



House of Commons

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**Guide for witnesses:  
giving written or oral  
evidence to a House of  
Commons  
select committee**

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## Guide to giving written or oral evidence to a House of Commons select committee

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## Purpose of this guide

This is a guide to giving written or oral evidence to a select committee of the House of Commons. The House establishes select committees in order to scrutinise various aspects of government activity. A select committee will often seek written or oral evidence to assist it in its scrutiny role.

This guide applies to all select committees. But it focuses particularly on the **select committees related to government departments**, because these are the committees which most commonly seek evidence from members of the public. The departmental committees are appointed to examine the expenditure, administration and policy of the relevant government department(s) and associated public bodies.<sup>1</sup> They conduct their examination by undertaking specific inquiries into issues relevant to the government department in question. This may include considering draft legislation published by the department.

The guide first sets out the conduct of a **‘typical’ committee inquiry**. It then discusses submitting **written evidence** to a committee, and giving **oral evidence** to a committee. Finally, it sets out some of the **powers of committees** which are relevant to the evidence-gathering process and explains the operation of parliamentary privilege.

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<sup>1</sup> House of Commons Standing Order No. 152

## Conduct of a committee inquiry

Committees choose their own subjects of inquiry, although such subjects must come within an individual committee's terms of reference. Committees are established by the House of Commons; they are therefore expected to report to the House on the outcome of their inquiries.

Committee inquiries vary in their extent and duration. An inquiry may involve a committee taking evidence for several months and then making a report to the House on the evidence, or it may simply consist of a single day's oral evidence which the Committee publishes without making a report.

A committee inquiry progresses through some or all of the following stages:

### *Call for written evidence*

- The committee will issue a **press notice** outlining the main themes of inquiry, or terms of reference. The press notice will invite interested parties to submit written evidence addressing the terms of reference, before a specified deadline.
- A committee may also identify possible witnesses and issue **specific invitations** to them to submit written evidence.
- Interested parties may then submit **written evidence**.

### *Hearing oral evidence*

- Following discussion with potential witnesses, the committee will issue a **press notice** announcing from whom it intends to hear oral evidence, and when.
- **Oral evidence sessions** will take place, ordinarily in public. The focus is on the committee putting questions to witnesses.
- **Transcripts** of the sessions will be posted on the committee's website.

### *Reporting to the House*

- The committee will agree any **report** it wishes to make to the House on the inquiry. The report will be published.
- At this stage, the committee will ordinarily **publish the written and oral evidence** it has received.
- Both report and evidence will be publicly available, on the committee's **website** and in **hard copy**.

## Submitting written evidence to a select committee

This section provides guidance on **preparing written evidence** to a committee and submitting that evidence. It also discusses what happens to your written evidence once it has been submitted.

### *What information to include*

As a general guideline, written evidence should consist of a **self-contained memorandum** accompanied by a covering letter. Evidence should be presented **as concisely as possible**—some committees ask that submitters observe a word or page limit.

The covering letter should contain the following :

- the **name and contact details** of the persons or organisation submitting the evidence
- **any request to give oral evidence**
- any request that the committee treat the whole, or part, of the written evidence as **confidential**, with reasons for the request. It will then be up to the committee to decide whether to agree to such a request.

The memorandum should contain the following information:

- an **executive summary** of the main points made in the submission
- a **brief introduction** to the submitter, perhaps explaining their area of expertise
- any **factual information** the submitter has to offer from which the committee might be able to draw conclusions, or which could be put to other witnesses for their reactions
- any **recommendations for action** by the Government or others which the submitter would like the committee to consider for inclusion in its report to the House.

You should be careful **not to comment on matters currently before a court of law**, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the clerk of the committee how this might affect the written evidence you can submit.

### *How to format your evidence*

Some points to note:

- **Paragraphs should be numbered**, to assist the committee in referring to the submission during oral evidence.
- If you wish to include **supplementary material** with your memorandum—for example, leaflets, or articles from periodicals—ensure your memorandum is nevertheless self-contained, as committees are unlikely to publish such supplementary material.

- The committee will receive a **photocopy** of your memorandum. Consequently, even if your submission uses colour, it should still make sense when reproduced in black and white.
- If you are submitting your evidence electronically, your memorandum should be in **Microsoft Word or rich text format**.
- If you are submitting your evidence in hard copy avoid using any complicated binding.

### ***How to submit your evidence***

Evidence should be submitted to the committee secretariat prior to the deadline stated in the press notice.

Committees prefer to receive evidence **in electronic form**. Attach your memorandum to an e-mail and send it to the committee's mailbox—the address will be in the press notice announcing the inquiry, and is shown on the committee's website.

Your memorandum can also be sent in hard copy. Send it to the committee secretariat, at the address given in the press notice. A committee **is not obliged** to accept your memorandum once it has been submitted **as evidence**, nor to publish any or all of the memorandum if it has been accepted.

### ***What happens to your evidence, once submitted***

Submitting evidence to Parliament is generally a **public process**. Your written evidence will become public either when the committee publishes it or at such time as you give oral evidence to a committee—whichever takes place first. **If you wish to distribute or publish your evidence earlier, you will need the committee's permission, for which purpose you should contact the Clerk of the committee.** If you are given permission by the committee to publish your evidence separately, you should nonetheless **be aware that you do so at your own risk**.

Committees print much of the written evidence which they receive, although material published elsewhere is not usually reprinted. Most committees print the written evidence received at the same time as any report from the committee to the House is published, although some committees publish written evidence prior to hearing oral evidence, either on the internet or in hard copy.

Although a committee will generally publish most or all of the written evidence it receives, a committee may exercise its discretion **not to publish evidence** where a submission is very long or contains material to which it is inappropriate to give the protection of parliamentary privilege (see '*Committees and the operation of parliamentary privilege*', below).

## Giving oral evidence to a select committee

This section provides guidance on what happens when you are scheduled to appear before a committee to give **oral evidence**. It discusses what happens prior to the hearing, the conduct of the hearing and what happens to your oral evidence once you have given it.

### *Prior to the hearing*

The committee will issue a press notice in advance of the oral evidence session, announcing the date and time of the hearing and naming the witnesses from whom the committee will be hearing.

### *How committee staff can help you*

Committee staff will contact you a few days prior to the oral evidence session. Staff will let you know:

- **where the session will take place**—usually in a House of Commons committee room, located in the Palace of Westminster (also known as the Houses of Parliament) or in Portcullis House (the building above Westminster underground station)
- **if other witnesses are appearing at the same session**—if other witnesses are scheduled to appear prior to your appearance, it is helpful to the committee if you can **attend earlier and listen to the previous witnesses' evidence**, so that you are in a position to comment on that evidence.

Staff will endeavour to let you know if the hearing might necessitate you gathering together some information or views. With the agreement of the committee, staff may also be able to give you **an informal indication of possible lines of committee inquiry**, in order to assist you in preparing for the session. However, you should not expect the committee to restrict itself to these lines of inquiry.

### *How you can help committee staff*

You should let committee staff know the following information.

- The **names and job titles** of the people who will be appearing as witnesses. Where the witness is an organisation, it is usually left to the organisation to decide which of its members or staff should represent it at the hearing. Committees may, however, request the attendance of specific individuals or post holders.
- If, after the hearing, you expect to submit a **claim for expenses** necessarily incurred in attending the hearing. Full loss of earnings cannot be claimed. It may not always be possible to meet the full expenses of witnesses, particularly those attending from overseas.
- **If you know that matters which may arise during oral evidence are currently before a court of law, or court proceedings are imminent.** If you anticipate such issues arising, you should discuss with the clerk of the committee how this might affect the oral evidence you can give.

### ***On the day of the hearing***

You should aim to arrive at Westminster at least 20 minutes before you are due to appear before the committee. A map of Parliament is attached to this guide, to assist you.

You will need to pass through a security checkpoint to enter the House of Commons.

- If the committee is meeting in the **Palace of Westminster**, enter through Cromwell Green entrance, opposite Westminster Abbey, and identify yourself as a select committee witness to one of the visitor assistants on duty outside the entrance. (Visitor assistants can be identified by their distinctive dark blue uniform which has a portcullis on the front.)
- If the committee is meeting in **Portcullis House**, enter the building from the Victoria Embankment.

**Disabled access** is available, via New Palace Yard. Please let the committee secretariat know as soon as possible if you require disabled access.

### ***Conduct of the hearing***

A plan of a typical committee room is attached.

Giving oral evidence to Parliament is generally a **public process**. Committees almost always take evidence in public, the proceedings are transcribed, representatives of the press may be present and the proceedings are **carried live by webcast** on the internet ([www.parliamentlive.tv](http://www.parliamentlive.tv)), and may also be **broadcast** on radio or television. However, in appropriate circumstances, committees are able to take **evidence in private**. If you have particular reasons why you want to give some or all of your evidence in private, you should contact the clerk of the committee as early in the process as possible.

The focus of the evidence session is on the committee putting **questions to witnesses**. In limited circumstances, it may be appropriate for witnesses to make an opening statement before questioning commences. However, committees generally prefer to get questioning immediately underway. Witnesses should therefore consider whether material to be covered in an opening statement can instead be provided to the committee in writing.

You may appeal to the committee chairman if you consider that a particular question is unfair or that you are not the appropriate person to answer it, or you would like time to consider the answer or to seek advice. However, if a committee, collectively, considers that the question is proper, you must attempt to answer it.

If you do not have the information to answer a question immediately to hand, you may offer to come back to the committee in writing on a particular point. A committee may also ask you to submit further written information to it.

### ***Following the hearing of evidence***

You will need to send **any further information** with which you have agreed to provide the committee to committee staff, as soon as possible. This information is ordinarily treated as

written evidence and published alongside the other written evidence received by the committee.

### *Transcripts of evidence*

A **transcript** of what was said in oral evidence is available a few days after the hearing. This uncorrected transcript is:

- published on the committee's website, and
- sent to witnesses.

Witnesses are asked to correct the transcript and identify any supplementary information asked for by members of the committee. The transcript will be accompanied by a letter giving details of the **very limited sorts of corrections** which are acceptable and the **deadline** by which such corrections need to be sent to committee staff.

Corrected transcripts are then published with the committee's report to the House or, where there is no report, as a stand-alone publication.

### *The Committee's report to the House*

A committee will ordinarily conclude its inquiry by agreeing a **report to the House**. The committee may decide to issue embargoed copies of the report up to 72 hours in advance of publication. You will be sent a copy of the report in advance of publication. Committee staff can also arrange for you to receive the report electronically, as a pdf file.

Committees occasionally hold press conferences to coincide with report publication. Witnesses may attend, as may other members of the public. Details will be given in the press notice announcing the report's publication.

## Powers of select committees, and parliamentary privilege

If you wish to discuss any of the points raised below in greater detail, please contact the clerk of the committee.

### *Powers of committees in gathering evidence*

When gathering evidence, almost all select committees have a **power to send for “persons, papers and records”**. This means that committees can insist upon the attendance of witnesses and the production of papers and other material. This formal power is rarely used.

When hearing oral evidence, committees have the power to require witnesses to answer questions. In practice, evidence-taking before committees is conducted with a degree of informality and such powers are seldom used. A committee also has power to take evidence on oath. This rarely happens but, if the procedure is used, witnesses are liable to the laws of perjury.

### *Committees and the operation of parliamentary privilege*

**Written evidence** published by a committee, and oral evidence heard by a committee, attract what is known as **absolute privilege**.<sup>2</sup> Absolute privilege protects freedom of speech in parliamentary proceedings by preventing such written and oral evidence from being used as evidence in court. Absolute privilege does not apply to written submissions which have been distributed or made available prior to being published by a committee.

The protection which absolute privilege extends to those preparing written evidence and to witnesses must not be abused. In particular, witnesses should answer questions put to them by a committee **carefully, fully and honestly**. Deliberately attempting to mislead a committee is a contempt of the House, which the House has the power to punish.

**Witnesses** to Select Committees enjoy what is known as **absolute privilege** in respect of the evidence they give, whether written or oral, **provided that it is formally accepted as such by the Committee**. Absolute privilege protects freedom of speech in parliamentary proceedings; it is enshrined in statutory form in Article 9 of the Bill of Rights 1689, which prohibits proceedings in Parliament from being called in question in any court. In practical terms this means that Select Committee witnesses are immune from civil or criminal proceedings founded upon that evidence; nor can their evidence be relied upon in civil or criminal proceedings against any other person.

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<sup>2</sup> Under Article 9 of the Bill of Rights 1689 and the Parliamentary Papers Act 1840.

