for a thematic structure were received by the Committee. Lord Stern of Brentford submitted the idea of a structure to “reflect the main strategic and thematic challenges facing the nation today and the functions of government.”38 This submission suggested six broad themes, the economy, home affairs, health and welfare, foreign affairs, defence and security, and the constitution and local government. Those themes aimed to “provide the right top-level balance between the key challenges for the nation, for society and internationally, and the opportunity to drill down into more detailed areas of scrutiny.”39

48. Similar structures were proposed by a variety of different members, each of whom offered slightly different themes including:

- Baroness Prashar: Home Affairs, Health and Welfare, Foreign Affairs and International (including the EU), Defence and Security, Constitution and Digital Disruption 41
- Baroness Tyler of Enfield: Economic Affairs, Domestic Affairs, Social Policy, Environmental Affairs, Science and Technology, International Affairs and Constitution.42

49. This broad concept was also supported by other members of the House including Lord Norton, Lord Hollick, Lord Hennessy of Nympsfield and Lord Inglewood, although none submitted a proposal of possible themes. Drawing these proposals together, we conclude that the case for moving towards a new thematic structure is compelling. Our current committee

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38 Written evidence from Lord Stern of Brentford and Alun Evans (RIS0039)
39 Q 28 (Alun Evans)
40 Written evidence from Baroness Kidron (RIS0040)
41 Q 56 (Baroness Prashar)
42 Written evidence from Baroness Tyler of Enfield (RIS0044)
structure is already to a large extent a thematic structure, and we are seeking to build upon and augment it, rather than aiming for reinvention, which would be unnecessary. The following table of proposed thematic committees shows additions to the titles of existing committees, where there are any, and a proposed new committee.

50. We recommend that the House move towards an expanded thematic structure for its committees along the following broad subject areas:

<table>
<thead>
<tr>
<th>Current committees</th>
<th>Proposed committees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communications</td>
<td>Communications and Digital</td>
</tr>
<tr>
<td>Constitution</td>
<td>Constitution</td>
</tr>
<tr>
<td>Economic Affairs</td>
<td>Economic Affairs</td>
</tr>
<tr>
<td>International Relations</td>
<td>International Relations and Defence</td>
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<tr>
<td></td>
<td>Public Services</td>
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<tr>
<td>Science and Technology</td>
<td>Science and Technology</td>
</tr>
</tbody>
</table>

Alongside a Continuing European Union Committee (see paragraph 51 below).

Delivering a new structure

51. In terms of making this expanded thematic structure a reality, this report is only a staging post. Further work will be required by this Committee once the outcome of Brexit is known. Our EU Committee and its six sub-committees will be ‘ring-fenced’ until we can analyse the implications of Brexit for these committees, how much dedicated EU scrutiny will need to be retained, and the extent to which their functions may be dispersed amongst current and possible new committees. For example, there may be substantial tasks to be taken forward by other committees in the event of certain Brexit outcomes. Some policy areas, for example energy and the environment, and home affairs, are principally covered by EU committees at present. Post Brexit, the issues which these committees consider would be likely to need to be absorbed elsewhere. Scrutiny of issues impinging on devolved or local government responsibility would fall within the remits of the appropriate thematic committee.

52. We believe that the terms of reference for committees are an opportunity to expand further the work and role of committees outside their title, ensuring more comprehensive coverage of major policy areas. Therefore, we recommend that key thematic inquiry areas for each committee should be recognised within their orders of reference. Suggested language is proposed below:

- The Communications and Digital Committee be appointed to consider the media, digital and creative industries.
- The Constitution Committee be appointed to consider the constitutional implications of Public Bills, and to keep under review the operation of the constitution and constitutional aspects of devolution.
- The Economic Affairs Committee be appointed to consider economic affairs and business affairs.
• The International Relations and Defence Committee be appointed to consider the United Kingdom’s international relations and issues relating to UK defence policy.

• The Science and Technology Committee be appointed to consider science and technology.

• The Public Services Committee be appointed to consider public services including health and education.

53. Whilst many of these thematic areas fall within the existing remits of sessional committees others—particularly health and education—have not been comprehensively covered by previous House of Lords committees. Whilst many other themes are carefully scrutinised from one angle by the six sub-committees of the European Union Committee, health and education do not fall directly within any of their remits. It has also been striking that many of the proposals put forward by members of the House for special inquiry committees in recent years have fallen within those areas. Recent inquiries which have been carried out on topics such as social mobility, intergenerational fairness and regenerating seaside towns have helped to fill some of these scrutiny gaps. As well as this, many of the proposals received as part of our review recommended specific committees on topics falling into these categories. Examples include committees on disability, \(^{43}\) education \(^{44}\) and more general home and social affairs committees included in submissions from Baroness Kidron, Baroness Tyler and Baroness Prashar, as described in paragraph 48.

54. We considered the evidence received by witnesses and the requests by a number of committee Chairs to give committees the power, and associated resources, to appoint sub-committees, thus providing the flexibility to follow-up previous inquiries, to respond to emerging issues as they arise and generally provide more comprehensive coverage. This flexibility is lacking under the present system.

55. We do not consider that the case has been made at present for all thematic committees to have the power to appoint a sub-committee—and as noted above, it is imperative to await the outcome of Brexit and its impact on the EU committees before considering firm decisions on the potential for any re-allocation of existing resources. **We propose, however, that committee Chairs should be able to make an annual request to the Liaison Committee for the power and resources to appoint a sub-committee, prior to the re-appointment of the relevant committee in the next session.** We suggest that any such request should usually be received by the end of February. The Liaison Committee would then assess whether or not to support such a request, based upon the case presented and the resources available at that time. If necessary, following Liaison Committee consideration, such requests would be referred to the Finance Committee and House of Lords Commission for consideration of any resource implications.

56. **Whilst we recommend moving to a system of thematic committees, it is not envisaged that this new system will broadly change the way in which committees currently work nor the way they are appointed.**

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\(^{43}\) Written evidence from Baroness Thomas of Winchester (RIS0041)

\(^{44}\) Written evidence from Lord Forsyth of Drumlean (RIS0053)
We believe this new structure will allow committees to maintain and use the strengths of in depth, detailed inquiries that House of Lords committees currently carry out.

57. As noted above, the main area in which dedicated scrutiny coverage is currently lacking is around key public services, including health and education. This was referenced in several submissions from members and topics which would fall under this heading figure prominently in each year’s list of proposals for special inquiry committees. This glaring scrutiny gap requires action now.

58. Funding has been retained centrally for one additional unit of investigative committee activity since 2012, but never used—despite the overall number of committees, and committee activity, increasing significantly in the interim period. We consider that now is the time to use this resource to create one additional committee as an initial outcome of this review—the Public Services Committee.

59. We recommend the appointment of a Public Services Committee in the next session, with terms of reference which require it to consider public services, including health and education.

Special inquiry committees

60. Special inquiry committees have proved an important mechanism for enabling the House to examine topical and cross-cutting policy areas. They have also provided a welcome opportunity for backbench members to propose ideas for inquiries and for more members of the House to be involved in committee activity. We accordingly recommend no change in either the number of special inquiry committees which should be appointed each session, nor in the way in which members of special inquiry committees are appointed. We did consider whether and how to integrate special inquiries into the wider thematic structure, but we resolved, to retain the current number of three per session (post-legislative scrutiny is considered separately in Chapter 5).

61. Nevertheless, we need to address weaknesses which have been highlighted during the review. The two major weaknesses of the current special inquiry system, which were consistently highlighted in evidence we received, related to member involvement in topic selection, and the limited ability for follow-up once an inquiry has concluded and the committee has been disbanded.

62. Currently, the Liaison Committee invites proposals from Members for special inquiry committees. The Committee considers the list of proposals, which is often very lengthy, and asks staff to scope a small number (around 8–10) of the total received for further consideration. The Committee then considers the shortlisted proposals, each with an accompanying scoping note, and proposes three special inquiry committee topics. A report is then put to the House for agreement.

63. Concerns have frequently been raised about the process, principally relating to suggestions that the topic selection process is not sufficiently transparent. Lord Alton of Liverpool stated that the current system “appears opaque and gives little confidence that outcomes are based on the merit of arguments.”

We received a variety of suggestions from witnesses about how to improve
this process. Whilst we wish to reassure all Members that we give very careful thought to the special inquiry committees we recommend, we concede that there could be a perception that the process appears too closed.

64. We therefore envisage that, in future, the Liaison Committee should, as now, shortlist not more than 10 special inquiry topics for consideration, and that the lead member of the House who has proposed the topic should have the opportunity of making their case at the following meeting of the Liaison Committee.

65. We recommend that, in future, the member of the House who has proposed a shortlisted special inquiry topic be invited to appear before the Liaison Committee to present their case in person. The Committee will then consider their representations before deciding which inquiry topics to propose for the agreement of the House. We hope that this new process will reassure Members that their case has been heard, loud and clear.

66. A second and significant weakness relates to the very limited ability of special inquiry committees to follow up their work which Lord Cameron of Dillington deemed “probably the most important part of the whole exercise”.46 Special inquiry committees, on agreement of their reports, cease to exist; they cannot, as sessional committees can and do, return to the topic of an inquiry in the future and assess progress against their recommendations. The Liaison Committee, 15 months or so after publication of the special inquiry committee reports, does write to the relevant Minister seeking an update, but this very limited action is inadequate; it is the capacity for public evidence sessions and engagement which is vital. There is, however, no easy answer to overcoming the problem of follow-up.

67. Professor Matthew Flinders noted that without adequate follow up of special inquiries “there is an accountability cliff that it goes off.”47 This opinion was shared by a large number of witnesses including Thomas Caygill who said “the fact that ad hoc committees dissolve after the publication of their report is seen as one of the weaknesses, if not the main weakness of House of Lords ad hoc committees”.48 Baroness Pitkeathley reiterated the importance of improving follow-up, arguing that it is “not only good for the Committees and policy, but it is very good for the reputation of the House to see how we influence policy.”49 Witnesses suggested various methods to improve the follow up of special inquiry committees, including a dedicated follow-up committee, and the regular re-convening of previously dissolved special inquiry committees.

68. After much consideration, we have decided upon the following proposal. We recommend that at an appropriate period of time after the publication of the special inquiry committee’s report, receipt of the Government’s response and a debate in the House, the Chair of the former Committee may write to the Chair of the Liaison Committee and make the case for the Liaison Committee to hold a small number of evidence sessions to follow up the special inquiry committee’s recommendations. If the Liaison Committee accepts the

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46 Q 143 (Lord Cameron of Dillington)
47 Q 22 (Professor Matthew Flinders)
48 Written evidence from Thomas Caygill (RIS0008)
49 Q 144 (Baroness Pitkeathley)
case for follow up, then it will co-opt the Chair and three members of the former committee (ensuring one member from each group, including the Chair) onto the Liaison Committee with a view to holding two or three evidence sessions, as necessary, ideally in one meeting. This would be followed by a very short Liaison Committee report, to which the Government must respond in the usual fashion.

Joint and specialist scrutiny committees

69. We considered the work of joint committees as well as that of the House of Lords Delegated Powers and Regulatory Reform Committee and the Secondary Legislation Scrutiny Committee during our review. All the comments we received were favourable, and both Houses rely heavily on the scrutiny work of these committees.

70. We recommend that the work of the following joint committees (in addition to occasional draft bill joint committees) should continue largely unchanged:

- Joint Committee on Human Rights
- Joint Committee on the National Security Strategy
- Joint Committee on Statutory Instruments

71. The remit of the Delegated Powers and Regulatory Reform Committee is wide-ranging. In relation to delegated powers its remit is “to report whether the provisions of any bill inappropriately delegate legislative power, or whether they subject the exercise of legislative power to an inappropriate degree of parliamentary scrutiny”.

72. The Committee considers Bills when they are introduced into the Lords (at present there is no equivalent committee in the Commons). The Government provides a memorandum for each Bill, identifying each of the delegations, its purpose, the justification for leaving the matter to delegated legislation, and explaining why the proposed level of Parliamentary control is thought appropriate. The Committee examines whether the delegations in each Bill are appropriate. The Committee is careful to restrict its consideration to the delegation in question, and not the merits of the overall policy.

73. The Committee’s recommendations are made in reports to the House, usually before the start of the Committee stage of the Bill. They are frequently referenced in debates on legislation in both Houses.

74. The Secondary Legislation Scrutiny Committee (SLSC) examines the policy merits of statutory instruments and other types of secondary legislation that are subject to parliamentary procedure. The Committee’s criteria for reporting are set out in its terms of reference.

75. To deal with the increased number of instruments resulting from the European Union (Withdrawal) Act 2018, the SLSC divided into two sub-committees, Sub-Committee A and Sub-Committee B, from October 2018 to April 2019. These sub-committees met weekly and had the same remit as the main Committee, which did not meet regularly during this period.

76. We recommend that the work of the Delegated Powers and Regulatory Reform Committee and the Secondary Legislation Scrutiny Committee
(SLSC) should continue, whilst noting the representations by the Chair of the SLSC that some modification of the terms of reference of that committee may be needed in relation to the scrutiny of treaties.

**Scrutiny of treaties and trade and other agreements**

77. Treaties are defined in the Constitutional Reform and Governance Act 2010 (CRAG) as written agreements between States or between States and international organisations, which are binding in international law. Treaties are negotiated and signed by the Government, exercising the royal prerogative.

78. We acknowledge the recommendation by the EU Committee and other witnesses that the House of Lords should, through a designated committee, scrutinise negotiations with third countries, and any agreements that emerge from those negotiations. We note that the Constitution Committee has also concluded that a dedicated treaty committee (whether joint or appointed by either or both Houses) is required to provide effective parliamentary scrutiny of treaties.50

79. Again, we will reflect upon this issue further once there is greater clarity on our future trading and international relationships, also taking account of any additional resource demands created by these new requirements. Specialist resources are likely to be required and resource implications may need to be considered by the House of Lords Commission.

**Committee financial and staff resources**

80. The costs of the great majority of committees are met from the Committee Office budget, which is around £4.2 million. The Committee Office remained within the resource outturn for 2009/1031 for eight years, despite the increase in ad hoc/special inquiry committees, the introduction of post-legislative scrutiny and, in 2016, the establishment of the International Relations Committee. This was achieved, despite the marked increase during the same period, of the frequency of meeting of some committees, including the Joint Committee on the National Security Strategy and the Liaison Committee. There has also been a substantial increase in the amount of committee-related activity apart from formal meetings, for example running seminars and other outreach events.

81. Staff costs52 account for most of the budget—around three-quarters of the overall spend in 2009/10, increased to seven-eighths at present. The current staff resource allocated to most House of Lords committees, and to the EU sub-committees (with the exception of the Justice sub-committee), is three members of staff. As previously discussed, most of these staff are based in the Committee Office, which has a current staff complement of about 70 staff. Twenty-six of these staff currently serve the EU Committee and its six sub-committees,53 whose work requires the additional assistance of legal advisers.

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51 The Committee Office resource estimate for 2009/10 was £4,333,758. The Committee Office combined resource expenditure outturn for 2018/19 was £4,211,641 (provisional figure).
52 The salary of the Chairman of the EU Committee is also met by the Committee Office budget.
53 Many of these staff have additional procedural or other responsibilities, including staff serving the Justice Sub-Committee, who also support the Joint Committee on Human Rights.
82. In contrast, the House of Commons Committee Office has expanded considerably over the past decade, from about 180 staff in 2010 to about 300 in 2019. This expansion has in part been due to increased activity by Commons committees following the introduction of elections for committee Chairs, and in part due to the establishment of new cross-cutting committees such as the Environmental Audit and Women and Equalities Committees. The standard staff team for each committee is six staff, although particularly active committees such as the Foreign Affairs and Treasury Committees have several more, and a few committees have fewer staff. The Commons Committee Office also includes, in contrast to the Lords Committee Office, specialist staff dealing with social media. We discuss this further in Chapter 6 below.

83. Apart from staffing costs, the other main growth area in terms of expenditure has been in paying the House of Lords contribution to the budget for the Parliamentary Office of Science and Technology (POST). This has increased in recent years, and was about £188,000 for 2018/19, with significant increases bid for over the next three years, in part in response to a withdrawal of Economic and Social Research Council (ESRC) funding. The POST contribution forms the second biggest item in the Committee Office budget after staff costs. Other major expenditure includes specialist adviser fees and expenses (for example travel), about £150,000 pa, and Committee travel, about £140,000 pa.

84. In 2012 the House Committee\textsuperscript{54} published a report on Grand Committee and Select Committee Resources\textsuperscript{55} following the Liaison Committee’s report recommending an increase in the number of \textit{ad hoc} committees. It announced “We have agreed to additional provision for the Committee Office of up to £225,000, subject to the House agreeing the Liaison Committee report.” In the event the Committee Office made economies, principally by bringing printing and publishing in-house, thereby saving around £300,000 each year, and therefore did not make use of this provision.

85. Three scrutiny committees are staffed by the Legislation Office, namely the Delegated Powers and Regulatory Reform Committee, the Statutory Instruments Scrutiny Committee (which in 2018–19 had two Sub-Committees to assist with the work of scrutinising Brexit-related statutory instruments) and the Lords share of the costs of the Joint Committee on Statutory Instruments. These three scrutiny committees rarely hear oral evidence, and thus do not incur witness expenses or significant evidence processing costs. They do not undertake committee visits. The budget for these three committees is met by the “delegated powers and delegated legislation” section of the Legislation Office budget. This was £557,000 for the financial year 2018/19 and £730,000 for 2019/20, because of the need to scrutinise a greatly increased number of Statutory Instruments. This increased financial and staff resource was agreed by the Commission in the usual way in order to respond to the specific circumstance. It is envisaged that this standard procedure would be followed in the event of the need for additional resource being needed at a future date for other additional scrutiny work (for example in relation to Treaties), by which time the need

\textsuperscript{54} The House Committee was a precursor to the House of Lords Commission, whose terms of reference include: “To provide high-level strategic and political direction for the House of Lords Administration on behalf of the House”.

\textsuperscript{55} House Committee, \textit{Grand Committee and Select Committee Resources} (3rd Report, Session 2010–12, HL Paper 282)
for increased resource for Statutory Instruments scrutiny is expected to have ceased.

86. The combined total of the committee-related costs in the budgets for the Committee Office, Legislation Office (Delegated Legislation) and Communications Department is around £5 million. By way of comparison, the total resource expenditure of the House of Lords as a whole in the 2018/19 financial year was around £160m.
CHAPTER 5: LEGISLATIVE SCRUTINY

Introduction

87. Legislative scrutiny committee activity is particularly important in the House of Lords for three main reasons. First, by supporting detailed and authoritative scrutiny it helps the House fulfil its function as a revising chamber. Second, it complements the work of the House of Commons which, unlike the House of Lords, routinely appoints ‘standing committees’ to consider bills off the floor of the House during their passage. The House of Lords, by contrast, has developed highly-regarded committee expertise in particular areas such as the scrutiny of delegated powers. Third, and on a practical note, as few members of the House of Lords employ staff to support them in their parliamentary role, members can rely heavily on committee reports and other briefings to assist their scrutiny of legislation.

88. Over the past two decades the House of Lords has developed a considerable reputation for the work of its committees scrutinising delegated powers and delegated legislation. We strongly endorse the work of the Joint Committee on Statutory Instruments, the Delegated Powers and Regulatory Reform Committee (DPRRC) and the Secondary Legislation Scrutiny Committee (SLSC), and note that the reports of the DPRRC and SLSC are frequently referred to in debates in both Houses of Parliament. As there is widespread agreement as to the importance of these committees this chapter focuses on suggestions for the expansion of the pre-legislative and post-legislative scrutiny activity of Lords committees, with the overall aim of improving legislative standards.

Pre-legislative scrutiny

89. The practice of publishing some bills in draft form has become increasingly widespread. Between 1992 and 1997 the Government published 18 such draft bills for consultation but none were subjected to parliamentary scrutiny. Since 1997 a number of joint committees have been appointed on an ad hoc basis to consider draft bills. The evidence received frequently results in substantial changes being made to the bill before it is eventually introduced in final form. Although draft bills may also be considered by a Commons departmental select committee or a Lords select committee there is obvious benefit in this scrutiny being conducted on a joint basis, as it means that members of each House can benefit from considering the evidence and consider possible amendments, thereby potentially saving time on the floor of the House during consideration of the Bill when introduced into Parliament.

90. In 2003 the Government stated that it would “proceed on the presumption that bills will be published in draft for pre-legislative scrutiny unless there is good reason otherwise”, but this has not proved to be the case, with the number of bills being produced in draft form before they are introduced declining from 2003 onwards. In January 2011, Lord McNally told the Lords that the then Coalition Government were “committed to simplifying and improving the quality of legislation”, and would do so “by publishing

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57 HC Deb, 4 February 2003, col 134W
(bills) in draft for pre-legislative scrutiny where possible”. The Constitution Committee has consistently endorsed the use of pre-legislative scrutiny by Lords select committees and joint committees, where appropriate, and has regretted that the procedure has not been relied upon to a greater extent. The witnesses to this review were united in their support for the scrutiny of draft bills.

**Box 2: Witness support for pre-legislative scrutiny**

“The pre-legislative scrutiny is vital. There is lots of scope to undertake that work, and particularly to make sure that the legislation coming through is of the required standard.”

“It might be more important to place greater stress on pre-legislative scrutiny so that you do not make the mistakes in the first place that require you to scrutinise them afterwards.”

“I absolutely agree with the points about pre-legislative scrutiny because it is bringing to bear analysis and objectivity to a piece of legislation. We are a revising Chamber and we want to add value. The way in which we do that is both by pre-legislative and post-legislative scrutiny.”

“In 10 or 20 years’ time, I hope every Act will have had prelegislative scrutiny and postlegislative scrutiny, and that where it has not been enacted or it has been proved to be ineffective it is expunged from the statute book automatically after a five-year period.”

91. Joint committees on draft bills are typically required to complete their work within a 12 week period, in order not to delay the introduction of the bill itself. This means that the committee’s work is intensive, which is demanding for both members and staff. Despite the widespread agreement as to the importance of pre-legislative scrutiny, the flow of draft legislation has been inconsistent, as the chart shows:

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58  HL Deb, 17 January 2011, cols 2–3
60  Q 23 (Prof Matthew Flinders)
61  Q 152 (Baroness Fookes)
62  Q 57 (Baroness Prashar)
63  Q 53 (Lord Cormack)
92. This uncertainty of workflow presents a dilemma, particularly in terms of staffing, where there is a choice between maintaining a staff team of three, who might not then have a committee to support, or wait until a draft bill has been published with a view to pre-legislative scrutiny. For obvious reasons of economy, the latter course is the one usually followed, but given the time needed to recruit staff (typically a minimum of three months) that risks dedicated staff not being recruited until after the committee is due to report.

93. We strongly endorse the importance of scrutiny of draft bills. While accepting that it is inevitable that there will be peaks and troughs in the availability of draft bills, we consider that the Government should attempt to provide greater certainty as to the timetabling of pre-legislative scrutiny committees. We recommend that committees should, where appropriate, consider undertaking the scrutiny of a draft bill within their terms of reference.

Post-legislative scrutiny

The origins of post-legislative scrutiny

94. In 2004 the Constitution Committee conducted a review of the legislative process. The Committee reported that post-legislative scrutiny was rarely conducted and when it was, it was usually in reaction to emergent problems with an Act. The Constitution Committee recommended that post-legislative scrutiny should become regular practice to determine if legislation had achieved its purpose.64 The Committee specified that Acts, other than Finance Acts, be reviewed “within three years of their commencement, or six years following their enactment, whichever is the sooner”.65 The Constitution Committee also recommended that Government departments conduct post-legislative reviews, as they had greater resources. The reports produced from

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65  Ibid., p. 44
these reviews should then be presented to the relevant Departmental Select committee for them to determine whether further review is necessary.66

95. In response to the Constitution Committee’s report, the Government requested the Law Commission to conduct an inquiry into post-legislative scrutiny. The Law Commission published its report in October 2006. The Commission supported systematic post-legislative scrutiny and recommended “the setting up of a new joint Parliamentary committee on post-legislative scrutiny”67.68 It did not support a prescribed time frame for conducting reviews and thought that flexibility was needed to accommodate different types of legislation and reviews.68

96. In 2008 the Government responded to the Commission’s findings, taking the position that the Commons committees should decide whether to conduct post-legislative scrutiny. To facilitate this, the Government announced a formal requirement for an explanatory memorandum to be produced on the implementation of legislation three to five years after Royal Assent. The memorandum would then be submitted to the relevant Commons committee for their consideration. The Government’s Command Paper stipulated that memorandum would contain:

“information on when and how different provisions of the Act had been brought into operation information highlighting any provisions which had not been brought into force, or enabling powers not used, and explaining why not a brief description or list of the associated delegated legislation, guidance documents or other relevant material prepared or issued in connection with the Act an indication of any specific legal or drafting difficulties which had been matters of public concern (e.g. issues which had been the subject of actual litigation or of comment from parliamentary committees) and had been addressed a summary of any other known post-legislative reviews or assessments of the Act conducted in Government, by Parliament, or elsewhere a short preliminary assessment of how the Act has worked out in practice, relative to objectives and benchmarks identified at the time of the passage of the Bill.”69

97. The Government also advises that departments should discuss with the relevant Commons committee when a memorandum should be produced in the three to five year period or indeed whether it may be unnecessary to produce one.70 There is no obligation on Commons committees to undertake post-legislative scrutiny. Between December 2008 and the dissolution of Parliament in April 2010, Government figures suggest that seven memoranda were published. Under the previous Coalition Government and up to January

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66 Ibid., pp 45–46
68 Ibid., p 47
70 Ibid., p 16. The Commons’ internal guidance to committees states: “At the start of each calendar year committees should agree with their department which Acts passed within the last three to five year period are to be subject to a post-legislative scrutiny memorandum in the coming year”.

2013, 58 government post-legislative scrutiny memoranda were published and only three were the subject of dedicated reports by committees.71

Post-legislative scrutiny by House of Lords committees

98. The first House of Lords post-legislative scrutiny committee was appointed in the 2012–13 session to examine adoption legislation. In 2013–14, exceptionally, two post-legislative committees were appointed, and one has been appointed in each subsequent year. A total of eight House of Lords post-legislative scrutiny committees have now reported, and this work is now well-established. Whilst pre-legislative scrutiny committees typically have a tight 12-week timeframe, in order not to delay unduly the Bill’s progress through Parliament, House of Lords post-legislative scrutiny inquiries have lasted between 9–12 months.

Table 1: Historic post-legislative scrutiny committees

<table>
<thead>
<tr>
<th>Name of committee</th>
<th>Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>Select Committee on Adoption Legislation</td>
<td>2012–13</td>
</tr>
<tr>
<td>Select Committee on the Mental Capacity Act 2005</td>
<td>2013–14</td>
</tr>
<tr>
<td>Select Committee on the Inquiries Act 2005</td>
<td>2013–14</td>
</tr>
<tr>
<td>Select Committee on Extradition Law</td>
<td>2014–15</td>
</tr>
<tr>
<td>Select Committee on the Equality Act 2010 and Disability</td>
<td>2015–16</td>
</tr>
<tr>
<td>Select Committee on the Licensing Act 2003</td>
<td>2016–17</td>
</tr>
<tr>
<td>Select Committee on the Natural Environment and Rural Communities Act 2006</td>
<td>2017–19</td>
</tr>
<tr>
<td>Select Committee on the Bribery Act 2010</td>
<td>2017–19</td>
</tr>
</tbody>
</table>

99. There was a striking unanimity amongst our witnesses over support for an increased focus on post-legislative scrutiny by the House of Lords. As Dr Sarah Wollaston MP observed: “Post-legislative scrutiny is not something that the Commons necessarily has the time to look at in depth. There is a particular role for the Lords in post-legislative scrutiny.”72 Mr Thomas Caygill (a PhD researcher into post-legislative scrutiny) proposed in his evidence that both Houses should receive the Memoranda, with the Commons being given first opportunity to scrutinise an Act. If the Commons did not intend to inquire into an Act, then it should be open for the Lords to consider the legislation.73

100. The effectiveness of House of Lords post-legislative scrutiny is probably best illustrated by the 2014 report on the Mental Capacity Act 2005.74 This included a lengthy chapter on Deprivation of Liberty Safeguards (DoLS) which made a large number of recommendations for improvement. The Government referred all this to the Law Commission which, in its 2017 report said:

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72 Q 11 (Dr Sarah Wollaston MP)
73 Written evidence from Thomas Caygill (RIS0008)
“In the light of the House of Lords Select Committee’s report and the *Cheshire West* decision, the Department of Health originally asked the Law Commission to undertake a limited review of deprivations of liberty in supported living arrangements and other community settings, and to consider the learning that could be applied to the DoLS. The project was included as part of the Law Commission’s 12th programme of law reform published in 2014. Following subsequent engagement and discussion with stakeholders, Ministers agreed that it would be more appropriate for the Law Commission to consider the legislation underpinning the DoLS in its entirety.”

101. This led to the current Mental Capacity (Amendment) Bill. It is a reasonable assumption that these reforms would not yet have happened without the Committee’s report.

102. One of the quickest Government implementations was of the recommendation of the post-legislative scrutiny Committee on the Equality Act 2010 and Disability that they should bring into force a provision, already on the statute book, requiring taxis which were free to stop and pick up disabled people rather than driving past. This had been strongly resisted by taxi drivers. The Committee’s report was released under embargo on the morning of 23 March 2016. At 6.00pm, six hours before the report was published, the Department for Transport issued a press notice saying it intended to implement this provision, which it did.

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Box 3: Witness views on post-legislative scrutiny

“There is a lot of scope for Parliament—and this probably means the House of Lords—to be much more systematic about post-legislative scrutiny. The Government have committed to produce memoranda on Acts, five years after they are enacted. There is a degree of frustration in government about the infrequency with which Parliament picks those up and thinks about those Acts … You could have a permanent sessional committee responsible for post-legislative scrutiny, at least to ask, “What is the set of legislation that was passed five years ago? What should be the priorities for us in this Session, looking back?”77

“One of the big gaps is post-legislative scrutiny. One ad hoc committee every session looking at one Act is not enough to build up a significant body of evidence to develop the cycle of learning around legislative standards, or to influence policy debate on future legislation. That is also not something that the House of Commons does or is ever likely to in the foreseeable future. That is a very obvious gap that this House would be well equipped to fill.”78

“A committee on post legislative scrutiny… would shift things quite fundamentally in how we view legislative success. Traditionally, Ministers and some Members have treated success as Royal Assent: “Oh, we have got the Bill through. It has Assent. That is success”. No. You should assess it on whether it has had the impact it was intended to have. … It plays to the strengths of the Lords. We can do it because it is objective; it is not questioning the merits of the measure and it is not political.”79

“Post-legislative scrutiny … is important, given the complexity and the level of legislation that we have. With an area such as criminal justice, it seems to me that we have to look at that. … We are a revising Chamber and we want to add value. The way in which we do that is both by prelegislative and post-legislative scrutiny.”80

Enhancing post-legislative scrutiny

103. Noting the success of the House of Lords post-legislative scrutiny committees, and the fact that Commons committees have limited capacity to conduct in-depth reviews, we recommend that the Lords should in future play a more systematic role in post-legislative scrutiny, working in partnership with Commons committees.

104. We consider that post-legislative scrutiny inquiries are better suited to retaining a dedicated post-legislative scrutiny committee under the existing system. This committee should continue to operate on the same basis as our current post-legislative scrutiny activity, with committee Chairs and members appointed on an annual basis and the topic decided by the Liaison Committee.

77 Q 5 (Dr Hannah White)
78 QQ 44–41 (Dr Ruth Fox)
79 Q 50 (Lord Norton of Louth)
80 Q 57 (Baroness Prashar)
105. Each year Committee Office staff have conducted a scoping exercise to ascertain which Acts which have not been scrutinised by House of Commons Committees might be the subject of a post-legislative House of Lords inquiry. The results of this exercise are then put before the Liaison Committee for consideration. This exercise is made more onerous by the fact that the House of Lords does not receive Government Memoranda on Acts. It is also the case that there is no central government database of post-implementation memoranda prepared by individual government departments, nor is there an official list of post-legislative scrutiny reviews conducted by Parliament.

106. *We consider that Government Memoranda on Acts should be presented to the House of Lords as well as to Commons committees, and recommend that this practice should start as soon as practicable, with the Memoranda being presented to the Lords Liaison Committee.*

107. *We also recommend the establishment of a central database of post-implementation memoranda, together with a list of post-legislative scrutiny reviews conducted by Parliament, with the relevant Government response.*
CHAPTER 6: COMMUNICATIONS AND PUBLIC ENGAGEMENT

108. During the evidence taking process witnesses consistently highlighted the high standard of work that is produced by Lords committees. However, one of the biggest issues that this raised was the case for doing more to communicate committee work both internally and externally. This chapter will consider the issues and possible improvements to internal and external communications, as well as digital developments in the House of Lords.

109. The issues surrounding communications led to the appointment by the Liaison Committee Chairman of a cross-party working group on communications, whose members were Lord Gilbert of Panteg (Chair), Lord Sharkey and Lord Whitty. The group sought to understand the deeper issues regarding communications and to develop possible resolutions. The group reported findings and potential recommendations to the Liaison Committee (see Appendix 10), many of which have been incorporated into the recommendations of this report.

110. Various parliaments highlighted the importance of public engagement within their committees, and the processes they have established to ensure its importance is able to be acted on. The Australian Senate said that “participation in this process by community members serves a range of useful purposes”81 and discussed various innovations including round table discussions, online surveys and social media that have been implemented across the Australian Senate committee system.

111. The Welsh Assembly noted in their vision for committees that they must “engage with a wide diversity of people... and undertake work that enhances the public reputation of the Assembly.”82 The Scottish Parliament has a dedicated engagement unit within its committee office, which includes committee outreach team members who help build relationships between committees and the public where they did not previously exist.83

Internal communications

112. As the first audience for House of Lords committee reports is the wider membership of the House itself, ensuring there is sufficient communication internally is a priority. Lord Teverson argued “we need to involve Members of the House and raise the profile of [committee] reports a lot more. They are subjects that most of us in the political and international sphere are interested in.”84 Similarly to external communications, it should also be remembered that it is not just committee reports that members of the House are interested in, but the work of committees more generally.

113. We recommend that a weekly report should be circulated to all members of the House summarising committee work. This report could include newsworthy developments, summaries of evidence sessions, upcoming events and report summaries. This report should be separate to current documents provided for the information of members such as Red Benches.

81  Written evidence from the Australian Senate (RIS0059)
82  Written evidence from the National Assembly for Wales (RIS0054)
84  Q 146 (Lord Teverson)
114. The current process following report publication is for copies of reports to be made available in the House of Lords Printed Paper Office, and following the publication of the Government response (usually within two months of publication), potential dates for the report to be debated on the floor of the House are then offered to committee Chairs as and when they become available. In practice, this typically means that debates are scheduled several months after report publication. Lord Gilbert’s working group on communications argued that the period between report publication and debate was too long. The length of time between publication and debate means that many of the recommendations in reports can become outdated, and the topicality of issues can quickly become irrelevant. In practice, this typically means that debates are scheduled several months after report publication, particularly if Chairs are unable to accept the dates which are initially offered.

115. In order to improve the timeliness of debates on committee reports, we recommend that reports should usually be debated within three sitting months of publication, to ensure relevance when the debate is held. If a Government response is delayed beyond the usual two month period without the written agreement of the committee, that should not be considered a valid reason for delaying the debate on the report. We note that the House of Lords Companion to the Standing Orders states that the convention that debate takes place after the government have responded is subject to the proviso “unless the committee wishes otherwise”. 85

116. We recommend that the Procedure Committee consider the order of speakers in debates on committee reports, in particular, consideration of whether the relevant Minister should speak at the beginning of a committee report debate, after its introduction, rather than the end, as at present.

117. The 2011 Report of the Leader’s Group on Working Practices recommended that “in order to promote wider Member interest in select committee work … up to five minutes after the end of oral questions should be made available for committee chairmen to draw Members’ attention to newly published reports.” 86 This recommendation was never implemented. However, following the work of the working group on communications, we believe that there is appetite amongst members of the House to be informed about committee activity, and using the floor of the House to disseminate information such as committee reports would be welcomed by members.

118. In order to assist in internal promotion of committee reports, we recommend that the Procedure Committee should examine ways in which opportunities could be made available to highlight important committee work on the floor of the House.

External communications

119. Professor Sir Anton Muscatelli, Principal, University of Glasgow, explained “most of the outstanding work of committees goes on under the radar so

85 House of Lords, Companion to the Standing Orders, 2015 edition, p 225
far as the general public is concerned”. We have already identified that public engagement is an important feature of the work of House of Lords Committees, and witnesses consistently reiterated the importance of public engagement.

**Box 4: Importance of public engagement**

“The House does not exist in a vacuum. Although the focus… relates to the influence upon the Government and upon legislation and policy, nevertheless the public expect some kind of reaction from the House of Lords”

“It is worthwhile in and of itself to explain our work to a wider public. It is worthwhile to do it to improve the work we do, and the quality of that work”

“We have, I think, a prime duty to disseminate, to assist, indeed not just to influence Parliament’s deliberations but to help to shape the wider national conversation too”

“[The purpose of House of Lords committees] has to be about feeding into the public debate”

120. In order to improve the levels of public engagement Lord Gilbert of Panteg stated that “we need to focus on the evidence and on the inquiry as it is proceeding, not just on getting attention for the report.” Dr Catherine Bochel suggested there should be three stages to committee engagement “pre-engagement, engagement and post-engagement.” Pre-engagement should be approached at the outset of an inquiry when committees should ask themselves a variety of questions about their engagement goals.

121. Pre-engagement can be achieved by developing a communications strategy at the beginning of an inquiry. Mr Clancy noted that “if you do not have a communications strategy you may find yourself falling short in informing government stakeholders and the public.” The necessity of communications strategies to be used for all inquiries was supported by Lord Clement-Jones during the third seminar of the Liaison Committee review as well as other witnesses including Lord Forsyth of Drumlean. Lord Filkin however noted he did not “think there can be a common template for communications plans” and so individual thought and tailored plans must be offered to every inquiry and committee.

122. **We recommend that there should be formal communications strategies agreed at the outset of all major committee inquires. The outline plan for communications should promote member engagement throughout the inquiry and after report publication.**

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87 Written evidence from Prof Sir Anton Muscatelli (RIS0046)
88 Q 61 (Michael Clancy)
89 Q 100 (Lord Mendelsohn)
90 Q 165 (Lord Hennessy of Nympsfield)
91 Q 89 (Lord Howell of Guildford)
92 Q 75 (Lord Gilbert of Panteg)
93 Written evidence from Dr Catherine Bochel (RIS0016)
94 Q 68 (Michael Clancy)
95 See Appendix 7 for seminar note.
96 Written evidence from Lord Forsyth of Drumlean (RIS0053)
97 Q 147 (Lord Filkin)
123. The planning stage of an inquiry also offers committees the opportunity to consider who they want to hear from and communicate with, as well as how. In an attempt to help diversify witnesses, more work must be done to engage with a wide variety of organisations and stakeholders drawn from across the UK.

124. **We recommend that stakeholder mapping should be part of the standard process carried out at the beginning of each inquiry. The mapping should involve committee members and aim to identify individuals and organisations to be directly involved in the inquiry for formal evidence, as well as individuals and organisations in wider civic society who might find the inquiry and report of interest.**

*Engagement techniques*

125. House of Lords committees currently use a variety of different techniques in order to communicate their work. This includes a basic level of engagement of public evidence sessions, news items and published committee reports. Some committees have also adopted various other evidence taking techniques including roundtables, seminars, lived-experience panels and committee visits. On top of this many of our committees have their own twitter accounts in an attempt to engage directly with the general public. In recent years committees have also become more innovative with their engagement techniques and have held various publication events in the UK and further afield. One such example includes the dual report launch for the European Union Committee ‘Brexit: UK-Irish relations’ report in December 2016. The Committee launched their report in London while simultaneously holding a press conference in Dublin. All of this activity that is undertaken by committee teams is further supported by the work of the House of Lords press and media team who engage with journalists in both print and digital media to publicise the work of committees. Lord Mendelsohn, during his seminar (see Appendix 7) noted that whilst traditional media outlets such as television and print are important, we must not forget that online social media platforms, that range from Twitter to Facebook and Reddit to Linkedin can now reach half the world’s population. So whilst expanding and understanding these traditional methods, if expanding the audience is a key priority, then social media and digital platforms also offer a vital opportunity to develop the widest network and community.

126. **There should be an effort to understand how successful press coverage is achieved.** Whilst appearing on national TV and radio is positive for report publications, there should also be targeting to technical and regional press outlets where individuals are affected by the topics at hand. Similarly, a greater understanding is needed of how successful social and digital engagement is being achieved and how it can be improved.

127. Witnesses agreed that current work to engage the public in committees needed to be substantially increased. Whilst our current social media usage was praised as a step in the right direction, Professor Matthew Flinders, Professor, University of Sheffield, noted that “there is a major emphasis on the exploitation of fairly passive social media techniques (tweets, emails,  

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98 Lived experience refers to a representation of the experiences and choices of a given person, and the knowledge that they gain from these experiences and choices.
existing contact lists”).99 Lord Mendelsohn made similar comments, saying “twitter is a very good format, but it is a broadcast format”.100

128. While increasing social media usage and press is important, witnesses noted that we must ensure there is active two-way communication rather than only broadcasting our work. Witnesses went on to highlight a variety of possible alternatives to passive engagement:

**Box 5: Active engagement examples**

At the seminar on public engagement, Helen Jones MP explained various engagement techniques that have been used by the House of Commons Petitions Committee such as round tables, web threads, lived experience evidence and asking individuals impacted by the topics at hand for commentary on draft reports, to ensure it covered real life issues.101

Doteveryone suggested developing the social media tools that are currently used by committees and expand to “live tweet oral evidence discussion to prompt replies and retweets and foster conversation”.102

Baroness Tyler of Enfield advocated for “considerably more outreach work—particularly where committees go out on visits around the country and talk face to face to people most directly affected by the subject”.103

Involve highlighted the benefits of using lived experience evidence to collect “relevant knowledge held by the public” such as “what it is actually like to live in an area, use a service, or have a particular life experience”. They went on to note that tools such as a this “can provide an important check and balance to the evidence provided by professions”.104

Professor Cristina Leston-Bandeira of the University of Leeds noted that feedback on “how public engagement may have been used as part of a parliamentary activity” to demonstrate to the public “whether their input was of any use” is greatly appreciated by the general public.105

129. **There should be an increase in the use of active social media and digital platforms across committees.**

130. **We recommend that there should be an increase in the number of events and seminars that are held during the course of major inquiries and report publication, in an effort for committees to broaden their audience and impact. This might involve:**

(a) initial roundtables of stakeholders at the beginning of the process prior to formal evidence sessions

(b) visits to include open meetings with academics, businesses and other stakeholders—some of which should involve local/regional/specialist media

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99 Written evidence from Prof Matthew Flinders ([RIS0005](#))
100 [Q 102](#) (Lord Mendelsohn)
101 Appendix 7, 4th seminar with Helen Jones MP
102 Written evidence from Doteveryone ([RIS0021](#))
103 Written evidence from Baroness Tyler of Enfield ([RIS0044](#))
104 Written evidence from Involve ([RIS0072](#))
105 Written evidence from Prof Cristina Leston-Bandeira ([RIS0011](#))
(c) use of focus groups or equivalent representation of general public from across the country

(d) presentation of the final report to a range of stakeholders, including but not limited to business, university or professional bodies with media presence.

131. It was also suggested that one way to increase the public or semi-public activity would be to include the Lord Speaker or the Senior Deputy Speaker in some of these events, and for a number of events in relation to report publication or later relevance to be run by the Lord Speaker or Senior Deputy Speaker and supported by the relevant committee.

Risks

132. Despite the obvious benefits and desire to increase public engagement and communications witnesses also highlighted associated risks. The Australian Senate raised the issue of witness fatigue and stated that “there are risks in imposing too great a burden, particularly on non-government organisations, through repeated requests to participate in inquiries”.106 As well as this, they noted the need for committees to “manage the expectations inquiries may generate”,107 particularly when individuals impacted by a topic or policy area have been actively engaged throughout. Lord Lisvane warned that “if you invite people to become involved and put in their views … you need a credible and convincing way of taking those into account and showing people that for Parliament’s part it has engaged with them just as they have engaged with Parliament.”108

133. The interaction with a wider audience and increased media and social media usage also comes with inherent risks that Lord Mendelsohn highlighted during his seminar on technology and committees.109 This could include a committee becoming “overloaded with responses”110 from calls to a wider audience or the risk of trolling that comes with a broader social media and online presence.

134. As well as this, many of the recommendations that came from witnesses to improve committee engagement both externally and internally involve an increased workload on staff and members. As with other engagement developments, present practice has developed incrementally, as the Committee Office at first piloted social media engagement which has over the past six sessions become the norm for investigative committees. In order for the recommendations we received to be implemented successfully there must be an awareness of the need for dedicated resources.

135. We consider that the key benefit of House of Lords committees using social media is the opportunity this provides for witnesses and other stakeholders to comment interactively.

136. We conclude that the need for, and benefits of engagement that witnesses presented, alongside the solutions recommended,
significantly outweigh the possible risks that accompany increased engagement.

**Communication resources**

*Press and media and marketing resources*

137. The cost of press team staff time related to select committee activity is £125,772 (based on 75% of three Press Officers and 40% of Head of Press and Media's salary figures and out-of-hours allowance in the 2019/20 Financial Plan).

138. The cost of the marketing communications team staff time related to select committee activity is £65,503 (based on 40% of three staff and 15% of the Head of Marketing Communications’ salary figures in the 2019/20 Financial Plan). The work includes in-house video editing and content creation, as well as delivering and supporting social media content. During the first half of the 2018/19 financial year, roughly £6,600 was spent on video content for the Economic Affairs Committee. The total spend for the year in this area was estimated at £10,000. Around £5,000 was budgeted for the design and print of select committee briefings, giving a combined total of £80,503.

139. Support for Lords select committees provided by the bicameral select committee engagement team in 2018/19 was £43,320. In summary, the total overall communications spend on select committee work in 2018/19 (including a proportion of the press cuttings service) was £251,925, met from the Communications budget.

*Digital resources*

140. The House of Commons Committee Office employs around 18 staff, including a Director of Committee Communications, to support its social media activity, distinguishing this from the work carried out by staff focused on press communications, and a similar number to support the web and publishing function associated with committees. Both in formal evidence and in discussions several of the House of Lords Chairs were concerned to ensure that enhanced committee communications should be adequately resourced. Amongst the needs they identified was the adequate resourcing of social media activity, for which Lords committees have no dedicated staff, unlike Commons committees.

141. House of Lords committees were at the forefront in adopting the internet as a communications tool as early as 1996, when a report by the Science and Technology Committee became the first select committee report from either House of the United Kingdom Parliament to be published electronically. That report also invited email feedback, another first for the UK Parliament at a time when parliaments world-wide were only just starting to use the internet.

142. Over 20 years later, the parliament.uk website is a victim of its own success, and the plethora of information available, particularly in relation to committee activity, makes it difficult to navigate. User testing has confirmed that even people familiar with parliamentary terminology have difficulty in searching. This issue is especially acute in relation to House of Lords.

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committees. A member of the public wishing to find out more about recent parliamentary inquiries relating to health, for example, might be able to alight on information about the Commons departmental select committee but would be unlikely to succeed in finding information about recent House of Lords inquiries using the search engine on the parliamentary website. The website is also difficult to use on mobile devices, which are used by up to half of website visitors—a proportion which is steadily increasing.

143. The Parliamentary Digital Service is responsible for Parliament’s computer systems, websites and information architecture. Developing a new website is a top priority for the Digital Service, but due to the sheer scale of Parliamentary information it is necessary to proceed area-by-area. It has been agreed that new webpages for select committees will be one of the earliest areas to be completed. This work is being led by the analysis of dozens of interviews with website users to ensure it meets their needs to locate and understand information. As one of the principal means for the public to engage with Parliament, committee websites should remain a priority. The work that is taking place to develop new committee websites will be of vital importance in ensuring that our committees are properly equipped to engage with stakeholders and the wider public.

144. New websites developed by public sector bodies have a general obligation to be accessible under the Public Sector Equality Duty created by the Equality Act 2010. Further specific obligations arise from the Public Sector Bodies (Websites and Mobile Applications) (No.2) Accessibility Regulations 2018. Accessibility means ensuring that a website can be used by as many people as possible, including (for example) those with impaired vision, motor difficulties or cognitive impairments. This may involve ensuring that a website is compatible with screenreaders, that buttons and form fields are easy to click, and that the content is not needlessly difficult to read. The Digital Service intends to meet these obligations by ensuring all new webpages, including those for committees, are compliant with the ‘AA’ standard of the Web Content Accessibility Guidelines issued by the World Wide Web Consortium. This is verified both within the Digital Service and by independent external testers. Parliament must meet its legal and ethical duties to ensure that its new website is accessible to as many people as possible.

145. It is increasingly important for public sector bodies to make their data freely and easily accessible to third parties so they can enhance and innovate on such ‘open data’. For example, Transport for London’s provision of timetable information supports a range of journey planning apps, and Parliament’s own provision of House of Commons division data is often used by media organisations in their reporting of proceedings. An additional intention of the Digital Service is therefore to make as much non-confidential Parliamentary data as possible available in accordance with ‘open data’ principles. This would include committee data. As well as its utility to those trying to communicate the work of Parliament, this would assist academic research, such as (for example) into the range of witnesses from whom select committees take evidence. These data could also be used by the Committee Office to monitor the diversity of such witnesses. As much committee information as possible should be made available using ‘open data’ principles.
146. While the formal outcome of a select committee inquiry remains, and will likely remain, a written report to the House, in their efforts to maximize impact and effectiveness committees are increasingly using alternative formats for their reports and the material surrounding them. Whilst it is acknowledged that there is a place for the current style and substance of House of Lords committee reports, there needs to be active work towards producing committee reports in a variety of formats that are more accessible to a wider audience. This could include condensed reports, summaries through infographics, and interactive presentations. A full assessment of the possibilities should be carried out in order to establish the most useful and engaging style which would be appropriate to the subject matter of, and likely target audience for, the report.

147. Just as the nature of evidence may vary between detailed facts and statistical analysis and people’s lived experiences of the impact or potential impact of legislation, so may individual preferences as to how that information may best be expressed. Although House of Lords committees have so far made little use of Mass Online Forums, the experience of several House of Commons committees has been that these can be effective in attracting large numbers of responses from the general public, particularly if they target a very specific audience and if they focus on individuals’ experience. Parliamentary committee online forums aim to encourage people to share their personal experiences, rather than opinions, with members in an open and supportive online space (the forums are pre-moderated using the Parliament online discussion rules). The key measurement of success is the depth of experience and insight they provide, rather than the quantity of posts. Committees can often use these first-hand accounts to powerful effect. In future we think it likely that more people will wish to engage with House of Lords committees through Mass Online Forums, and we accordingly recommend that the new parliamentary website should be developed with that in mind.

148. In general, evidence is currently only accepted orally or as text. Given the increasing amount of data being produced in all fields, it is likely that future committees may wish to accept large amounts of data as evidence. It should be ensured that no procedural or technical restrictions impair the ability of committees to accept evidence in alternative formats.
CHAPTER 7: WORKING WITH THE HOUSE OF COMMONS AND DEVOLVED LEGISLATURES

Joint working

149. Joint committees of both Houses are formally composed of separate select committees appointed by each House to join together and operate as a single committee making decisions jointly, with members from both Houses but with a single chairman (which the joint committee is usually given the power to appoint) from one of the Houses. Joint committees generally follow Lords procedure, unless they agree otherwise, including the use of the Chair’s vote and the outcome in the case of equality of votes. Joint committee reports are generally made to both Houses.

150. In addition to formally constituted joint committees, there are frequent opportunities for committees in the Commons and Lords to work closely together, often by exchanging information behind the scenes, or at official level. Most witnesses considered that House of Lords committees should continue with their approach of complementing the departmental committees in the House of Commons and avoiding duplication. As Dr Sarah Wollaston MP put it: “The two Houses should complement each other, rather than directly mirror each other, to add value.” \(^{112}\) Current House of Lords Delegated Powers and Regulatory Reform Committee Chair and former MP Lord Blencathra agreed:

> “The fact that we do not shadow House of Commons committees is another strength. We have our own particular niche, where we do specialised work. There is some complementarity as well.”\(^ {113}\)

151. Several witnesses stressed the importance of complementarity in terms of taking a parliamentary approach to scrutiny, building on the respective strengths of the two Houses of Parliament and seeking to avoid scrutiny gaps. This was the view of Professor Russell:

> “There is a degree of friction and competition even between the committees in the House of Commons on some issues. For the House of Lords to get mixed up in that competition would not be a good thing. The approach that you have been speaking about so far, in terms of identifying real scrutiny gaps and weaknesses in the parliamentary system as a whole and how they can be filled, is the correct one.”\(^ {114}\)

152. Lord Norton took a slightly different approach:

> “There is an obvious need to avoid overlap in inquiries but not necessarily a need to avoid overlap in remit … I do not see a particular problem as long as there is communication between the committees to avoid duplicating what they are inquiring into … There may actually be merit in committees in the two Houses looking at different aspects of a particular sector.”\(^ {115}\)

153. Our attention was drawn to instances of good practice of how committees can work together across the Commons and the Lords. One such example comes

\(^{112}\) Q 10 (Dr Sarah Wollaston MP)

\(^{113}\) Q 80 (Lord Blencathra)

\(^{114}\) Q 6 (Prof Meg Russell)

\(^{115}\) Q 52 (Lord Norton of Louth)
from Baroness Tyler who in December 2018 gave evidence to the House of Commons Treasury Committee’s inquiry into consumers’ access to financial services. This followed Baroness Tyler’s time as Chair of the former ad hoc committee on financial exclusion, demonstrating how expertise gathered in one House can prove beneficial in the other. Frank Field MP, Chair of the Commons Work and Pensions Select Committee, was another advocate of closer working between committees, telling us: “I hope that we would see automatic working together between our two Houses in doing our reports”.

Working better together

154. Witnesses offered several suggestions as to how the relationship between committees in the two Houses could be improved. When considering enhanced joint working, witnesses emphasised the importance of bearing in mind the availability of staff and members of both Houses. Lord Blunkett suggested that short inquiries or bodies of work in one House could be developed in the other, where resources may allow for greater depth and increased knowledge. Baroness Fookes and other witnesses emphasised the importance of increased joint working and contact between committees as a means of preventing duplication of work.

155. Dr Wollaston MP suggested that “One idea might be, if the [Lords] Liaison Committee was thinking of holding future ad hoc committees, to involve liaison and see how we could add value with committees in the Commons.” House of Commons Clerk of Committees Mr Paul Evans also referred positively to “the opportunities for joint meetings of the two Liaison Committees.”

156. We welcome the suggestion from House of Commons colleagues that the two Liaison Committees should meet together from time to time, and hope that this can be piloted on an informal basis in the next Parliamentary session. This would provide a valuable mechanism for closer joint working between the two Houses, and could deliver a more comprehensive approach to Parliamentary scrutiny.

Concurrent or joint meetings?

157. Procedurally, when members of two or more committees meet together the combined meeting is often concurrent, as opposed to joint. As Ms Katy Stout, Second Clerk of the House of Commons Work and Pensions Committee explained, that Committee had worked with the Business, Energy and Industrial Strategy (BEIS) Committee to produce “a joint Carillion report, but it was not an official joint committee; it was more a coincidence of interest and time. Certain members from both Committees were nominated to form the joint committee, but procedurally it was a meeting of the two separate committees at the same time.”

158. Under House of Lords Standing Order 67, select committees have the power to confer and meet concurrently with any committee or sub-committee of
the Commons appointed to consider a similar matter. Select committees may also grant this power to sub-committees. Commons select committees have a similar power under House of Commons Standing Order 137A.

159. We considered whether procedures might be simplified to facilitate more formal joint working between committees of the two Houses. In particular, the need for a House of Lords sub-committee, for example of the EU Select Committee, to seek the prior agreement of the main committee before agreeing to meet concurrently with a House of Commons committee inevitably slows down the process of arranging a concurrent meeting. Concurrent meetings do, however, also have a procedural advantage. We learnt of at least one recent example that demonstrated the benefits of concurrent meetings rather than joint meetings.

**Box 6: Example of concurrent meeting between committees of both Houses**

On 20 July 2018, the EU Internal Market Sub-Committee (chaired by Lord Whitty) announced an inquiry into future UK-EU transport arrangements. The timing of the inquiry broadly coincides with a Commons Transport Committee inquiry into the implications of Brexit for UK freight operations (chaired by Lilian Greenwood MP). Neither inquiry includes border or customs arrangements within its scope directly.

Prior to the summer recess, the secretariat and chairs of both committees provisionally agreed to take oral evidence concurrently on Thursday 13 September. It was agreed at the outset that the day and time of the meeting would coincide with the Internal Market Sub-Committee’s regular meetings. It was later agreed to hold the committee meeting in the Internal Market Sub-Committee’s regular meeting room and that Lord Whitty would chair the meeting.

Two days before the session, the Commons Clerk confirmed that the Commons committee would be unable to achieve quorum (three members) due to unforeseen circumstances. The evidence session went ahead with members of the House of Lords only, the same witnesses and a moderately revised question set.

160. **We recommend that House of Lords committees should continue to pursue ways of meeting on an informal basis with House of Commons committees. The Liaison Committee will continue to support and seek to enable such work.**

**Working with the devolved legislatures**

161. Just as it is important for the UK Government to talk to the Devolved Administrations, it is important for Westminster colleagues to work collaboratively with those in the devolved legislatures (the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly). Throughout the evidence taking process a number of witnesses spoke positively about the Interparliamentary Forum on Brexit. The first meeting of the Forum was held in the House of Lords on 12 October 2017, chaired by the Senior Deputy Speaker, and organised by the House of Lords European Union Select Committee. It brought together Chairs, Convenors and representatives of Committees scrutinising Brexit-related issues in the Scottish Parliament, National Assembly for Wales, Northern Ireland.
Assembly, House of Commons and House of Lords. As of April 2019, the Forum, which meets in the different parliaments on a rotating basis, had met on seven occasions to participate in inter-parliamentary dialogue on Brexit related issues including the implications of the European Union (Withdrawal) Bill upon the devolution settlements in the United Kingdom. A joint statement is issued following the meetings.

162. The benefits of informal collaboration have been particularly apparent in recent years in meetings involving the devolved legislatures to discuss matters of common interest. Mr Mick Antoniw AM, Chair of the Constitutional and Legislative Affairs Committee in the National Assembly for Wales, highlighted the importance of developing working relationships not just between the two Houses at Westminster, but also involving the devolved legislatures:

“What the inter-parliamentary forum has taught us is that there is a considerable need for far greater co-ordination and co-operation between committees. There are three legislatures operating in the UK now … all three passing legislation that can impact on the others, in one way or another. We all have a direct common interest … There is greater scope where scrutiny and policy work has taken place in committees … and a growing justification for saying we out to look at our own procedures to enable far greater working together on that.”

163. Mr Antoniw considered:

“The forum has become quite important, and one where those participating see the value of the exchange of information and the development of a slightly more common strategy approach on these major constitutional issues that are challenging us.”

164. The importance, and demonstrable success, of interparliamentary dialogue between committees was highlighted by other parliamentarians including Mr Bruce Crawford MSP, Convenor of the Finance and Constitution Committee in the Scottish Parliament. Mr Crawford noted that the Forum “has provided members of devolved and UK Parliaments a neutral environment in which the cross-party concerns of the devolved and UK Parliaments could be raised”. Mr Crawford also highlighted that the “the strength of the Forum flows from its informal nature”.

165. Many witnesses were in agreement that post-Brexit there would be greater need for the House of Lords to develop a stronger relationship with the devolved nations. The Hansard Society highlighted that “issues relating to devolution and relations between the nations of the Union [are] taking on ever-increasing importance”, and therefore there is an argument for a permanent committee on devolution. However, not all witnesses agreed to the formalisation of a dedicated committee to deal with this scrutiny and interaction. The Earl of Kinnoull suggested “regular and timetabled interaction” to look at devolution mechanics would be enough, whereas Eirik Bjorge, Senior Lecturer in Law, Bristol University, Arabella Lang,

123  Q 160 (Mick Antoniw AM)
124  Q 157 (Mick Antoniw AM)
125  Written evidence from Bruce Crawford MSP (RIS0076)
126  Ibid.
127  Written evidence from the Hansard Society (RIS0048)
128  Written evidence from the Earl of Kinnoull (RIS0029)
Senior Researcher, House of Commons Library and Ewan Smith, Shaw Junior Research Fellow, Jesus College, Oxford in their submission suggested that “a UK Treaty Committee has the potential to promote inter-parliamentary dialogue on treaty matters”.\textsuperscript{129} In addition, Lord Kinnoull also suggested we have a role in “welcoming relevant people here, sending our members to speak and attend gatherings and visiting”\textsuperscript{130} as part of post-EU parliamentary diplomacy. The Law Society of Scotland also noted existing forums including the Inter-Parliamentary Union, the Commonwealth Parliamentary Association and the Association of State Legislators to be aware of.\textsuperscript{131} The Earl of Dundee also drew our attention to the work of the Council of Europe.\textsuperscript{132} \textbf{We consider that House of Lords Committees should seek to take into account relevant work by the Council of Europe and the Organisation for Security and Co-operation in Europe.}

166. \textbf{Dialogue between Westminster and the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly is very important. Our evidence demonstrates the positive experience of informal joint working structures such as the Interparliamentary Forum on Brexit. We recommend that this format should be encouraged further to facilitate other discussions of cross-party concerns of the devolved legislatures and the UK Parliament.}

167. \textbf{Informal joint working still requires resource, mostly by way of staff support but with a small amount of expenditure needed for travel to other legislatures in the United Kingdom when it is their turn to host the informal meetings. Hitherto this activity has been organised by the House of Lords Committee Office. If this important work develops further, as we hope it will, then consideration should be given to providing dedicated resources for inter-parliamentary dialogue within the United Kingdom.}

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\textsuperscript{129} Written evidence from Ewan Smith, Arabella Land and Eirik Bjorge (RIS0034) \\
\textsuperscript{130} Written evidence from the Earl of Kinnoull (RIS0029) \\
\textsuperscript{131} Written evidence from The Law Society of Scotland (RIS0032) \\
\textsuperscript{132} Written evidence from the Earl of Dundee and John Howell MP (RIS0075)
\end{flushright}
CHAPTER 8: COMMITTEE CHAIRS AND MEMBERS

168. The role of Committee Chairs and members is at the heart of all parliamentary select committees. The House of Lords is fortunate in being able to draw on a wealth of expertise which in many ways is unique for a parliamentary chamber. Members are enthusiastic about using their expertise to serve on committees, and conscious of the important role they play in the work of the House as a whole, including in terms of wider public engagement.

169. It is therefore unsurprising that the Committee received a large number of comments relating to committee membership.

Selection of members and duration of membership

170. In order to secure a regular turnover of membership, a ‘rotation rule’ operates in the case of most House of Lords committees, whereby members who have been appointed (or co-opted) for three successive sessions (or parts of sessions) may not be reappointed in the following two sessions following a period as a member of a committee. The three sessions may be extended to allow a member appointed as chairman a three-session term as chairman. Select committees apply the rotation rules to their sub-committees. The rotation rule was last considered by the Procedure Committee in March 2014, when its proposal to reduce the length of membership from four successive sessions to three, in order to secure a regular turnover of membership and therefore broaden participation in the work of committees by members, was agreed to by the House.

171. Lord Best argued that the current rotation rule “does not optimise the Members’ capacity to really understand the context and intricacies of their role” and he would therefore advocate “four-year terms for Members and five-year terms for Chairs of Committees.”133 The Hansard Society also noted that the current rotation rule “risks losing expertise in select committee work and wastes experience” and that “retirements from committees could be staggered more effectively.”134

172. However, Lord Blencathra pointed out that longer term Chairmanships could lead to others missing out and we should be careful not to “[deprive] others of the chance to serve.”135 Baroness Fookes suggested one possible way to avoid this loss of expertise, whilst maintaining rotation, would be by “appointing a new chairman from a member of the Committee rather than ‘parachuting’ in someone unfamiliar with the work of the particular committee.”136 Witnesses also highlighted concerns regarding the involvement of the party whips in deciding committee membership. It was suggested that the current system could be unfair to unaffiliated members of the House.137 Some witnesses suggested that the House of Lords should move to be more closely aligned with the House of Commons by electing committee Chairs and members (see paras 174–175 below).138

173. There is a difficult balance to be struck between facilitating continuity of membership and expertise whilst also providing

133 Written evidence from Lord Best (RIS0007)
134 Written evidence from the Hansard Society (RIS0048)
135 Written evidence from Lord Blencathra (RIS0009)
136 Written evidence from Baroness Fookes (RIS0031)
137 Supplementary written evidence from Lord Inglewood (RIS0068)
138 Written evidence from Lord Cormack (RIS0045)
new members with the opportunity to serve on committees. In particular, there could be a case for providing a degree of flexibility in the three-year rotation rule when its rigid application would result in a large number of members of a committee being “rotated off” simultaneously, or in the event of a very short parliamentary session being held. We recommend that the Procedure Committee gives further consideration to the operation of the rotation rule in due course.

The role of Committee Chairs

174. In 2009 a number of significant changes to House of Commons select committees were recommended by the House of Commons Reform Committee, chaired by Dr Tony Wright (then Labour MP for Cannock Chase). These changes took effect from the beginning of the 2010–12 session and included the election of select committee chairs by a secret ballot of the whole House, the election of committee members by party groups and the appointment of a Backbench Business Committee to schedule backbench debates and other decisions. These changes are widely acknowledged to have had a significant impact in strengthening the role, and raising the profile, of House of Commons departmental select committees.

175. Lord Soley suggested “we consider electing the chairs of select committees as they do in the Commons” to offer greater “status and independence.” Other witnesses agreed with this idea, including Lord Balfe and Baroness Tyler, who argued elected committee Chairs would create “greater legitimacy and clout, and help ensure that they had strong cross-party support.” The Law Society of Scotland also highlighted that “elected chairmen are considered a success because of the experience of the House of Commons, the Dáil Éireann and the National Assembly for Wales.”

176. Despite the success of elected Chairs in other parliaments, Lord Blencathra argued that the current system is satisfactory and “in accordance with our self-regulating ethos” and introducing elected committee Chairs would “bring in unnecessary politics”. Lord Forsyth supported this, as he believed elected chairmen could lead to “a certain amount of game-playing”. Professor Flinders agreed and did not recommend the introduction of elected chairs in the House of Lords, however he did note that consideration should be given to “increasing the transparency vis-à-vis how committee chairs are appointed in the Lords.”

177. The Hansard Society observed that the way in which committees are established or re-established and chairs appointed after general elections meant that House of Lords select committees could be up and running several months earlier than their Commons counterparts, avoiding scrutiny

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139 House of Commons Reform Committee, Rebuilding the House (First Report, Session 2008–09, HC 1117)
140 Written evidence from Lord Soley (RIS0006)
141 Written evidence from Lord Balfe (RIS0052)
142 Written evidence from Baroness Tyler of Enfield (RIS0044)
143 Written evidence from the Law Society of Scotland (RIS0032)
144 Written evidence from Lord Blencathra (RIS0009)
145 Ibid.
146 Q 79 (Lord Forsyth of Drumlean)
147 Written evidence from Prof Matthew Flinders (RIS0005)
gaps.\textsuperscript{148} Whilst acknowledging concerns that the rotation system for committee membership risks losing expertise from the system there was a counter-argument in that longevity of membership carried the associated risk of ‘groupthink’, or ‘capture’ by relevant government departments or other stakeholders. Fresh perspectives from a refreshed membership could help counteract that risk. In general, however, Dr Fox said that “our view would be that, unless there is deep unhappiness among members, if it is not broken, it is not something you need to focus on fixing.”\textsuperscript{149} We agree with that view.

178. The Committee of Selection, which nominates the members of all select committees and normally also proposes the Chair, includes the party leaders, whips and the Convenor of the crossbench peers. It is thus well-placed to ensure political balance, and also to take into account considerations such as gender diversity and representations from members across the House. We welcome the fact that the House of Lords Commission, in its response to the UK Gender-Sensitive Parliament Audit 2018, has asked the Committee of Selection to carry out annual monitoring regarding Lords committee membership and chairing.\textsuperscript{150}

179. \textbf{On balance, we do not recommend the election of Chairs of House of Lords committees.}

180. Some parliamentary witnesses noted that they have a guide for committee Chairs to assist in understanding the role and responsibilities attributed to the position. The New Zealand House of Representatives implemented a clear role of the chairperson in 2017 when they “recognised that committee effectiveness relies heavily on the proper exercise of the role of chairperson.”\textsuperscript{151} Since the implementation of the formal guidance for chairpersons, the New Zealand House of Representatives noted a number of benefits:

“These expectations have provided useful guidance for chairpersons to understand the broad responsibilities of their roles. They also inform discussions between committee staff and the chairperson and provide helpful direction for the chairperson when trying to navigate difficult situations.”\textsuperscript{152}

181. A similar list of expectations has also been introduced in the Welsh Assembly\textsuperscript{153} and the Canadian Senate.\textsuperscript{154} Various witnesses including Baroness Fookes, The Law Society of Scotland, Lord Whitty and Baroness Kidron also supported the introduction of a written role, for committee Chairs in particular, but also for members of committee.\textsuperscript{155}

182. Currently, a guide is made available to Chairs and members of House of Lords select committees which explains what members can expect by way of administrative support, committee compositions, how inquiries work,
committee meetings, travel and reports. This guide is updated annually, so that its contents are regularly refreshed. The current Guide includes the following responsibilities: “willingness to be available for and to participate in relevant media, publicity and stakeholder engagement”, and “willingness to engage in promoting the follow-up of committee reports”. We consider that this should include “willingness to participate in any debate on a report agreed by the committee for which the Chair is responsible within three months of its publication, or if that is not possible, to arrange for another member of the committee to lead the debate so that it can proceed without undue delay”.

183. The Committee has decided that the Guide for Chairs and members of House of Lords committees should be revised in order to provide specific written guidance on the role, responsibilities and obligations of committee Chairs and members.

**A Forum for Committee Chairs and continuing professional development**

184. Although the Chairs of the European Union Committee and its sub-committees meet together from time to time, as well as in the formal setting of meetings of the European Union Committee itself, there is currently no established forum bringing together all the Chairs of House of Lords committees.

185. In November 2016 the Liaison Committee agreed to set up the Informal Brexit Liaison Group, which brought together the Chairs of all the sessional Select Committees, under the Chairmanship of the Senior Deputy Speaker, to discuss matters of common interest relating to Brexit. This Group has developed well. Between November 2016 and November 2018 it met 14 times, usually with a high profile speaker. The meetings have taken place in private, and a brief note of the discussion has been sent to members of the Liaison Committee, the Group itself, and has been posted on the internet.

186. The meetings of that Group highlighted the fact that in the Lords there is no natural forum where committee Chairs can meet together to reflect on their work and to share best practice as well as possible areas for improvement. The Committee heard from the National Assembly for Wales how its Chairs Forum acts in this way, and the National Assembly for Wales, Scottish Parliament and a number of other legislatures provide a continuous professional development (CPD) programme for committee Chairs.

187. Mr Antoniw noted that “continuing professional development is very important.”156 He went on to explain that CPD in the Welsh Assembly can be two-fold as “new chairs of important committees may have gaps in their own expertise that they want filled” as well as “professional development in respect of particular areas of policy.”157 Mr Antoniw reiterated that “in a modern democratic parliamentary system, ongoing training is of considerable value and benefit”. Whilst he warned about the risks of finding time to participate in training, Mr Antoniw was keen to highlight the benefits this training offers to members as well as support staff.

156  Q 161 (Mick Antoniw AM)
188. The 2018 UK Parliament Gender-Sensitive Parliament Audit recommended that:

“Existing Continuous Professional Development options for MPs and peers should be publicised or expanded as appropriate to include, for example, unconscious bias, equality legislation and witness questioning techniques. Such provision could be different in the Commons and Lords.”¹⁵⁸

In the Commons there is a members’ CPD budget but there is no similar provision in the House of Lords.

189. We support the recommendation of the Gender-Sensitive Parliament Audit that CPD must be publicised and expanded. We further recommend that CPD should be regarded as an integral part of the role of committee Chairs and members, focused upon specific areas of requirement, such as press and media training.

190. The working group on communications recommended a regular meeting of all committee Chairs to discuss upcoming inquiries and topics. They argued meetings such as these could help to promote a joined-up communications strategy linking the different aspects of work in committees and the House. As well as this, they noted that this could enable greater cohesion in the work of committees.

191. This proposal for such a Chairs’ Forum has added value in the light of our earlier recommendation for the development of our existing committees, in order to minimise scrutiny gaps. An informal Chairs’ Forum could provide added value in ensuring that any duplication or overlap between committees was managed and that consistent focus on all major areas of public policy was maintained.

192. We have agreed that the Senior Deputy Speaker should convene a Committee Chairs’ Forum, to meet around three times a year following the introduction of our recommended adaptations to the committee structure. Its membership would be all the Chairs of investigative scrutiny committees. The Chairs’ Forum would offer an important opportunity for Chairs to manage any possible overlap of work that may arise in the early stages of any new committee structure and would provide a mechanism, across the House, to ensure that effective scrutiny of all major public policy areas was taking place.

Increasing information about membership and attendance

193. Much of the evidence we received in relation to the membership of committees related to concerns about the transparency of all processes relating to committee selection. The Law Society of Scotland noted that “more transparency around the appointment of Committees would help to ensure public confidence in the process”.¹⁵⁹ Baroness Fookes suggested that there should be improvements to the availability of information to members, particularly new members of the House, regarding “opportunities to serve on select committees when there are vacancies and also how to register an

¹⁵⁹ Written evidence from the Law Society of Scotland (RIS0032)
interest on serving in one or more committees”. The 2018 UK Parliament Gender-Sensitive Parliament Audit suggested “setting expectations in relation to committee workload, including in relation to consideration of committee reports and the timing of committee visits.”

194. The House of Lords Handbook on facilities and services for Members and their staff includes only three pages about committees. **We recommend that the Committee Office should produce a general guide to House of Lords committees for members of the House, including guidance as to where to go for further information about membership and the work of current committees.**

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160  Written evidence from Baroness Fookes (RIS0031)
CHAPTER 9: COMMITTEE WITNESSES AND EVIDENCE

Introduction

195. Whilst the unique feature of House of Lords committees is their membership, their evidence-based scrutiny forms the essential foundation of their work. Put simply, without the input of several hundred witnesses each session most of our committees would grind to a halt. The consideration of who committees hear from raises the issue of witness diversity, to which we now turn.

Witness diversity

196. Witnesses to our review highlighted the tendency for committees to contact the ‘usual suspects’ for inquiries.162 Dr Wollaston noted that picking witnesses “is about being mindful” and “going back to people to ask, “is there somebody else who could come?” so that you do not always hear from the same people.”163 This was reiterated by Lord Hodgson of Astley Abbots CBE who said “greater effort needs to be taken to reach past ‘the usual suspects’ when seeking people to give evidence”.164 However, Lord Lisvane pointed out that “we cannot ignore the usual suspects when it comes to witnesses, but it is important that the judgment is not who you are, but how good the ideas are that you contribute”.165

197. Since 2013, when Democratic Audit carried out a survey of witnesses to House of Commons committees and found that during the period studied 76% were male and 24% female,166 there has been an increased focus on witness diversity. The House of Commons now includes information about witness gender diversity in its Sessional Returns.167

198. Dr Wollaston pointed out that in the House of Commons, committee invitations to witnesses now “ask them to consider diversity and its importance”168 and they are now recording different diversity characteristics. Dr Wollaston stated that “just thinking about it makes a difference.”169 Mr Christopher Warner from the Welsh Assembly noted an experiment in which the Economy Committee in the Welsh Assembly tried to encourage more women to give evidence “by offering them a training package”. This included “giving them a mock committee situation and critiquing their performance in a very supportive way to demystify and give them more confidence about the process.”170 He suggested that this could be a way of helping create a change in the diversity of witnesses, in turn improving the evidence that is then taken by any given committee.

199. Other witnesses pointed out that one of the biggest barriers to a more diverse witness base could be due to the sometimes intimidating environment of

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162 Q 77 (Baroness Taylor of Bolton)
163 Q 13 (Dr Sarah Wollaston MP)
164 Written evidence from Lord Hodgson of Astley Abbots (RIS0070)
165 Q 92 (Lord Lisvane)
167 House of Commons Liaison Committee, Witness gender diversity (Second Report, Session 2017–19, HC 1033) paras 1–6
168 Q 12 (Dr Sarah Wollaston MP)
169 Ibid.
170 Q 111 (Christopher Warner)
the committee room itself, an issue to which we turn in Chapter 10. Mr Clancy suggested changing some of the terms that are used by committees such as “invitee” or “consultee” rather than witness, and “instead of evidence one could say “views” or “opinions”. Changes such as this might enable witnesses to feel more comfortable, and as Mr Khan pointed out, “some of the language could be made more accessible.” This could then help to expand away from “the usual suspects” as well as encouraging a more diverse audience to take part. We have already changed the term “ad hoc” committee to special inquiry committee, and consider that other small changes, in particular replacing the term Chairman with Chair, would be appropriate. We intend to review the language and terminology used in committee proceedings more systematically, and to recommend further changes later this year.

200. Throughout the evidence taking process the Committee heard from witnesses about the benefits that arise through diversifying the pool of people heard from during inquires. In the parliamentary context it is important to note that in addition to protected characteristics, diversity also includes geographic diversity and diversity of organisational type. Expanding the variety of voices that a committee hears from is important to ensure that committees are undertaking their role most effectively. Diversity comes in many forms, and hearing a range of different perspectives means that committees are better informed and can more effectively scrutinise public policy and legislation.

201. In order to understand and improve the diversity of witnesses in House of Lords committees, in July 2018 the Committee Office set up a working group of staff to understand the issues and develop a series of recommendations to be put in place. In February 2019 a number of recommendations were agreed by the Committee Office Senior Management Team to help improve the diversity of witnesses. These recommendations were presented in a paper to this Committee. We endorse the work of the witness diversity working group, and encourage the implementation and continued reflection of the success of these recommendations and the impact they have on committee output.

202. There is currently no formal monitoring system in place for committee witness diversity in the House of Lords, but it is hoped that such a system will be put in place as part of website developments in the next parliamentary session. The 2018 Gender-Sensitive Parliament Audit recommended as follows:

“… committees should make every possible effort to ensure that female witnesses and those from other diverse groups are not prevented from contributing to their inquiries, either by being overlooked in favour of the ‘usual suspects’ or by being put off from putting themselves forward. We understand that the Lords Liaison Committee is expected to consider proposals on how Lords committees might monitor this more routinely: we support this.”

171 Q 68 (Michael Clancy)
172 Q 68 (Robert Khan)
203. **We encourage the introduction of a formal monitoring system for committee witness diversity as soon as possible in order to better understand the current witness base, as well as to track and monitor the progress we make in hearing the views of a greater variety of voices.**

**The nature of evidence**

204. In addition to hearing the views of a greater variety of voices, House of Lords committees have been increasingly inviting these views in formats which are different to the usual, formal, written and oral evidence processes. In the following paragraphs we examine three formats piloted by committees in 2018–19 with the help of the bicameral committees engagement team, which have served to expand upon our traditional definition of what constitutes evidence.

*‘Go-to democracy’ in seaside towns (July–October 2018)*

205. The Regeneration of Seaside Towns Committee planned six visits to seaside towns to hear from those living, visiting and working there. A range of different engagement methods were used to ensure that opportunity was given to members of the public who wanted to contribute to the inquiry. A form of ‘go to democracy’ was used where staff went to places where larger numbers of people were likely to be (for example the Illuminations in Blackpool and the Turner Gallery in Margate), interviewing and surveying 200 people to capture views on the issues their town faced. In Skegness and Clacton-on-Sea, roundtable events took place between members of the Committee and the public which allowed for members to consult with people including students, local business owners and interest groups, who provided varying experiences and perspectives.

206. Summary notes, reports (including statistical data from the surveys) and filmed interviews were provided on all the engagement as outputs for the Committee to use.

*Community conversations brought back to Westminster (October–December 2018)*

207. The Intergenerational Fairness and Provision Committee wanted to consult with people who represented the young, middle and elderly generations and used an innovative way to do this through a series of ‘pyramid’ style events. In October 2018, representatives from the different age groups were invited to Westminster to meet with members of the Committee, where they provided their own views on the topics of the inquiry and were given a distributed dialogue resource pack to guide them in running their own discussions in their local communities throughout November.

208. At the start of December, the representatives returned to Westminster and again met with members of the Committee but this time were able to provide a wider perspective to the members as they used the information and insight gained form the conversations they had held in their own communities. This method allowed the Committee to hear a range of perspectives from across the UK whilst ensuring that the participants were fully involved in the inquiry as they became ambassadors for it in their local communities. It helped to promote the message that Parliament is accessible to the public and open to hearing a variety of views.
Partnering with organisations to engage local communities (October 2018)

209. The Rural Economy Committee visited South Yorkshire on 10 October 2018 and worked closely with the Coalfields Regeneration Trust to facilitate a roundtable event with local businesses, councillors and charities. The Committee heard from a range of voices involved in the rural economy and the event complemented the Committee’s visit to a local community shop and local housing developments. Working with partner organisations in this way helped to facilitate dialogue between committees and networks in local communities.

210. **We endorse the various techniques that have been used by the 2018–19 special inquiry committees to gather evidence. We support the ongoing use of innovative ways to collect evidence and expand the variety of voices that committees hear from. Committees should continue to develop new techniques to gather evidence, ensuring that such techniques are tailored to the individual aims of the committee and inquiry, as and when they are used.**
CHAPTER 10: COMMITTEE ROOMS AND RESTORATION AND RENEWAL

211. Since the second half of the 19th century most House of Lords committee meetings have taken place in one of a number of rooms lining the committee corridor in the Palace of Westminster. The corridor spans the length of much of the Palace, and houses 16 large committee rooms overlooking the Thames. Of these, only four are Lords committee rooms, although the House also has three more recently constructed committee rooms on the opposite side of the corridor. Two further rooms are available for use by certain committees: these are the Moses Room (adjacent to the Lords Chamber), which is used for meetings of the Grand Committee and for Private Bill-related committee meetings, and Committee Room G, on the ground floor is used for some private committee meetings (as it is not equipped for evidence taking). Even so, House of Lords committee accommodation has not kept pace with the considerable increase in committee activity over the past 25 years.

212. The main committee rooms in the House of Lords were designed for use by the many committees needed to scrutinise private legislation relating to railways and similar infrastructure projects in the second half of the 19th century. The large, imposing rooms needed to accommodate counsel, witnesses and members of the public, as well as members. Adequate space was needed for the display and storage of plans and maps illustrating the proposed projects. The rooms were never intended to put witnesses at their ease. Furthermore, as public meetings of committees are now all webcast, most members of the public prefer to view committee meetings online. Whilst this facility has helped make committee meetings more accessible, it means that for most meetings the so-called ‘public gallery’ of several rows of chairs is largely empty.

213. The House of Commons is better provided for in terms of both traditional and more modern committee rooms. In addition to its 12 rooms on the main committee corridor, the Commons has a second set of rooms on the upper committee corridor—immediately above the main corridor—as well as modern purpose-built committee rooms on the first floor of Portcullis House. When the House of Commons Commission approved the Final Sketch Plan for Portcullis House in 1993 the plan included four Select Committee rooms and three smaller meeting rooms. The need by the Commons for additional meetings space was the main source of changes to the Final Sketch Plan. When completed in 2000 the space in Portcullis House originally intended for use by around 120 staff of the Clerk’s department had been diverted to create, in addition to the four Select Committee rooms, two large conference rooms and nine, rather than three, smaller meeting rooms, for a total additional cost of £1 million. All this space is well used.

214. Despite the increasing use of Commons rooms for meetings of Joint Committees, and despite the fact that committee meetings take precedence in terms of room bookings, the pressure on House of Lords committee rooms is now great, particularly on Tuesdays and Wednesdays, which are the main days for committee meetings. There is no dedicated meeting space for witnesses to prepare themselves on arrival, and—most regrettably of all—straightforward means of access or emergency evacuation for people with disabilities.
215. **The Restoration and Renewal of the Palace of Westminster provides an important opportunity to address this situation.** As there is a separate consultation exercise under way we thought it necessary only to note 9 key questions for further consideration:

1. **How many committees need to be accommodated, bearing in mind (i) how often they meet to hear evidence in public; (ii) the number of members involved and (iii) the likely number of committees meeting simultaneously on peak committee days of Tuesday and Wednesday?**

2. **How many joint committees need accommodating both during Parliament’s decant to alternative accommodation and on return to the Palace of Westminster, and when and where should they meet?**

3. **How can equality of access for members and visitors with disabilities to and from Lords committee rooms be delivered (including fire evacuation provision)?**

4. **Can some flexible meeting spaces be provided (so rooms can be made larger or smaller according to need and the nature of the meeting)?**

5. **How much space is needed for members of the public to attend committee meetings now that public meetings are webcast?**

6. **What arrangements should be made for waiting areas for witnesses and the visiting public?**

7. **What other users of committee rooms need to be accommodated (for example party meetings, all party parliamentary groups, staff meetings and training sessions)?**

8. **What security adjustments are needed to meet current and future potential challenges and threats?**

9. **Is the current committee corridor the quietest location for committee rooms (important for broadcasting and recording, as the river front is less frequently impacted by noise from protesters)?**
CHAPTER 11: EVALUATION

Introduction

216. In this final chapter we consider current House of Lords practice in monitoring committee effectiveness, and after examining best practice in the House of Commons and other legislatures, recommend ways of improving evaluation in future.

217. Government responses are one of the key means of evaluating the effectiveness of committee reports. The Government have undertaken to respond in writing to the reports of select committees, if possible, within two months of publication. The timely provision of responses is clearly important, and this has not always happened. To address this situation the Procedure Committee decided in March 2018 that overdue Government responses to select committee reports should be noted in a new section in House of Lords Business. This new practice has led to a significant decrease in the number of Government responses which are not received within two months of publication of the relevant report, and for many weeks no list of overdue responses has needed to be published.

Present House of Lords practice

218. The House of Lords Constitution Committee produces a short (around 11 pages) sessional report at the beginning of each session looking back on the inquiries conducted in the previous session. Unlike most legacy reports (which we consider below), it does not contain any recommendations for government or indications of future areas of work and is released every session rather than every parliament.

219. The House of Lords European Union Committee also produces a report at the beginning of each session looking at their activity in the previous session. This report is more substantial than the Constitution Committee’s sessional report, and not only reviews the Committee's scrutiny and inquiry work but also looks at the success of their public engagement and provides an overview of possible areas of future work.

220. During the 2010–15 Parliament the House of Lords Liaison Committee started publishing reviews of Investigative Select Committee Activity at the end of each session. The Liaison Committee’s review of activity for the whole of the 2010–15 Parliament—the first time this had been attempted—resembles a very high level legacy report.174 In a similar way to other legacy reports it provides a summary of committee activity. However, it is much shorter than most such reports and contains much less detail, with around 60 pages covering all committee activity, in contrast to legacy reports produced by other legislatures, which are typically approximately 30 pages per committee.

221. The Liaison Committee’s reviews are intended to be ‘highlight reports’, highlighting particularly important achievements, including where possible the adoption of key recommendations, thereby providing an element of evaluation of committee activity. Media successes are also included. In recent sessions the report has included a table of Government responses, as

the Liaison Committee has committed to publishing this at the end of each session.

**Legacy reports in other legislatures**

222. One of the tools for committee ‘follow-up’ activity which many legislatures have adopted in recent years is so-called ‘legacy reports’. Committees in each of the devolved legislatures and some overseas legislatures, particularly those in Australia, usually produce a legacy report at the end of a parliament. Although these reports differ between legislatures and committees the differences are mainly stylistic and overall they share two main characteristics. They summarise committee activity and recommend future action by a successor committee.

223. All the legacy reports present an overview of the activity of the relevant committee over the length of the parliament. This includes detailing inquiries they have held, summarising recommendations they have given, and reflecting on how the relevant government has responded to the recommendations. They also give details of the visits they have conducted and any public engagement activity they have undertaken.

224. The other common feature of legacy reports is that they recommend future activity for successor committees. Many legacy reports from committees in devolved legislatures include a wide-ranging look at areas that fall within the committee’s remit. They also often conclude that each area that the committee has previously examined could also be of interest to a successor committee. This can lead to a large number of recommendations for future committee activity. For example, a legacy paper from the Finance Committee of the Scottish Parliament contained almost 30 recommendations for areas that their successor committee should consider.175

225. Legacy reports are also established practice in the National Assembly for Wales. The National Assembly produced a series of legacy reports on the Fourth Assembly (2011–2016), including a legacy report by the National Assembly Commission, which contained 13 recommendations to its successor Commission. Those recommendations were wide-ranging and included proposals for improving CPD for Members, the role of the Commission as a high performing governing board, the need to continue to exploit information technology to deliver excellent services to Assembly Members and the people of Wales and the need to ensure that resources are available to deliver the necessary support to Assembly Members in a changing constitutional world. It was for the new Commission to decide which, if any of these recommendations were taken forward.

226. A more succinct example, summarising key recommendations for successor committees, is that of the Legislative Council (Upper House) Standing Committee on Law and Justice in New South Wales.176 That report suggested three specific recommendations for concerning detailed areas in need of follow up rather than suggesting many different possible areas of interest.

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227. At the end of the 2010–15 Parliament all House of Commons committees were encouraged to produce legacy reports. The format of these reports varied from committee to committee, with the advantage of encouraging innovation (including in one case a video report) and the drawback of making comparisons between committees more difficult.

228. The House of Commons Science and Technology Committee’s legacy report is substantially different from other legacy reports and provides an alternative model.\(^{177}\) Their legacy report was the result of a legacy inquiry which received both oral and written evidence. The report included a review of past inquiries as well as recommendations for Government action. This contrasts with other legacy reports which for the most part only make recommendations for future committee activity. The Commons Science and Technology Committee report included an annex listing, by Government department, issues from the Committee’s inquiries over the course of the 2010–2015 parliament which remained outstanding as well as suggestions as to actions which the departments might take in light of recent developments on identified subjects.

**Evaluation going forward**

229. We have already recommended that at the outset of each major inquiry committees should set themselves clear objectives, including in relation to likely outcomes and media audiences. More generally we consider that House of Lords committees could and should place greater emphasis on monitoring and evaluating outcomes of their activity, measuring those against these objectives. Ideally every committee should set itself objectives and later gather evidence to assess whether these were being met.

230. *We expect that in future all House of Lords committees will increase their focus on setting clear objectives and evaluating their effectiveness, and may consider producing legacy reports at the end of each session or Parliament. This will help to demonstrate how committees deliver detailed scrutiny and value for money on behalf of the House as a whole.*

231. *We expect to continue our present practice of publishing a “highlights” report of overall House of Lords committee activity at the end of each session. We will also continue to keep the effectiveness of House of Lords committees under regular and ongoing review.*

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APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

Members

Lord Bradley (from 1 July 2019)
Earl of Courtown (in place of Baroness Evans of Bowes Park)
Lord Foulkes of Cumnock (until 1 July 2019)
Baroness Garden of Frognal (until 1 July 2019)
Baroness Hayter of Kentish Town
Lord Hope of Craighead
Lord Lang of Monkton
Lord Low of Dalston
Lord McFall of Alcluith (Chairman)
Lord Newby
Lord Smith of Hindhead
Lord Tyler (from 1 July 2019)
Lord Williams of Elvel

Declarations of interest

Lord Bradley
   No relevant interests
Earl of Courtown
   No relevant interests
Baroness Evans of Bowes Park
   No relevant interests
Lord Foulkes of Cumnock
   No relevant interests
Baroness Garden of Frognal
   No relevant interests
Baroness Hayter of Kentish Town
   No relevant interests
Lord Hope of Craighead
   No relevant interests
Lord Lang of Monkton
   No interests declared
Lord Low of Dalston
   No interests declared
Lord McFall of Alcluith (Chairman)
   No interests declared
Lord Newby
   No relevant interests
Lord Smith of Hindhead
   No relevant interests
Lord Tyler
   No relevant interests
Lord Williams of Elvel
   No relevant interests
APPENDIX 2: LIST OF WITNESSES

Evidence is published online at https://www.parliament.uk/hl-liaison-review-of-committees and available for inspection at the Parliamentary Archives (020 7219 3074).

Evidence received by the Committee is listed below in chronological order of oral evidence session and in alphabetical order. Those witnesses marked with ** gave both oral evidence and written evidence. Those marked with * gave oral evidence and did not submit any written evidence. All other witnesses submitted written evidence only.

Oral evidence in chronological order

* Professor Meg Russell, Director, Constitution Unit, University College London  QQ 1–9
* Ms Maddy Thimont Jack, Researcher, Institute for Government
* Dr Hannah White, Director of Research, Institute for Government
* Mr Paul Evans, Clerk of Committees, House of Commons  QQ 10–19
** Dr Sarah Wollaston MP
** Professor Matthew Flinders, Professor of Politics, University of Sheffield, and Founding Director, Sir Bernard Crick Centre for the Public Understanding of Politics  QQ 20–27
** Mr Alun Evans, Chief Executive, British Academy  QQ 28–36
** Dr Brigid Fowler, Senior Researcher, Hansard Society  QQ 37–47
** Dr Ruth Fox, Director and Head of Research, Hansard Society
** The Lord Cormack, Member of the campaign for an Effective Second Chamber  QQ 48–54
** Professor The Lord Norton of Louth, Member of the campaign for an Effective Second Chamber
** The Baroness Kidron OBE  QQ 55–59
* The Lord Puttnam CBE
* The Rt Hon. Baroness Prashar CBE
** Mr Michael Clancy, Law Reform, Law Society of Scotland  QQ 60–68
* Mr Robert Khan, Executive Director of External Affairs, Law Society of England and Wales
** Sir David Bean, Chairman, Law Commission  QQ 69–73
** Ms Jessica de Mounteney, Law Commission
** Professor David Ormerod, Law Commissioner for Criminal Law and Evidence, Law Commission

** The Rt Hon. the Lord Forsyth of Drumlean, Chair, Economic Affairs Committee

* The Lord Gilbert of Panteg, Chair, Communication Committee

* The Lord Patel KT, Chair, Science and Technology Committee

* The Rt Hon. the Baroness Taylor of Bolton, Chair, Constitution Committee

* The Rt Hon. the Lord Blencathra, Chair, Delegated Powers and Regulatory Reform Committee

** The Rt. Hon. the Lord Trefgarne, Chair, Secondary Legislation Scrutiny Committee

* The Lord Boswell of Aynho, Chair, European Union Select Committee

** The Rt Hon Lord Howell of Guildford, Chair, International Relations Committee

** The Rt Hon. the Lord Blunkett

** The Lord Lisvane KCB DL

** The Lord Hollick

* The Lord Mendelsohn

** Mr Christopher Warner, Head of Policy and Legislation Committee Service, Welsh Assembly

* Mr Ken Hughes, Assistant Chief Executive, the Scottish Parliament.

** The Earl of Kinnoull

** The Baroness Thomas of Winchester MBE

** The Rt Hon. Frank Field MP

* Ms Katy Stout, Second Clerk, Work and Pensions Committee

* The Lord Cameron of Dillington

** The Baroness Deech DBE QC

* The Lord Filkin DBE

** The Lord Inglewood MRICS

** The Baroness McIntosh of Pickering

* The Rt Hon. the Lord Shutt of Greetland OBE

** The Lord Clement-Jones CBE

* The Rt Hon. the Baroness Corston

* The Lord Filkin DBE
** The Lord Hodgson of Astley Abbots CBE

** The Baroness Nicholson of Winterbourne

* The Baroness Pitkeathley OBE

* The Lord Teverson

** The Baroness Tyler of Enfield

** The Baroness Fookes DBE

* Mr Mick Antoniw AM, Chair, Constitutional and Legislative Affairs Committee, National Assembly for Wales (QQ 157–164)

* The Lord Hennessy of Nympsfield (QQ 165–173)

Alphabetical list of all witnesses

The Lord Alton of Liverpool (RIS0002) (RIS0078)

* Mr Mick Antoniw AM, Chair, Constitutional and Legislative Affairs Committee, National Assembly for Wales (QQ 157–164) (RIS0007) (RIS0069)

Mrs Elizabeth Arbon-Suckle (RIS0017)

Association of British Insurers (RIS0051)

Australian Senate (RIS0059)

The Lord Balfe (RIS0052)

Ms Anouk Berthier (RIS0014)

The Lord Best OBE DL (RIS0007) (RIS0069)

Biochemical Society (RIS0018)

The Rt Rev. the Lord Bishop of Birmingham, Convenor of the Lords Spiritual (RIS0066)

The Lord Birt (RIS0037)

Mr Eirik Bjorge (RIS0034)

* The Rt Hon. the Lord Blencathra, Chair, Delegated Powers and Regulatory Reform Committee (QQ 80–87) (RIS009)

The Rt Hon. the Lord Blencathra (RIS0009)

** The Rt Hon. the Lord Blunkett (QQ 92–99) (RIS0004)

Dr Catherine Bochel (RIS0016)

Professor Hugh Bochel (RIS0014)

* The Lord Boswell of Aynho, Chair, European Union Select Committee (QQ 88–91) (RIS0025)

The Baroness Brown of Cambridge DBE FREng FRS (RIS0025)
The Rt Hon. the Lord Bruce of Bennachie, Member of the EU Financial Affairs Sub-Committee

The Rt Hon. the Lord Butler of Brockwell KG GCB CVO, Member of the EU Financial Affairs Sub-Committee

* The Lord Cameron of Dillington (QQ 142–143)

The Lord Cavendish of Furness DL, Member of the EU Financial Affairs Sub-Committee

Mr Thomas Caygill

** The Lord Clement-Jones CBE (QQ 144–148)

* Constitution Unit, University College London (QQ 1–9)

** The Lord Cormack, Campaign for an Effective Second Chamber (QQ 48–54)

* The Rt Hon. the Baroness Corston (QQ 144–148)

Mr Bruce Crawford MSP, Convenor, Finance and Constitution Committee, the Scottish Parliament

The Lord Curry of Kirkharle CBE

The Lord De Mauley, Member of the EU Financial Affairs Sub-Committee

** The Baroness Deech DBE QC (QQ 142–143)

The Lord Desai, Member of the EU Financial Affairs Sub-Committee

The Rt Hon. the Lord Dholakia OBE DL

Doteveryone

The Earl of Dundee

The Lord Empey Kt, OBE

** Mr Alun Evans (QQ 28–36)

* Mr Paul Evans, Clerk of Committees, House of Commons (QQ 10–19)

The Baroness Falkner of Margravine, Member of the EU Financial Affairs Sub-Committee

** The Rt Hon. Frank Field MP (QQ 134–141)

* The Lord Filkin DBE (QQ 142–143) (QQ 144–148)

** Professor Matthew Flinders (QQ 20–27)

** The Baroness Fookes DBE (QQ 149–156)

** The Rt Hon. the Lord Forsyth of Drumlean, Chair, Economic Affairs Committee (QQ 74–79)
Foundation for Democracy and Sustainable Development
The Lord Giddens, Member of the EU Financial Affairs Sub-Committee

* The Lord Gilbert of Panteg, Chair, Communication Committee (QQ 74–79)

** Hansard Society (QQ 37–47)
** The Lord Hodgson of Astley Abbots CBE (QQ 144–148)

** The Lord Hollick (QQ 100–105)
The Lord Harris of Haringey

* The Lord Hennessy of Nympsfield (QQ 165–173)
House of Commons Petitions Committee
House of Lords European Union Committee
Mr John Howell MP

** The Rt Hon. the Lord Howell of Guildford, Chair, International Relations Committee (QQ 88–91)
** The Lord Inglewood MRICS (QQ 142–143)

* Institute for Government (QQ 1–9)
Involv

** The Baroness Kidron OBE (QQ 55–59)
Mr Thomas King

** The Earl of Kinnoull (QQ 126–133)
The Lord Kirkwood of Kirkhope
Ms Arabella Lang

** Law Commission for England and Wales (QQ 69–73)

* Law Society of England and Wales (QQ 60–68)
Professor Leston-Bandeira
The Rt Hon. the Baroness Liddell of Coatdyke, Member of the EU Financial Affairs Sub-Committee
The Earl of Lindsay, Member of the EU Financial Affairs Sub-Committee
The Lord Lipsey

** The Lord Lisvane KCB DL (QQ 92–99)
** The Baroness McIntosh of Pickering (QQ 142–143)

* The Lord Mendelsohn (QQ 100–105)
Professor Sir Anton Muscatelli
National Diet of Japan
The Baroness Neville-Rolfe DBE CMG, Member of the EU Financial Affairs Sub-Committee

New Zealand House of Representatives

** The Baroness Nicholson of Winterbourne (QQ 144–148)

** Professor The Lord Norton of Louth (QQ 48–54)

Parliamentary Office of Science and Technology

* The Lord Patel KT, Chair, Science and Technology Committee (QQ 74–79)

* The Baroness Pitkeathley OBE (QQ 144–148)

The Lord Porter of Spalding CBE

* The Rt Hon. Baroness Prashar CBE (QQ 55–59)

* The Lord Puttnam CBE (QQ 55–59)

The Rt Hon. the Lord Rooker

The Earl of Sandwich

Senate of Canada

* The Rt Hon. the Lord Shutt of Greetland OBE (QQ 142–143)

Mr Ewan Smith

The Lord Soley

The Lord Stern of Brentford CH

* Ms Katy Stout, Second Clerk, Work and Pensions Committee (QQ 134–141)

* The Rt Hon. the Baroness Taylor of Bolton, Chair, Constitution Committee (QQ 74–79)

* The Lord Teverson (QQ 144–148)

** The Law Society of Scotland (QQ 60–68)

** The National Assembly for Wales

* Mr Ken Hughes, Assistant Chief Executive, The Scottish Parliament. (QQ 116–125)

The Rt Hon. the Lord Thomas of Cwmgiedd, Member of the EU Financial Affairs Sub-Committee

** The Baroness Thomas of Winchester MBE (QQ 126–133)

Trade Justice Movement

The Lord Trees

** The Rt. Hon. the Lord Trefgarne, Chair, Secondary Legislation Scrutiny Committee (QQ 80–87)
** The Baroness Tyler of Enfield (QQ 144–148)  
UK Parliament Education and Engagement Service  
Lord Vaux of Harrowden, Member of the EU Financial Affairs Sub-Committee  
The Rt Hon. the Lord Wakeham DL  
Christopher Warner, Head of Policy and Legislation Committee Service, The National Assembly for Wales (QQ 106–115)  
The Baroness Warwick of Undercliffe  
The Rt Hon. the Lord Whitty  
** Dr Sarah Wollaston MP (QQ 10–19)
APPENDIX 3: CALL FOR EVIDENCE

The Liaison Committee, chaired by the Senior Deputy Speaker, Lord McFall of Alcluith, is conducting a review of House of Lords investigative and scrutiny committees. This will be a full review of the structure of investigative committees, the first for 25 years. The Committee announced its intention to conduct the review in October 2015, at the same time as recommending the establishment of an International Relations Committee (IRC). The aim of the review, as outlined in 2015, was to “rationalise committee activity”, including taking stock of the balance between *ad hoc* and sessional committee activity, and of the success of the IRC and EU Committee in managing overlap between their respective remits.

More recently, the Brexit vote has profoundly changed the political context, and the review will consider options for adapting the House’s committee structure to suit a post-Brexit world.

The Liaison Committee has also agreed that it would need to consider separately the House’s arrangements for scrutinising the forthcoming Brexit Statutory Instruments, and to respond quickly to any decisions that the House might take in relation to the EU Withdrawal Bill.

The review is also a chance to reflect on what works well about House of Lords committees, and what should change.

Since 2010 the House of Commons has elected the chairs of most committees, and there has been a tendency for Commons committees to focus on shorter, highly topical inquiries. The chairmen of Lords committees are currently appointed rather than elected, and Lords inquiries tend to be longer and cover the responsibilities of more than one Government Department.

The Liaison Committee has agreed that the review should extend throughout the 2017–19 session. In order to allow for the implementation of recommendations at the beginning of the next session it is expected that the report will be agreed by the end of 2018.

The committee is now seeking written submissions from Members of the House and anybody outside the House who has an interest in the future of House of Lords Committee work.

The deadline for submissions is 5pm on Friday 20 April 2018.

**Questions to be addressed by the review**

The Liaison Committee has agreed the following key questions to be addressed by the review.

How can Committees add most value to the scrutiny work of the House of Lords as a second chamber?

How can House of Lords Committees develop a national conversation to complement their inquiry and scrutiny work?

What are the strengths and weaknesses of the current House of Lords Committee structure and what should change?

How can House of Lords Committees maximize their impact inside and outside the House?
How can House of Lords Committees promote inter-parliamentary dialogue both within and outside the UK?

It has also agreed more detailed questions, which are listed on the next page.

The committee invites interested individuals and organisations to make submissions to this review. Submissions do not need to address every question, and short submissions are preferred. A submission larger than six pages should include a one page summary.

Detailed questions

Subject matter and structure

An overriding question is: How should the structure and working practices of House of Lords committees be rationalised?

To help answer that question:

1. Should the current committee structure be changed?
2. What changes are needed in the wake of Brexit? Are committees needed to scrutinise the UK-EU relationship in future, and if so how?
3. To what extent does it remain desirable to avoid overlap with the House of Commons?
4. What is the best balance between ad hoc committees and sessional committees?
5. What is the best balance between short and long inquiries?
6. What should be the duration of most committees (e.g. a two or three year term)?

Ad hoc committees

In relation to ad hoc committees, the Liaison Committee has considered proposals for new committees against these criteria: Makes best use of the knowledge and experience of members of the House; Complements the work of House of Commons departmental select committees; Addresses areas of policy that cross departmental boundaries; and That the activity proposed should be capable of being completed in one year.

7. Are the present criteria for examining proposals for ad hoc committees the right ones?
8. Are the current arrangements for following-up committee reports (especially those of ad hoc committees) appropriate?
9. What is the correct balance between the flexibility of having new committees each year and more sessional committees?
10. How should the work of post-legislative scrutiny committees be developed?

Engagement with the public

There has been a substantial increase in media coverage of Lords committees in recent years. Committees began using Twitter in 2014. Committees have also engaged with hard-to-reach groups by releasing easy-read versions of some
reports. There have been additional efforts to engage with children and young people through a variety of methods, including online surveys.

11. How can Lords committees engage more effectively with the public and media to encourage a national conversation?

12. What has been successful in increasing the levels of engagement on social media, and what more could be done?

13. What new offline channels could be used to engage with the public?

14. How should committees engage with stakeholders in evaluating their activity?

*Chairmen and members*

15. Are the current arrangements for the appointment of Committee Chairmen and members satisfactory, including the “rotation rule”?

16. What is the ideal number of members for investigative and scrutiny committees?

17. Should there be a written role description for Committee chairmen and members to clarify expectations from the outset?

*Committee effectiveness*

18. Is there anything committee staff could do to support chairmen and members to be more effective in their committee work?

19. How can the timeliness and content of Government responses be improved?
APPENDIX 4: THE JELLICOE REVIEW AND OTHER CHANGES

The Jellicoe review 1991–1992

1. The Jellicoe Committee was established in 1991 to conduct the first comprehensive review of the use of committees in the House. At that time the House had two sessional committees, the European Union Committee, first established as the European Communities Committee in May 1974, and the Science and Technology Committee, first established in 1980.

2. The Select Committee on the European Union is the largest of the permanent Lords select committees and is responsible for scrutinising the most important draft EU legislation (after conducting a regular ‘sift’) deposited by the Government, and it also examines the broader aspects of EU policy. With regard to its former role, it is assisted by the scrutiny reserve resolution. Its work is currently supported by six sub-committees which involve more than 70 members of the House in total. The Chairman of the European Union Committee is formally appointed by the House as Principal Deputy Chairman of Committees.

3. The Science and Technology Committee considers all science and technology matters by undertaking cross-departmental inquiries into a range of different activities, including public policy areas which ought to be informed by scientific research, technological challenges and opportunities, and public policy towards science itself.

4. The Jellicoe Committee put forward proposals for what it called a “more balanced and structured committee system”, including a recommendation that ad hoc committees should become a regular part of the House’s work and that limited experiments should also be conducted with the use of public bill committees, special standing committees and a Delegated Powers Scrutiny Committee. For the first time, it also articulated the principle that select committees in the Lords should generally seek to complement rather than duplicate the work of those in the Commons. The Select Committee on the Scrutiny of Delegated Powers was established later in 1992, and its remit has subsequently been expanded to include the scrutiny of Regulatory Reform Orders (1994), draft orders laid under the Legislative and Regulatory Reform Act 2006 and draft orders laid under the Localism Act 2011.

5. The Jellicoe Committee also recommended that a Steering Committee should be established to allocate resources between select committees, keep under review the committee work of the House, consider requests from Peers for the appointment of new permanent and ad hoc committees, ensure the effective coordination of committee work with the Commons (so as to avoid duplication), and to consider the availability of Members to serve on those committees. This was duly established in November 1992 as the Liaison

178 The House of Lords and the House of Commons have each agreed a “Scrutiny Reserve Resolution”, according to which the Government has given an undertaking that ministers will not agree to draft EU policies or laws that have been deposited in Parliament until the committees of both Houses have completed their scrutiny work. The most recent Scrutiny Reserve Resolution was passed by the House of Lords on 10 March 2010.
179 House Committee, Implementing the Recommendations of the Leader’s Group on Governance (1st Report, Session 2016–17, HL Paper 19)
181 Ibid., para 133
Committee, and is composed of the Senior Deputy Speaker, all party Leaders, the Convenor of the Crossbench Peers and six backbenchers.

6. Before this Committee was established, the method by which ad hoc select committees were established varied considerably, with decisions either being made on the initiative of the Government, as a result of debates in the House or within existing select committees.\(^{182}\) However, despite the regularisation of the process with the establishment of the Liaison Committee, select committees have still occasionally been established on the initiative of the House. In 2001, the Select Committee on Stem-Cell Research was established in this way without recourse to the Liaison Committee. In a similar fashion, the House agreed a motion asking the Liaison Committee to consider establishing a Select Committee on Chinook ZD 576 but, despite this committee’s express view that it was not appropriate to establish a committee to undertake a quasi-judicial function, the House still chose to appoint this committee in the same year.

The Wakeham Commission on House of Lords Reform (2000)

7. The Royal Commission on the Reform of the House of Lords (‘the Wakeham Commission’), which was established in January 1999 and reported a year later,\(^{183}\) was primarily concerned with the powers, functions and constitution of a reformed House, but also declared that “specialist committee work should continue to be an important function of the reformed chamber”.\(^{184}\) It accordingly recommended the expansion of permanent select committees, including the appointment of two new committees to consider economic affairs and the constitution. The report also suggested that further select committees could be established to scrutinise international treaties and devolution, with a sub-committee of the constitution select committee established to consider human rights issues.

8. In 2000 the Liaison Committee endorsed the Wakeham Commission’s recommendations for the creation of two new permanent committees, and the Constitution Committee and the Economic Affairs Committee were first appointed in 2001. With regard to the Wakeham Commission’s other suggestions for select committees, only one of these was established, in the form of the Joint Committee on Human Rights in 2001. The Liaison Committee postponed its consideration of the proposal for a committee on international treaties pending the outcome of similar deliberations in the House of Commons. The Commons chose not to establish a treaties committee and when the matter was considered again in the Lords, they also decided not to establish such a committee.


9. Over the next few years further committees were added to the growing structure, including the following:

(a) Secondary Legislation Scrutiny Committee (first appointed in 2003–04 as the Merits of Statutory Instruments Committee)

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184 Ibid.
(b) Communications Committee (first appointed in 2007 on a temporary basis)

(c) Joint Committee on the National Security Strategy (2009–10)

10. Following the 2010 general election, the Liaison Committee conducted a further review of select committee activity and concluded that no major changes were required to the existing select committees’ terms of reference and that they should all be reappointed as they continued to “have a relevant and useful function”. It noted that the additional marginal cost of a new unit of committee activity was estimated to be around £225,000.

11. The Committee reaffirmed the principle that no more than one ad hoc committee should be established at any one time to complement the activities of the permanent select committees.

12. Also in 2010, a Leader’s Group was appointed to consider the working practices of the House. The Group was chaired by Lord Goodlad and reported on 26 April 2011, making a large number of recommendations regarding the committee functions of the House. These included:

(a) A presumption that all substantive bills, particularly constitutional ones, should be subject to pre-legislative scrutiny.

(b) The establishment of a Legislative Standards Committee, to report on all government bills before second reading regarding their compliance with standards of best practice in bill preparation.

(c) The appointment by the House of a Post-Legislative Scrutiny Committee, to review up to four selected Acts of Parliament each year.

(d) The establishment of a Backbench Business Committee.

(e) The establishment of two additional sessional select committees, to enhance the capacity of the House to scrutinise government policy.

(f) That select committees should, in future, be charged with electing their own chairmen for three sessions and that the Principal Deputy Chairman of Committees (now referred to as the Chairman of the European Union Committee) should also be elected by secret ballot of the whole House.

(g) In order to promote wider interest among members in the work of select committees, the scheduled publication of reports should be listed in the Order Paper and, for a trial period, up to five minutes at the end of the session for debate on the contents of any report submitted to the House.


186 Ibid.


188 A report by the Constitution Committee, *Parliament and the Legislative Process* (14th Report, Session 2003–04, HL Paper 173) —recommended that most Acts, other than Finance Acts, should be subject to some form of post-legislative scrutiny by a select committee. The Government asked the Law Commission to develop this concept further and after a consultation process, it published a report in October 2006 that recommended the establishment of a joint committee on post-legislative scrutiny. The Government’s response to this report, published in March 2008, did not endorse the creation of such a committee. However, since that date, government departments now regularly produce post-legislative scrutiny memorandums on Acts, after three to five years have elapsed since their enactment, which cover specific elements of the Act’s implementation and operation. These are submitted to the relevant Commons departmental select committee for consideration. This approach broadly reflects other recommendations in the Constitution Committee’s report.
of oral questions should be made available for committee chairmen to draw the House’s attention to newly published reports.189

13. The Group concluded that it was time for a thorough review of committee work, in order to enhance the House’s ability to scrutinise the Government. In future it also stated that the following principles should be applied when considering the establishment of new committees:

(a) Make best use of the expertise of members of the House.
(b) Complement the work of Commons departmental select committees.
(c) Address areas of policy that cross-departmental boundaries.190

14. When the House debated the Goodlad report on 27 June 2011,191 the Leader of the House indicated that his preference was for an ad hoc committee to conduct post-legislative scrutiny of particular Acts rather than a new sessional committee. Whilst not supporting the creation of a Legislative Standards Committee, he confirmed that specific recommendations in the Goodlad report would be taken forward by the Procedure and Liaison Committees; with their reports being considered by the House in due course.

Liaison Committee Review of Select Committee Activity (2012)

15. In March 2012, this Committee considered the committee proposals of the Goodlad report by reviewing existing committee activity in the light of its recommendations. The 2012 report recommended the creation of new committees contingent on the reduction of existing committee activity, as well as an additional unit of committee activity.192 The report made the following recommendations:

(a) A reduction in the number of sub-committees of the European Union Committee from seven to six.
(b) The Science and Technology Committee should be allocated the resources of a single select committee, retaining the powers to appoint a sub-committee and 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 unit.
(c) The Communications Committee should be re-appointed as an ad hoc committee in the next session, with a further review to take place at the end of the 2012–13 session.
(d) The appointment of three ad hoc committees; two to consider matters of public policy and another to conduct post-legislative scrutiny; the latter for the first time.
(e) The appointment of an ad hoc post-legislative scrutiny committee to examine the Children and Adoption Act 2006 and the Adoption and Children Act 2002, to report in a timely manner, so as to allow for evaluation of the committee’s work by the Liaison Committee before the end of the 2012–13 session. If time allowed, then the resources

190 Ibid.
191 HL Deb, 27 June 2011, col 1551
192 Liaison Committee, Review of Select Committee Activity and Proposals for New Committee Activity (3rd Report, Session 2010–12, HL Paper 279)
of this committee could be deployed on another Act during the same session.

(f) An invitation for the Procedure Committee to consider the reduction of the rotation rule relating to length of service on such committees from four to three years, with a more regular turnover of membership providing a wider range of Peers with the opportunity to participate in the committee functions of the House.193

16. The House debated the report and approved its recommendations on 26 March 2012.194 The Goodlad report’s proposal for a Legislative Standards Committee was not pursued any further by the House, but its establishment as a joint committee was later endorsed by the then Political and Constitutional Reform Select Committee in the Commons.195 The Goodlad report’s recommendation concerning the election of select committee chairs was not considered by the Procedure Committee.

Changes since 2012 and overview

17. The expansion of committees in 2012 was considered a success, and during the following session the number of ad hoc committees was expanded further, so that the House typically now appoints four such committees each year, including one devoted to post-legislative scrutiny. These committees have addressed a wide range of highly topical issues, including those which cut across government departments and therefore may be difficult for an elected House to consider, such as HIV/AIDS policy in the United Kingdom196, and sexual violence in conflict.197 Others have been more technical, such as the Licensing Act 2003 Committee,198 which undertook post-legislative scrutiny of licensing legislation.

18. In May 2016 a further new sessional committee was appointed - the International Relations Committee. In its report recommending this new committee to the House, the Liaison Committee announced the present review.

193 This suggestion was not taken forward.
194 HL Deb, 26 March 2012, col 1158
195 Political and Constitutional Reform Committee, Ensuring Standards in the Quality of Legislation (First Report, Session 2013–14, HC 85)
196 Select Committee on HIV and AIDS in the United Kingdom, No vaccine, no cure: HIV and AIDS in the United Kingdom (Report of Session 2010–12, HL Paper 188)
1. Lord McFall introduced the seminar highlighting the progress of the review to date, including the emerging themes paper he put to the Liaison Committee in September. He also highlighted the submission the Liaison Committee had received from Lord Norton, as well as the oral evidence heard by the Liaison Committee from Lord Norton and Lord Cormack, as co-founders of the Campaign for an Effective Second Chamber.

2. Lord Norton highlighted that he was speaking on behalf of the Campaign for an Effective Second Chamber and would be focusing on the purpose of House of Lords committees and discussing how committees help the wider House meet its needs and purpose. He stated that he believes committees should be appointed using the same criteria that defines the purpose and function of the House of Lords as a whole, as committees enable the House to complete this function.

3. Lord Norton’s starting point was that we must look at the key aims of committees, being agile, outward looking and forward looking. He believed that true agility was currently only demonstrated in the ad hoc committees, as other sessional committees do not hold agility in their remit. The outward looking nature of committees came from engagement outside the House. Lord Norton believed this engagement must come earlier in the process of an inquiry, as currently committees tended to engage only after a report is published. One example he noted was the process of ad hoc topic selection, which is still an internal process as topics are suggested and selected by members. Lord Norton believed that improving this outward looking engagement through committees, could improve the reputation of the House as a whole. Finally, the forward-looking aim could be achieved by a greater focus on the future in individual committees, as well as through a “committee on the future”, which has been suggested by a number of people throughout the Liaison Committee review.

4. Lord Norton concluded his speech with an overview of what he believes are the key elements of the House of Lords committee structure. He believed the committee structure incorporating both ad hoc committees and sessional committees should continue but should be modified. His suggestions for improvement included allowing more flexibility, specifically in timings, as well as extending the remit of sessional committees to allow them to scrutinise more legislation. Lord Norton believed that legislative scrutiny is the main focus of the House as a whole, and therefore it is in this area that committees can be of most assistance to the House. Whilst the House of Commons is broadly focused on the ends of action and legislation, the House of Lords can focus on the “means”. As a consequence of these beliefs Lord Norton recommended that the establishment of a legislative standards committee and a standing post-legislative scrutiny committee, echoing the evidence he had previously given to the Liaison Committee.

5. The session was then opened up to comments and questions from members of the House. The following questions and comments were amongst those raised:
(a) Is there information available on the funding available to committees, so members are able to have reasonable expectations as to what is possible?

Lord McFall stated that members should not constrain their ambition by resources. Developing an idea first and then deciding on how to resource it, is the best way to get a good committee structure.

Lord Norton also emphasised that there is a cost to bad legislation and investing in a system that prevents bad legislation and bad law should be prioritised.

(b) Several members highlighted the benefit of pre-legislative scrutiny, both for the final legislation, and also for the government. Despite this, there is only very limited pre-legislative scrutiny done by the House. This comment was supported by several other member comments, including those who stated that the House as a whole must apply pressure to the Government to encourage them to support more pre-legislative scrutiny or alternatively establish a legislative standards committee, as this ultimately benefit the Government and the Bills they are producing.

Lord Norton referred back to his suggestion of a legislative standards committee, which would allow more Bills to be examined in detail before passing through Parliament. This suggestion was supported by previous Constitution Committee reports which have stated that pre-legislative scrutiny should be the norm and not the exception. Lord Norton also noted that one of the biggest struggles for pre-legislative scrutiny is that these are often joint committees, which can often be difficult to form due to the pressures in the House of Commons. A Lords only committee would be the best way of tackling this problem.

Lord McFall reiterated the sentiment that the Liaison Committee had heard from several House of Commons colleagues about their desire to work more closely with the Lords in order to cover scrutiny gaps.

(c) The lack of follow-up on ad hoc committee reports was highlighted as something that must be improved.

Lord Norton agreed with this and suggested that there should be a dedicated committee responsible for following up on committee report recommendations. However, whether this is a new committee, or a greater role for the Liaison Committee was something that could be discussed further. He also noted that sessional committees should be empowered to do more follow-up on their reports, however in order to do this, greater resources would need to be available to the committees.

6. The session ended with closing remarks from Lord McFall.
1. Lord McFall introduced the seminar highlighting the progress of the review to date, including the emerging themes paper he put to the Liaison Committee in September. He also highlighted that the submission the Liaison Committee had received from Lord Stern and Alun Evans, on which the seminar was based, had been developed following a discussion he had had at an informal breakfast meeting in the summer of 2017 held at the British Academy. The other members of the House who had been present were Lord Hennessey of Nympsfield, Lord O'Donnell and Baroness O'Neill of Bengarve.

2. Lord Stern introduced his suggestion of an amended House of Lords committee structure, emphasising that his aim had been to offer ideas to the review of committees and not to lay out a blueprint. He also underlined that the suggested structure was intended as a contribution to the Liaison Committee’s discussions, and had not been endorsed by the British Academy as a whole. It would, of course, be for the Liaison Committee to decide on any new structure. His starting point had not been the current House of Lords committee structure, but rather to consider, from first principles, what structure would best support the scrutiny and strategy functions of the House of Lords, and maximising the likelihood of committees’ impact on Government - whilst making the best use of the cross-cutting nature and capabilities of the Lords. The resulting structure was contained in a note written by Alun Evans and submitted as written evidence to the Liaison Committee. The structure included six thematic committees which broadly encompassed the main cross-cutting strategic functions of government.

3. The submission had sparked multiple discussions with members of the House regarding the science and technology committee in particular, as science and technology was not one of the six themes mentioned in the original submission. Lord Stern explained that he considered that science and technology were all-pervasive and cross-cutting in nature. Indeed, science and technology could inform all of the thematic areas proposed. He said that he could envisage a standing committee on science and technology sitting alongside the six themes that had already been suggested. He added that the omission of the current science and technology committee was not a specific or deliberate omission. This structure had consciously not sought to replicate the departmental committee structure in the House of Commons. Alun Evans stated that he believed there was less value for the House of Lords in mirroring this structure and had therefore set out a strategic cross-cutting structure. Science and technology were, by their very nature strategic and cross-cutting, so a seventh such committee would make sense.

4. The session was then opened up to comments and questions from members of the House. The following questions and comments were amongst those raised:

(a) Was there consideration of spreading the Science and Technology Committee amongst the other thematic committees, for example as sub-committees to each main committee?
Lord Stern reiterated that he believed the Science and Technology Committee should be a free-standing committee and it could work with the structure that had been suggested. However, there must be consideration of how this committee would work within a structure of delivery. If there was a system of greater collaboration in order to improve delivery of recommendations, etc. then this should be considered.

Lord Patel, Chairman of the Science and Technology Committee also gave feedback from a previous meeting he had had with Lord McFall. He confirmed there had been much concern amongst members of the Science and Technology Committee, but that following that conversation he was reassured that no one intended to diminish the role of the Science and Technology Committee.

(b) How did this proposal relate to legislative scrutiny? Would there be a separate role for committees looking at legislation, including the Constitution Committee, or would they be included within this structure?

Lord Stern noted his instinct said that legislative committees should be included within the suggested structure, as the structure they developed was trying to look at all functions of government including Bills and legislation. Legislative scrutiny could be undertaken by sub-committees to the relevant committee.

(c) How could the Science and Technology Committee maximise its impact? What could be added to what the committee already did?

Lord Stern noted that this potential structure could allow the Science and Technology Committee to work with other committees more closely in pressing for delivery of its recommendations. The cross-cutting nature of the Science and Technology Committee meant that it could identify an issue related to social affairs for example, and this could be developed further by a specific committee.

(d) How would you approach replacing the current European Union committees?

Lord Stern noted that the structure suggested had Brexit and EU related issues under a foreign affairs committee. However, in theory, every committee would consider Brexit related issues, as they related to every topic. Lord Stern highlighted that the review as a whole must consider the context of Brexit in relation to every element.

Lord McFall also noted that the Liaison Committee would be considering the impact of Brexit on the committee structure as a whole separately, and it would not be ignored or underestimated.

5. The session ended with Lord Stern offering to write a supplementary note for the Liaison Committee following further questions on the subject of the Science and Technology Committee. The note would look at further possible structures and would include collaboration and increased links between the science and technology committee and other committees.
APPENDIX 7: NOTE ON THE SEMINAR WITH LORD CLEMENT-JONES AND LORD MENDELSOHN ON THE IMPACT OF TECHNOLOGICAL CHANGE ON HOUSE OF LORDS COMMITTEES

1. Lord McFall introduced the seminar highlighting the need for the Liaison Committee review to consider the future, with specific reference to increasing use of and introducing new technology. He also highlighted the oral evidence the Liaison Committee had received from both Lord Mendelsohn and Lord Clement-Jones.

2. Lord Mendelsohn noted that communications and technology are consistently changing, and whilst all change is not necessarily good change, we must become more open in order to thrive. He explained that in 10 years newspaper circulations have halved and now news is more frequently being consumed digitally, which is not necessarily represented in the way the House of Lords communicates.

3. Lord Mendelsohn highlighted that committees must now consider how people have conversations and tap in to that. This included the use of social media, which Lord Mendelsohn emphasised is wider than just Twitter and Facebook and includes everything from Reddit to LinkedIn. The amount of data that is seen and consumed through these media is far greater than TV consumption, and therefore cannot be ignored by the House of Lords. These online platforms now have the ability to reach almost half of the world's population; whilst opening up opportunity Lord Mendelsohn noted their use does not come without risk.

4. In his initial remarks Lord Clement-Jones endorsed Lord Mendelsohn's points, particularly the need to be risk aware. Lord Clement-Jones aimed to draw on his experience as the Chair of the Artificial Intelligence Committee in 2017–18, and split his thoughts in to three areas:

   (a) **Utilising existing technology.** Technology can and should be assistive rather than substitutional and can help to improve basic committee actions. These suggestions included circulating committee papers entirely digitally, making interactive screens available in committee meetings to enable live editing of reports, and instant messaging to edit questions during evidence sessions. Lord Clement-Jones explained that some technology is already being used such as parliamentlive.tv and video conferencing, but this could be expanded considerably.

   (b) **Committee communication and engagement.** Lord Clement-Jones explained a series of actions he believes should be instilled within committees including, communications strategies, including social media where necessary to cultivate a community throughout an inquiry; a wider variety of report formats including short versions and presentations for different audiences; chatbots to engage further and educate; and innovative ways of launching committee reports.

   (c) **What members can do.** Lord Clement-Jones highlighted that in order for these things to happen members of committee must be willing to go digital by default, trial new technologies on committees, introduce ideas and technologies from other areas of their life and be open minded to change.
5. Lord Mendelsohn covered a number of other ideas that could be introduced to committees which included:

   (a) Engage the public through online forms, surveys and social media, to develop greater conversation.

   (b) Use video conferencing more extensively.

   (c) Use further video marketing.

   (d) Be ambitious with marketing, using the expansion of documentary popularity to take control of self-promotion.

   (e) Public evaluation of select committee reports through social media.

6. Lord Mendelsohn caveated much of this with the idea that committees and members must be willing and prepared to look for an audience. It was highlighted that the way many influencers and online presences have thrived is by finding a relevant audience and catering to their needs. Therefore, the House of Lords cannot just expect individuals to find them, we must actively search for an audience. One example that was used was the focus on using newspapers and trade press, which limits the possible audience a committee could use, and that looking for other avenues to engage gives a wider range of possible audiences.

7. The session was then opened up to comments and questions from members of the House. The following questions and comments were amongst those raised:

   (a) How could a committee go about building a community around their inquiries to develop engagement?

   Lord Mendelsohn suggested using greater targeting, not just for report publication, but throughout an inquiry, and using tools such as LinkedIn to develop a community. However this needs members who are willing to put in the time to create this.

   Lord Clement-Jones noted that it is easier for the longer-running special inquiry (formerly ad hoc) committees to be focused when it comes to building a community around their inquiries, however other committees should use their calls for evidence as a first chance to target as wide an audience as possible.

   (b) It was pointed out that one of the clear risks that comes from increased usage of online tools and platforms is the way that data can be misused.

   Lord Mendelsohn noted the different views that are held globally and intergenerationally about data privacy, and that people today are often aware and more relaxed about how this data is used. Despite this, it is important to stay live to possible consequences of using these online tools, however if we do not use them then we risk being behind the curve.

   (c) It was noted as something to consider, that whilst the increased use of video and streaming would be a positive at allowing more people to access the work of the House of Lords, this could also demonstrate a lack of diversity amongst members, which may work against the aim of building a wider and more diverse audience. Lord Clement-Jones suggested that incorporating the video of witnesses giving evidence
rather than just members would be helpful to illustrate text of reports in respect of this.

(d) Should committees have technology specialists to assist with these issues?

It was suggested that rather than have committee technology specialists there should be a drive in the House to educate members on new technologies, how to use them and the impact they may have on committees.

(e) As the House prepares for restoration and renewal which is to prepare the Palace of Westminster for the next 100 years of service, the challenges that have been discussed must be represented to ensure that committees are relevant and technologically ready.

Lord Mendelsohn agreed with this point and noted that the best way to ensure this happens is to make sure that we are setting objectives that look beyond the present for how we communicate, learn and relate. Lord Clement-Jones noted that we must be investing in the future.

8. The session ended with closing remarks from Lord McFall.
APPENDIX 8: NOTE ON THE SEMINAR WITH HELEN JONES MP ON PUBLIC ENGAGEMENT WITHIN PARLIAMENTARY COMMITTEES

1. Lord McFall introduced the seminar highlighting one of the key developing themes of the Liaison Committee review being public engagement and external communications. He also highlighted the written evidence the Liaison Committee received from Helen Jones MP, in her capacity as Chair of the House of Commons Petitions Committee.

2. Helen Jones MP began by introducing the House of Commons Petitions Committee explaining that the current petitions system was set up in 2015 following a report of the House of Commons Procedure Committee. This was in response to the promise from then Prime Minister David Cameron, that any petition that received over 100,000 signatures would be debated in Parliament. The Petitions Committee has the same powers other committees in the House of Commons, meaning they can call witnesses, hold inquiries, write to the government and expect responses. However, as a new committee Helen Jones explained that they set themselves two tasks, to give a voice to topics that do not always receive one and to engage with the public in greater numbers and new ways. Helen Jones noted there has been a 300% increase in public reading of Hansard and a 900% increase in viewing figures of Westminster Hall debates where those debates were advertised to petitioners.

3. One engagement tactic used by the Petitions Committee is engaging with young people on issues that matter to them. The key to this was changing the debate around issues that involve young people and allowing them to have a say, rather than be misrepresented. The Committee uses both quantitative and qualitative surveys, that allow a wider and more digitally advanced audience to participate. Simple surveys can be relatively easy to create. One other technique the Petitions Committee has used to hear real people’s views is web threads. Despite being more resource intensive, as all comments are screened by staff, these threads have garnered thousands of responses in the past and offer real life experiences to the committee rather than general comments from stakeholder groups. Such engagement is often used by Members of the Committee when opening debates in Westminster Hall.

4. However, the Committee has not only used digital resources in order to hear real life experiences and engage individuals on topics that relate to them, they have also used different face to face tactics. Helen Jones highlighted that the committee became aware that individuals who are coming to speak on their own behalf to a Parliamentary Committee may often feel intimidated by the location and being questioned by Parliamentarians. In response the Committee started to hold roundtable events which allowed a variety of people to come and tell their stories in a less intimidating setting. As well as this during, their inquiry in to the online abuse of disabled people, the committee offered an opportunity for members to travel to different parts of the UK and speak to people face to face about their experiences.

5. Public engagement forms a crucial part of the Committee’s reports. They have previously published reports that include not only the real life stories they have heard either online or in person, but have also added in photos of the people telling the stories, creating a more personal report. As well as this, as a follow-up during the inquiry into the online abuse of disabled people,
the Committee produced a draft report, which was also available in an easy
read format. Committee members and staff met with disabled people across
the country to feed their views directly in to the report, and comment on
what they liked and what they thought needed changing.

6. Overall Helen Jones highlighted that there could be difficulties in public
engagement, as there will always be individuals who try to subvert the rules or
use public engagement to their own advantage, not as it was initially intended.
It is also important to remember that there are risks with experimenting with
different models of public engagement and the Committee had recognised
from the outset that not all the approaches which it tried would necessarily
work and that it was certain that some mistakes would be made. However,
the overall outcome they have experienced is that public engagement pays
dividends. Public engagement allows topics that are important to the public
to come to the forefront of politician’s minds and enables new generations
of people to engage with Parliament. Both Houses must be open to change
in order to stay relevant in a changing world, and public engagement allows
for that.

7. The session was then opened up to comments and questions from members
of the House. The following questions and comments were amongst those
raised:

(a) Is there a concern about greater public engagement raising the
expectations of the public to think they will get what they want
immediately through engaging in some way?

Helen Jones noted that there are definitely higher expectations the more that
you engage with people. However, this means that it is the role of committees
to more clearly explain the systems in place, and that any engagement
through a petition or a committee more generally should merely be seen as
part of a campaign and not the whole thing.

(b) How can the ideas that have been discussed today be adapted and
implemented in to Lords Committee work?

Helen Jones noted that while there are staff who are committed and want
to do things differently, then public engagement can be imbedded in to
committees. However, there will no doubt be a need for resource who are
specifically trained in public engagement work.

It was also noted that there is not a need for public engagement on every
issue, and it should be approached as a value adding tool. The benefits
of public engagement are around developing a topic, as you do not know
people’s stories and experiences until they are given a voice. As well as this,
public engagement often offers an opportunity for wider public buy in on
issues which could be helpful for topics such as restoration and renewal.

(c) After you have engaged with the wider public, is there a way that
feedback is also offered?

The Petitions Committee tries to feedback to as many people as possible,
however many people are content to have just aired their views. If action
has been taken on a topic then the committee aim to feedback. Similarly, if
action is not taken but there is a better forum for an issue to be addressed in
staff aim to point people in the right direction.
(d) How have other members of Parliament viewed the public engagement undertaken by the Petitions Committee?

There has been a mix of responses including those who see the value in public engagement, particularly if it assists in understanding their constituents. However, there are still some people who do not fully understand. It is important to bear in mind that every innovation takes time to build up momentum and backing, however public engagement increases publicity with in turn encourages participation from members.

8. In response to questions Helen noted that Petitions Committee staff would be happy to speak to Lords Committee staff separately to discuss the logistics of what was discussed during the seminar.

9. The session ended with closing remarks from Lord McFall.
APPENDIX 9: NOTE ON THE SEMINAR WITH LORD BLUNKETT ON THE IMPACT OF RESTORATION AND RENEWAL ON HOUSE OF LORDS COMMITTEES

1. Lord McFall introduced the seminar reiterating the importance of the restoration and renewal programme to all aspects of the work of the House of Lords, including the current review of select committees. Lord McFall noted Lord Blunkett’s work on the Joint Committee on Draft Parliamentary Buildings (Restoration and Renewal) Bill, as well as Baroness Scott of Needham Market’s role as a member of the shadow Sponsor Board.

2. Lord Blunkett explained some key takeaways from the joint committee report including the fact that no figures were included in the report. Lord Blunkett explained that this was because a new assessment would need to be done after all relevant legislation had passed through both Houses, which may well impact the final plan and related costs. He also noted that any and all expenditure must be justified to the general public, as well as ensuring there is a wider understanding of what kind of parliament we are trying to build and how people will be welcomed. Lord Blunkett noted that the process has already been delayed and ensuring communication to the wider public is key.

3. One of the key issues that Lord Blunkett raised was the current focus on the restoration of the Palace of Westminster, rather than the renewal aspect. Whilst at the initial stage it is key to focus on completing the basic job of restoring the Palace to a safe building, after this we must then ask what more needs to be done. Lord Blunkett pointed out that there seems to be a presumption that we will restore the Palace back to what it is now, however this is a building that has developed and changed over a 150-year period. Developments such as visitor requirements, outreach and engagement have changed over time and so the building has with it.

4. When considering the history of Parliament, and how the building has developed to what it is today Lord Blunkett highlighted that when the building was first “finished” it was immediately starting to be changed, particularly in relation to committee accommodation, as the building had not been completed with the future and change in mind. So little thought had been given to the infrastructure needed for committee meetings that early committees had to meet in daylight hours, without heating. Therefore, whilst it is important to maintain the culture and history of the building, we must be creative and imaginative when updating in order to use the building more effectively and for the 21st century.

5. Lord Blunkett noted that this building should not be considered a conclusion of the past, but instead a building for the future, so designs and plans for the building should be designed with this in mind. This includes ensuring that the building is prepared for future technology implementation and not just technology available now, as modernization should not be slowed down.

6. When discussing the impact of restoration and renewal on House of Lords committees Lord Blunkett highlighted the fact that committee hearings involve people from different groups from across the country, and therefore we should not underestimate the daunting nature of coming before a committee to give evidence, particularly for the first time. Therefore, ensuring that the Palace becomes a more welcoming place for the general public is important,
and hearing from and understanding the needs of people who may come or have previously given evidence is important. He emphasized the need for the restored parliament to enable full access throughout for people with disabilities, rather than assuming that people with disabilities could simply not go to certain areas in parliament such as the upper committee corridor.

7. Following this, Baroness Scott of Needham Market explained the role of the shadow Sponsor Board, which began its work in September 2018. The role of the Board will be to act as the single client for both Houses in supervising the restoration and renewal of Parliament. The Board’s membership includes seven members of parliament, drawn from the two Houses, and five external members, including its chair.

8. Baroness Scott noted that in due course the Board will be required to present an outline business case on the restoration works to both Houses for approval. This will include consideration of different options, including the related costs and time implications. Baroness Scott highlighted that the democratic renewal and operational changes will need to be led by Parliament itself, with the shadow Sponsor Board offering up options and facilitating change where possible. Whilst future change is important Baroness Scott also noted that there are many changes that could be made and implemented now, and parliament must be open and encouraging of this change. Baroness Scott reiterated that the shadow Sponsor Board is in full listening mode and people should feel free to speak to her or any other board member if they have thoughts or questions. She also noted that the Board will develop its ability to communicate more effectively as time goes on, but as there was a lot of activity it would be important to strike the correct balance.

9. The session was then opened up to comments and questions from members of the House. The following questions and comments were amongst those raised:

(a) Support was offered to the comments from Lord Blunkett and Baroness Scott from members of the House. Members noted that it is important to remember that this is a working building and that the number of visitors is exponential, and all facilities must be developed and built to accommodate this.

(b) Members highlighted the issues surrounding the archives and works of art in the Palace and queried how they would be dealt with during and after restoration and renewal.

Baroness Scott noted that 12% of the space in the building is taken up by the archives, however they are not being stored in the best and most appropriate space, meaning public access is also difficult. She noted that during the restoration works we must ensure everything is kept safe, but that what they come back to must be more appropriate and accessible.

Baroness Scott also noted that the shadow Sponsor Board must communicate with the works of art committee to make sure that the works of art are safe during decant. There may also be an opportunity for works of art to be utilised during this period, for example by making some of the works available for special exhibitions so as many people as possible have the chance to see them.
(c) It was noted that during decant we must not lose the atmosphere and communication opportunities that the current layout afforded to members and staff. This is important culturally, atmospherically, but also practically for joint committees.

Baroness Scott agreed that this matter would require further consideration, particularly as decant will mean that the two Houses are based in separate buildings.

(d) There is disappointment that there has been limited discussion of how to manage disabled access to the House of Parliament. This should be designed in to the process, so it is seen as a necessity, and disability groups should be consulted to make sure it is done properly.

Baroness Scott noted that improving access to the Palace was one of the shadow Sponsor Board’s strategic priorities. However, while important, such decisions may also require trade off, in terms of time and money, as part of wider considerations which the Board would be required to take into account.

Lord Blunkett noted that we must alter our opinion and perspective of what can and cannot be done in order to ensure the most successful project is completed.

10. The session ended with closing remarks from Lord McFall.
APPENDIX 10: NOTE BY THE CHAIRMAN OF THE WORKING GROUP ON COMMUNICATIONS

Working group on communications

1. As part of the Liaison Committee’s review of House of Lords investigative and scrutiny committees, Lord McFall of Alcluith, Chairman of the Liaison Committee, asked Lord Gilbert to set up a working group to develop solutions to the issues that had been highlighted in the evidence taking of the review surrounding communications of Lords committee reports and the process of producing reports.

2. On 24 October 2018 Lord Gilbert of Panteg, Lord Sharkey and Lord Whitty met for the first time to discuss the initial issues surrounding communications in the context House of Lords committees. During this discussion it was established that in addition to the form of committee reports there were wider issues surrounding the reputation of the House, and the way communications are structured administratively. In addition to this report, the group will produce a separate note, developing ideas on improving the communications structure of the whole House.

3. Following the initial meeting, the group held further meetings with House of Lords communications staff including Benet Hiscock, Director of Communications and Owen Williams, Head of Press and Media. As well as this, the group spoke with Lord Puttnam, and the majority of the current Chairs of sessional committees to gain consensus on these issues and possible solutions. This work has led to the following set of recommendations which we now present to the Liaison Committee for consideration.

House of Lords committees external communications recommendations:

4. Following conversations with committee Chairs, it is recommended that there should be a new formal written role for both members and Chairs of committees, issued on appointment. This should include the following expectations of members in relation to communications:

   (a) Regular attendance at most committee meetings, and where possible attendance at meetings held outside of Westminster

   (b) Willingness to be available for and to participate in relevant media, publicity and stakeholder engagement

   (c) Willingness to engage in promoting the follow-up of committee reports, including chasing the Government if responses are late or weak.

5. There should be an effort to understand how successful press coverage is achieved. Whilst appearing on national TV and radio is positive for report publications, there should be targeting to technical and regional press outlets where individuals affected by the topics at hand.

6. Whilst it is acknowledged that there is a place for the current style and substance of House of Lords committee reports, there needs to be active work towards producing committee reports in a variety of formats that are more accessible to a wider audience. This could include condensed reports, summaries through infographics, and interactive presentations. A full assessment of the possibilities should be carried out in order to establish the
most useful and engaging style which would be appropriate to the subject matter of, and likely target audience for, the report.

7. More work must be done to engage with companies, organisations and other stakeholders. It is therefore recommended that stakeholder mapping should be part of the standard process carried out at the beginning of each inquiry; this mapping should involve the committee members and identify those who are to be directly involved in the inquiry in terms of evidence submissions and sessions as well as those in wider civic society who might find the Report of interest professionally and personally.

8. It is recommended that there should be formal communications strategies agreed at the outset of committee inquiries. This outline plan for communications should encourage further member engagement and allow for a continuation of communication after initial report publications.

9. There has been a widespread call for an increase in the number of events and seminars that are held during the course of inquiries and report publication. This should normally involve:

(a) initial roundtables of stakeholders at the beginning of the process ie prior to formal evidence sessions:
(b) visits (mainly outside London) to include open meetings with businesses, academics and other stakeholders - some of which should involve local/regional/specialist media
(c) use of focus groups or equivalent representation of general public
(d) presentation of the final (or near final) report to a range of stakeholders; this could be either before or after final publication.
(e) Presentation of final Report to business, university or professional bodies with media presence.

10. The working group suggests that one way to increase the public or semipublic activity would be to include the Lord Speaker in some of these events, and for a number of events in relation to report publication or later relevance to be run by the Lord Speaker and supported by the relevant committee, where it still exists.

11. There should be an active increase in the use of social media, digital platforms, across committees. This increase is likely to require increased staff expertise for committees.

12. Committee Chairs should be more involved with the allocation of resources for inquiries. In order to do this Chairs should work with the Clerks of committees on budgeting for the promotion and publicity throughout inquiries.

House of Lords committees internal communications recommendations:

13. There should be a regular meeting of all committee chairs to discuss upcoming inquiries and topics, at least three times a year. This meeting could help promote a joined-up communications strategy linking the different aspects of work in committees and the House. It could also enable greater cohesion in the work of committees, as well as assisting the communications team in their awareness of the upcoming work in relation to wider societal developments.
14. A weekly written report should be sent round to all members of the House summarising committee work. This report could include interesting facts, summaries of evidence sessions, what’s coming up and embargoed reports or summaries. This report should be separate to current documents such as Red Benches and should be produced ideally within the committee office as staff there are best placed to have up-to-date information and know what is likely to be of most interest to members.

15. Following the publication of committee reports, relevant debates are held in the chamber much later, meaning the relevance and topicality of them is often outdated. In order to improve this, it is recommended that a time limit should be set for debates to be held on committee reports to ensure relevance when the debate is held.

16. As well as this, it is recommended that once a week after questions in the Chamber, there should be a ten-minute slot held for Committee Chairs to draw attention to recently published committee reports and particular recommendations. This should aid in promoting committee reports more widely across the House and encourage greater awareness and participation in debates.

Wider observations on communications

17. It has been noted by the group that there is confusion around the structure of communications across the wider administration. As well as this, it is unclear who is politically responsible for media communications in the case of wider reputational issues. It is recommended that the communications department is restructured to bring together all the currently separated elements, including outreach. This would create one cohesive department, with overall political press responsibility being made clear. The authors of this note will produce a separate and more detailed note on these issues.

14 March 2019

Lord Gilbert of Panteg

Supported by Lord Sharkey and Lord Whitty