

## Liaison Sub-Committee

### Oral evidence: The effectiveness and influence of the Select Committee system, HC 1860

Monday 29 April 2019

Ordered by the House of Commons to be published on 29 April 2019.

Watch the meeting

Members present: Dr Sarah Wollaston (Chair); Kate Green; Lilian Greenwood; Ms Harriet Harman; Mrs Maria Miller; Nicky Morgan; Tom Tugendhat; Stephen Twigg.

Questions 1 - 44

#### Witnesses

I: Dame Una O'Brien DCB, former Permanent Secretary; Sir Richard Mottram GCB, former Permanent Secretary; and Rt Hon. Charles Clarke, former Secretary of State.

II: Professor Meg Russell, Director, The Constitution Unit, University College London; Dr Hannah White, Deputy Director, Institute for Government; Dr Ruth Fox, Director, Hansard Society; and Professor Tony Wright, Emeritus Professor of Government and Public Policy, University College London.

Written evidence from witnesses:

- [Add names of witnesses and hyperlink to submissions]



## Examination of witnesses

Witnesses: Dame Una O'Brien DCB, Sir Richard Mottram GCB and Rt Hon. Charles Clarke.

Q1 **Chair:** Good afternoon. Thank you very much for coming to our Sub-Committee on Select Committee effectiveness. Charles, I know that you have been on both sides of this experience, so thank you very much for coming back today.

For those who are following from outside, I wonder whether you could all introduce yourselves and your experience—starting with you, Dame Una.

**Dame Una O'Brien:** Good afternoon. I am Una O'Brien. Until 2016 I was a civil servant at the Department of Health, and for my last six years there I was the permanent secretary. Currently, I do a number of things, but principally I am serving on a public inquiry in Northern Ireland.

**Charles Clarke:** My name is Charles Clarke. I was elected an MP in 1997 and went on the Treasury Select Committee for a year, which you have just referred to. I was then in government until 2006, in a number of roles including two Cabinet posts. I had worked previously—between 1980 and 1992—for the then Leader of the Opposition, Neil Kinnock, including in his shadow Education role, in which he did a lot of work with Select Committees. That is my perspective.

**Sir Richard Mottram:** I am Richard Mottram. I was a permanent secretary in various Departments between 1992 and 2007. Currently, among other things, I am a visiting professor at the LSE and chair of the Better Government Initiative. In those capacities, I have also appeared before Select Committees since I left the civil service.

Q2 **Chair:** Thank you all very much for coming this afternoon. I guess what we are trying to explore in this inquiry is where we are now with Select Committees and how we can make them more effective. To start with, I am very interested in your perspective on what the main purpose of a Select Committee is and should be.

**Dame Una O'Brien:** I think there is a true core to the role of a Select Committee, which goes all the way back to the early 1980s: principally, to assess whether money is being well used, to evaluate the policies of the Government of the day and to scrutinise and ask questions about implementation and the efficient use of public resources. There is a central core that I think is very important to hold on to. As each Parliament takes up the cudgel, the world out there is changing, and how to give effect to those responsibilities needs to change.

Those are some of the challenges that are faced by Select Committees. My central point is that the core responsibilities are extremely important. Bureaucracies are very likely to look in on themselves, and they don't like scrutiny. Select Committees play a powerful role in that respect. How that scrutiny is conducted—how to make it effective—is the challenge.



**Charles Clarke:** I agree very much with Una's description. It is fundamentally about the accountability of the Government to the population. If I had to choose whether it was more about the Government's competence or the policies, I would say that it is much more about competence. The policies sometimes come in, in terms of what Una talked about—the scrutiny of policies and how well they are being carried through.

I think Select Committees should be strengthened significantly and made more systematic. I had two proposals about that. One, which we agreed in the Treasury Committee in the '97 Parliament, was that over the five-year Parliament, or perhaps over a four-year period, we should take all the institutions for which the Treasury had responsibility—non-departmental public bodies, the Treasury itself, the World Bank representation or whatever it might be—and timetable perhaps a sub-Committee of the Select Committee with proper resources to have a hearing once in the Parliament about the operation of every one of those Government or quasi-governmental organisations. That would be created not by crisis, but as a systematic part of the scrutiny of the operation of Government. I came to the view then—in fact, we agreed in principle to do it then—that we should make it systematic.

The other thing that I felt strongly was that the EU scrutiny should not just be done by the European Scrutiny Committee, but that every Select Committee should have two sessions a year at which they look at the outgoing presidency, what happened and what the British Government did, and at the incoming presidency and what the British Government's intention was going into it, so you have a much wider discussion of EU competences and so on across the whole of Government. Those two systematic changes, which would take resource, I know, would take the whole situation forward much more strongly.

**Sir Richard Mottram:** I very much agree with what has been said. I will just add two points. First—this is a bit of a confession—until I was invited to appear here, I hadn't really thought enough about the responsibilities of Select Committees, despite having appeared before them many, many times, so I went and looked at the core tasks. One of the fundamental problems is that the core tasks are huge. The one that has not yet been mentioned is strategy—that word is not much mentioned in Government, either. "Examine the strategy of the department, how it has identified its key objectives and priorities and whether it has the means to achieve them, in terms of plans, resources, skills, capabilities and management information"—that is an absolutely huge task if a Select Committee is really required to try to do it. There are big issues about the range of responsibilities, but I very much agree that it is fundamentally about holding the Government to account for its competence.

Secondly—I don't know whether we are going to get on to this—there is an interesting relationship between departmental Select Committees and the Public Accounts Committee. Their respective roles have evolved, and I think that that evolution has actually been very constructive.



Finally, I draw a distinction between some departmental Select Committees that I dealt with as the permanent secretary of a Department and a Select Committee like the Public Administration Committee in its various guises, which I thought had a rather different role. It was actually very important to me when I was a civil servant in sustaining the impartiality and values of the civil service and getting buy-in for its future on a cross-party basis across Parliament. I am not just saying that because one of the former Chairs may be in the room. I thought that was a slightly different role, but it was fundamentally important. We can talk about that if it is of interest to people.

**Q3 Chair:** What would be the typical reaction within a Government Department when they hear that a Select Committee is about to conduct an inquiry into an area that is their responsibility?

**Sir Richard Mottram:** Delight.

**Chair:** Delight?

**Sir Richard Mottram:** Well, I think it would rather depend. The answer is, of course, that Departments are structured in a way that means they expect that there will be a series of inquiries. Bits of Departments may actually quite like an inquiry, because it focuses on something that they are very concerned about, so they can get it into the limelight. The issue would be how many inquiries you can sustain at any one time. There is an interesting question about prioritisation and whether Select Committees, like the Government as a whole, are trying to do too much, but, generally speaking, inquiries are welcomed.

My last point is that the tone of the way that Departments think about Select Committees is like the tone of the way they think about Parliament more generally. It depends on the attitude of their Ministers. There is a bit of a risk with civil servants if they give insufficient attention to the importance of Parliament. A key compensator for that is the way in which Ministers communicate inside their Department and the importance they attach to parliamentary accountability.

**Q4 Chair:** Did you feel that it kept you on your toes when you knew that a Select Committee was looking at what you were doing, or was it more of a distraction?

**Sir Richard Mottram:** No, it keeps you on your toes. If it is a departmental Select Committee, there is a distinction between their examination of individual bits of policy. I used to appear a lot before the Defence Select Committee and be quizzed about strategy when I was a medium to senior-level person. In those circumstances you are a civil servant on the way up. You are focused on a particular area and you are quizzed about it. It is a very good and important test of your competence in that area. When you are a permanent secretary, it is slightly different with a departmental Select Committee because you will not tend to appear before it other than once or twice a year, depending on how the Select Committee chooses to look at the breadth of responsibilities of the Department and its annual report and those sorts of things. That, again, is



a very valuable thing, because, funnily enough, the Select Committee expects you to understand what your Department is up to. It becomes a very detailed cross-examination of what your Department is up to, and a sensible permanent secretary takes that very seriously.

**Dame Una O'Brien:** I would definitely add to that, but, just to fill out a little bit what Richard has said, in my own experience of nearly six years as a permanent secretary, I appeared in front of the Public Accounts Committee 28 times and in front of the Health Select Committee about a dozen, so that gives you a sense of proportionality. Obviously, I was in a big spending Department and in that era—probably in all eras—the Public Accounts Committee had a very targeted focus on Health. When it comes to senior officials, the Public Accounts Committee expects you to be available and expects the responsible accounting officer to go there to account for the spending of the money.

To pick up that theme, for the future there must be more of an opportunity for co-ordination between the departmental Select Committees and the Public Accounts Committee. I am aware of the fact that there is more dialogue with the National Audit Office than probably there was in my day, but when it comes to looking at the range of Committees that any Department is dealing with at any one time, you can find that there is a huge weight coming in from the Public Accounts Committee, and not as strong a scrutiny coming from the departmental Committee.

There is also an opportunity to co-ordinate better the topics being covered. It does happen to an extent, but it might add to the overall efficiency and effectiveness of Select Committee time if that were possible. Certainly you were very aware of it at the top of the Government Department. You almost feel, "Why isn't the departmental Select Committee being as tough on me?" I have actually thought that on a number of occasions, and I suspect some of my colleagues have as well.

**Chair:** That's very interesting.

**Charles Clarke:** You've got a new Chair now, so it will all be very different.

I agree very much with what has been said. I am much more on the delight end of the spectrum rather than the, "Oh, goodness!" end of the spectrum when thinking about what's coming. I would add two points. One is that Ministers often look for a proper thought-through process—I am thinking about reform in different areas. It is possible to encourage Select Committees to look at areas in ways that can help them pave the way—not on a particular policy point. I am not saying, "You should be saying this," but looking at a particular problem in Government as to where it might go. In my case, I mistakenly encouraged the Home Affairs Select Committee to look at the issues of foreign national prisoners, and it has turned out to be a boomerang decision that I have lived with ever since.



I do not think it is just the Public Accounts Committee. There are some quite interesting cross-departmental issues. You can look at something like Environmental Audit, or even the Joint Committee on Human Rights issues that run right across all Departments. There is an issue about ensuring that those issues get into the heart of the Department.

I would say, though my colleagues might disagree, that Departments take more seriously the reports of their departmental Select Committees than they do the reports of the non-departmental Select Committees. Not the PAC—the PAC is taken extraordinarily seriously. However, I think the question that Una is raising about—I will not say “rationalising”—looking at the relationships between these is quite an important thing.

Q5 **Chair:** You have already given an example, Charles, of a Select Committee looking at a topic that had a particular impact on yourself and your Department, but I wonder whether either of you, Una or Richard, wanted to give some examples of where you think a Select Committee inquiry was particularly impactful.

**Sir Richard Mottram:** Just going back to what I said at the beginning, if I draw a distinction between the Public Administration Committee in its various guises and departmental Select Committees that I have dealt with, I think that the Public Administration Committee in its various forms has been fundamentally important in the way in which Government have come to think about how the political impartiality of the civil service should be safeguarded, and issues like that.

That Committee was, with the active support of officials and Ministers, instrumental, for instance, in the development of a civil service code, the decision to have a civil service Act and all sorts of things to do with the constitution. I think that that Committee is of fundamental importance. I always found my own dealings with it, including currently actually, to be very constructive and important for the way in which our constitution is safeguarded.

I was trying to think of some good examples of where there had been a good impact departmentally, but I am afraid my mind went blank. That is not to say that there weren't some, but they do not immediately spring to my mind.

**Dame Una O'Brien:** Perhaps I can pick up on that. I am going to be absolutely honest; I went back through all the Select Committee hearings in Health since 2010, and I was spoilt for choice. I was struck by the sheer volume of work when I looked at it in totality, as opposed to being on the receiving end of episodic reports. What a colossal output. May I say, along the way, huge credit to the people who manage the websites? I was amazed at how easy it was to go back to the reports and the Government responses. That is a very important public service that is provided, which means that the work can be accessible to people after the end of a parliamentary Session.

I have lots of examples from Health. I thought this one was interesting. Let's just take influence after something has gone badly wrong—"PIP Breast implants and regulation of cosmetic interventions". In January 2012, the Government announced two reviews, but they were immediately controversial because they were internal reviews. What was very interesting was that the Health Committee, as it was called at the time, galvanised itself and held a number of public hearings, airing the evidence and the impact that this had had on women and their families. I look back on that as a significant contribution to the policy, but more importantly for the public, who could hear more about what had happened and why it happened. That, for me, was an example of agility when something had gone badly wrong.

I wanted to reference a more recent example, which I feel very passionate about: the struggle to deal with antimicrobial resistance. Obviously, in the UK Dame Sally Davies has been amazing in calling the world's attention to this problem. In 2013, the Government set out a strategy and so on. However, I was very struck—I can say this now, because I am free of responsibility—by the Health and Social Care Committee's report, which timed its work to feed into the new strategy but, very importantly, pointed out that some of the Government's own advisers were calling for more visible and active Government leadership. The engagement with a major strategic issue like that, and pointing out that the Government's own advisers had made that plea, definitely made a big impact and will make a continuing impact in Government.

I have one further example that I am glad to see. On childhood obesity, we can see that the Health Select Committee and its successor reported in 2015, 2017 and 2018. That is an example of what I would call dogged persistence in tackling a problem that is extremely hard for the Government to address. That is where I feel a Select Committee has a very important role in just holding feet to the fire. Maybe those examples show different dimensions of what a Select Committee can do.

**Chair:** Thank you. Stephen is going to develop the theme of effectiveness, so I will hand over.

Q6 **Stephen Twigg:** Thanks to all three of you. You have each given some examples from your own experience about effectiveness. Could you perhaps give one suggestion of what you think would make the Select Committee system even more effective than it is at the moment?

**Charles Clarke:** My main suggestion is the one I made in the introduction, which is to have a schedule over a Parliament—four or five years—of having a formal inquiry into each of the institutions in that particular area. When I was at Education, there were 25 different organisations, including very major ones such as Ofsted or HEFCE, as they then were—you remember that period well yourself, Stephen—and getting those bodies working together was extremely difficult and problematic. I think the ones that did not get inquired into suffered as a result of that.



The other dimension of the same point is that often it is a crisis that leads to an investigation—that happened in relation to the Passport Office, for example. I do not think that is necessarily the right way to do it. I am not saying, “Don’t have the inquiry when there’s a crisis,” but looking routinely into how the Government agencies are working would be a good thing to do.

You would probably have to do it as a sub-Committee of the main Select Committee, and you would definitely need to put major resources into it. The question of time is a big one here—the time of members of the Select Committees. Finding a way to make that work practically is not straightforward. As I say, the Treasury Select Committee in 1997 did agree to have a sequence of things like that, and I think it was broadly followed through.

**Dame Una O'Brien:** I would definitely second that from my own experience of Health. Many of you will be familiar with the large non-departmental public bodies and the regulators, which actually carry a vast amount of responsibility for the delivery of health and social care. Ensuring that the leadership of those bodies and the way they go about their work is subject to some degree of scrutiny is very important, because they clearly do not have Ministers at the top of them—they have boards and so on. I would definitely second that, in so far as resources allow for it.

There are two points I wanted to make on that question briefly. First, I feel that Select Committees could play a bigger role on some of the long-term challenges. We all know that Governments are bound by five-year or even shorter-term cycles, but it did not take me long to put down a list of things such as the changing world of work, migration, demography, technology and what can policy be learning from new and emerging science. I wonder about the scope for greater liaison with the Government Office for Science, where quite a lot of that long-term thinking is done. The challenge is to ask Government Departments, “Do you have the capacity? Are you preparing? Are you thinking about these long-term trends?”—where else is that challenge going to come from?

Secondly, I am excited to learn about what can be achieved when Select Committees come together. The example of adolescent mental health is one where we saw, in an earlier Parliament, a Health Select Committee trying to act on its own, but I would argue it achieved greater influence by producing its report with the Education Committee. Where are the opportunities for Select Committees to come together to do joint inquiries? On knife crime, for example, you might think something between Justice, Health and Education; I am sure you can think of many examples, but that would be another area.

**Sir Richard Mottram:** I very much agree with the point that began, I think, with Charles: there is a bit of a risk that everyone chases the same highly topical issues—Select Committees are focused on them, Ministers are focused on them, the top management of the civil service is focused on them—when you actually want to be looking at the things that seem rather mundane and are actually rather important.

Working in to the wider point I wanted to make, if you look at the way Government tends to allocate its resources, they get diverted into all these high-visibility things and rather dull, boring things such as maintenance of hospitals—I defer to the Chair, who knows tons more about this and most things than I do—maintenance of schools, maintenance in the Ministry of Defence of the accommodation of service personnel, and so on, are the things that get neglected. Although it is a big ask to ask Select Committees to try to focus on those duller things, it is an important part of having an effective approach.

The main point I wanted to make is that I hope Select Committees would try to keep pressing the Government to be much more transparent about the basis on which its decisions are being taken about why money is being spent in certain ways and how the way in which it spends that money is related to an overarching strategy. That can also apply at the level of Departments; a big Department such as the Ministry of Defence, which I know quite well, has a whole set of those issues themselves, which are fascinating and difficult. The Government keeps blocking that.

There is an interesting gap in the Select Committee structure, which is, when we have had spending reviews, which Select Committee and which bit of Parliament forensically look at how the Government took those decisions, on what basis they are plausible in terms of a relationship between objectives and programmes and money, and where the big risks are. When one thinks about spending reviews, I would like to see all that thought about in the context of Select Committees. Both the CAG, in the context of the Public Accounts Committee, and the Public Administration and Constitutional Affairs Committee have been pressing arguments for more transparency in the way these decisions are taken, and then holding Government to account for them more effectively.

**Q7** **Stephen Twigg:** Una and Richard have really answered my next question already, so this is just to Charles. Can you give an example of a piece of work by a Select Committee that you found influential, either in terms of the competence, as you put it, or the policy, in any of your Government roles?

**Charles Clarke:** The one I remember most was right at the beginning of the time that I describe; it was work by the Select Committee on Education on special needs education. There was a very substantial set of hearings in 1980-81, which really laid the grounds of a whole new legislative framework for dealing with special needs education, quite apart from pushing it up the agenda in general.

**Q8** **Stephen Twigg:** A broader question for all three of you: how would you characterise the relationship between Select Committees and Departments? Is it a friendly relationship, a critical friend, or a hostile forum? Perhaps more importantly, what should the relationship be?

**Dame Una O'Brien:** I would say it is probably all of those, depending on a number of things: the state of the Government's agenda, the point in the Parliament, what has gone wrong and what has gone right. At its core



there is a relationship between the Chair of a Select Committee and the Department that is worth referencing here. I was very struck at the start of my time as permanent secretary that the then Chair, Stephen Dorrell, came to see me, very near the beginning of a Parliament. He obviously also had contact with the Secretary of State. I hope that happens, by the way, where the Chair and the Secretary of State are of different parties; that is not something I have experienced, but I would definitely encourage it.

There is a recognition, which I can say is well and truly embedded within Government now, of the role of Select Committees. It is well established, but clearly the relationship can go up and down according to what topics are being chosen and the way in which the Government is responding to the Select Committee. There has been more challenging dialogue between Select Committees and Departments in the past three or four years than there has been in previous Parliaments. That is an interesting development, with Select Committees showing that they will not let go of the subject but will come back to it, write letters to the Department and publish the responses. All of that is a tightening up of scrutiny, which in my opinion, now that I am a poacher turned gamekeeper, is a very good thing.

**Charles Clarke:** I agree with that. Certainly when I was Secretary of State, I used to have regular meetings with the Chair of the Select Committee, just to talk about the situation in general. I would say things that I thought would be interesting if there were a Select Committee inquiry, for the reason I said earlier. The Chair of the Select Committee would normally say, "Look, we've got some issues we're really going to go for on this", and tell us, which I think is right. I don't think it is a hostile environment, normally; I think it has to be a very strong, principled environment. What I mean by that is the Select Committee has to be rigorous in asking its questions—not in a rude way, not in a hostile way, not in a theatrical way, but to try and get to the bottom of it. I think that is the case.

There was one institution that I am out of date on, and I just simply do not know whether it exists, even. There was something called—I think it was something like a special Select Committee, which was about considering legislation. It was a Committee looking at legislation, which also took evidence on the legislation that was proposed. It was not just a Bill Committee; it was a Bill Committee that was also taking public evidence. I think it happened on a few occasions and did not really go any further, but in terms of Richard's point about clarity about the reasons for Government decisions about legislation, that might be a device for dealing with it. Maybe I am out of time, and maybe it already does exist or is now completely off the agenda, but I just chuck it in as a point.

**Stephen Twigg:** I think what tends to happen now is pre-legislative scrutiny is done by the Bill Committees, isn't it, generally?

**Chair:** There is a variety of them. If I think of the care Bill Committee, that was a Committee of both Houses that was set up.



**Sir Richard Mottram:** It is interesting to try and characterise it. “Objective critic” might be it, if I have to have a slogan. I have only very rarely been in a context where there was a bad relationship between the Department and its Select Committee, and which I could characterise as hostile for various reasons to do with the personal dynamics of the Select Committee and the Secretary of State. That’s not a good place to be, because it is very difficult for officials, so the whole dialogue can become very fraught. In 30 or 40 years in the civil service, that was a very exceptional thing.

On the other hand, I don’t think Select Committees are there to be friendly towards Departments. They are not supposed to be their friend; they are holding them to account, and holding people to account is not the same as being their friend. In my view, they also should not be cheerleaders for the Department’s policies, or cheerleaders for, “Wouldn’t it all be marvellous if they had a lot more money?”, because very probably they are not going to get a lot more money. The more interesting question is, “What do they do with not a lot more money?” as opposed to cheerleading. Inevitably, given the way in which Members of Parliament choose their Select Committees, they are likely to have an interest in the subject and they are likely to be sympathetic. They need to be sympathetic, but critically sympathetic.

Q9 **Lilian Greenwood:** I want to look specifically at the issue of oral evidence, which obviously is only one part of the way in which Departments and Select Committees interact, but an important one. What is your experience of giving oral evidence? What is it like—obviously, not just reflecting on today, but looking back—and any particular notable experiences, either that you had or that your Ministers had, that you can pick out? Obviously, Charles, you have your own personal experiences as well.

**Charles Clarke:** I used to enjoy giving oral evidence. I found it intellectually very demanding, because you did have to be right across the whole field.

I always myself preferred to give evidence as an individual sitting at the table, rather than with a bench of colleagues. I felt it focused my mind on the conversation we were having, whereas if you are managing a group of two or three others—often very senior people—as well, I found that more difficult to do when you were trying to deal with it. It sounds crass, but I would say that basically telling it as you see it—telling the truth—is the right way to go, including “I don’t know the detail on this.” I do not think it is critical that a Secretary of State needs to know the detail on absolutely everything.

I think there is an important thing that makes it easier for the Secretary of State, which is that there is a parity of parliamentarians. There is mutual respect among parliamentarians, which I think is important in terms of the culture of Parliament and which makes this slightly easier for the Minister. I never felt, either as a Select Committee member or as a Government Minister giving evidence, that there was ever a ganging-up on the



evidence giver. I could see no virtue in surprises in this area. If someone had not thought things through, the most you would get was the short-term humiliation of the Minister, which I don't think helped anything in terms of trying to move forward.

I saw this as a possible question, but could not think of anecdotes that I could tell to describe the experience particularly. All I can say is that I did not find it a very stressful and problematic experience. I know that a lot of other colleagues, and very senior colleagues—not just in the Government I was part of, but in other political party Governments—sometimes did find it very difficult and problematic. I never really understood quite why that was. Maybe that's a personality defect on my part.

**Sir Richard Mottram:** Or strength.

Q10 **Lilian Greenwood:** Dame Una, what was your personal experience and what was the experience of Ministers in the Department that you were advising?

**Dame Una O'Brien:** I shall answer just on civil servants, if I may, first of all. Make no mistake: it is a big deal for a civil servant to give evidence to a Select Committee. Just think about our career. We enter the Government Department. We sign the Official Secrets Act. Our loyalty is to the Government of the day. We operate quite an open culture inside a Government Department, but there is a great deal of respect, across the civil service, for that loyalty to Ministers and the Government of the day.

Then you find yourself, mid-career perhaps, called to the departmental Select Committee on the subject for which you are responsible. You want to be helpful to the Committee. You are not really used to speaking in a public forum. And you are very aware of the fact that, or you fear that, someone might try to catch you out to embarrass your Minister. Trying to walk that line between answering the questions honestly and helping the Committee but, equally, staying on the right side of whatever policy matters are still in play privately in your Department can be very, very challenging, particularly for people in the first stages of the senior civil service.

I wouldn't say that people necessarily like giving evidence, but it turns out to be very good for them. My own experience is that you start off, as a first-timer, feeling extremely nervous and uncertain. You do not know where the questions are coming from—you may suspect hidden agendas. But as you build your experience of giving evidence, you realise that the person who is gaining the most is yourself, because you are required to do it well and to really engage with the subject: why the decisions were the way they were before you took responsibility for it and what the issues are that are coming up. To sum up, I think it makes you better at your job if it is done well and the questions are thought through and the answers listened to. That would be my overall experience.

I'm afraid I haven't got any anecdotes. We had some high moments in the Public Accounts Committee, I can tell you, with the way the questioning

was sort of organised between three or four of the members, who had obviously agreed to really focus us in on yes or no answers. Those sorts of things, which I just don't think are helpful, do make for a very tense and uncomfortable atmosphere. But I haven't really got any great anecdotes to share, other than referencing that.

**Q11 Lilian Greenwood:** That's really interesting. Do you think that members of Select Committees generally ask the right questions, or do they spend too much time thinking about the way to ask them rather than what the information is that they are trying to get at? Do you ever think, "I got away with that. I thought they were going to ask me x, but they didn't push the point"?

**Dame Una O'Brien:** I will be absolutely honest and say yes, we have thought that. Sometimes—well, look, there is a huge asymmetry of information. You know, going in, that you know a hell of a lot more than the Select Committee members know about what is going on in the Department, but you make a very big mistake if you think you know more than the members of the Select Committee. Particularly in relation to health—but I am sure it is the case in many other areas—every Select Committee member comes with their own constituency experience, and many of them are former Ministers, so the wealth of experience behind the questions is often very intimidating. So although perhaps you know more about your current reality than the Committee members might do, the asymmetry works the other way when it comes to some of the broader underlying reasons for the policy that is being looked at.

But yes, there have been occasions when people think that. I think it is to do with the techniques of asking questions. I did watch a really excellent Select Committee the other day which I thought could almost be used for training purposes: the BEIS Select Committee, where there was a hearing on energy efficiency. The questioning of a Minister was absolutely classically well done, and the Minister accepted the integrity of the questions. I thought it was a particularly good example of balanced scrutiny in a very difficult, technical subject. So all things can happen, but mostly if the questions are planned and shared out evenly you definitely come out feeling that you have been through the wringer.

**Q12 Lilian Greenwood:** Sir Richard, anything to add?

**Sir Richard Mottram:** I have a couple of things to add. On the asymmetry point, it is important for Select Committees not to go down in more and more detail about things where civil servants can always outdo them on the detail, but instead they should come slightly from the side and ask questions about "Why are you doing this?" Actually, often in government, frankly it makes no sense, but you can provide an awfully detailed reason about how you are going about it. It is always worth having that thought in one's mind—how do I throw them off this nice, comfortable position they are in? If they are competent people in charge of their portfolio, they should always be able to defeat you on detail. That is my unhelpful observation.

Secondly—I have three points actually—a lot of civil servants think the way to deal with Select Committees and the Public Accounts Committee in particular is to be Uriah Heep-like and very, very unhelpful. It drives parliamentarians bonkers, quite rightly. Personally, I have always found it is a lot easier to have a serious conversation about something and say what you think—within reason—and be loyal to the Ministers, because that is the official's key difficulty, as you answer for them. It is unhelpful when Select Committees pick on an individual civil servant and beat them up about the application of the Osmotherly rules rather than going and asking the Minister why they will not answer.

Lastly, my anecdote: I once appeared before a Select Committee when I was very new in the job as a permanent secretary. The Select Committee asked me about the strategy of the Department. I gave an answer that, frankly, was truly pathetic—I mean, it was really awful. About three months later, they published a report, and that report, which got massive publicity, was to the effect of, "Department X has no strategy, says permanent secretary." Unsurprisingly, my Ministers were a bit brassed off, because they had a strategy. The report should have said—this is my serious point—"The permanent secretary is a complete nincompoop who has no understanding of the Department's strategy." In other words, it is very important to hold people themselves to account rather than be very generalised about things, and to distinguish between the accountabilities of Ministers and those of officials, and to hold both categories of people to account.

I think there is a weakness in our system that Ministers are not sufficiently held to account for some of the decisions they have taken. Looking forward, that is another area where Select Committees could be much more rigorous—holding Ministers to account for decisions which quite clearly they have taken.

**Charles Clarke:** There is often a very interesting tension between the departmental strategy and the ministerial strategy of that Department. I discovered it quite a lot as a Minister in different areas, to which my defence would be that I was trying to move the departmental strategy to what I thought it ought to be. But I even had ludicrous situations where I would give speeches that were not put out by the press office, but the official draft speech I received and never used was put out.

This tension between what Ministers are trying to do and the current departmental strategy is very important. That is what I was referring to in this area. It is not the case that there is a one-strategy position held by all the officials and Ministers. It is not a seamless position.

**Sir Richard Mottram:** Just to be clear, I am not arguing that it should not be the Minister's strategy that we are focused on.

Q13 **Lilian Greenwood:** That is really interesting. The former permanent secretary at the Treasury, Sir Douglas Wass, said that the fact of having to give evidence concentrates the minds of witnesses, and this in itself can result in a reappraisal of current attitudes or policies. To what extent does

having to prepare and get on top of your game ready to answer questions prompt you to rethink policy?

**Charles Clarke:** I very much agree with that. They would talk to me and initiate the conversation on oral evidence, which is an important aspect of it. The Department and Ministers as a whole being forced to give account of their strategy through written questions from the Select Committee is very important. Certainly, as a Minister I got draft responses to Select Committees that I would have to agree or disagree with before they were sent. That forced the whole set of conversations in each Department I was in about what we were really saying. Was the answer to the Select Committee question the position that we wanted to state? It was not about keeping things hidden or anything like that; it was forcing an evaluation, in the way Douglas suggested, of what we were really doing.

**Dame Una O'Brien:** Make no mistake—a huge amount of preparation goes into the attendance of officials and Ministers at Select Committees. Files of papers are prepared; meetings take place; sometimes if it is a person's first appearance at a Select Committee, others will take on the mantle of pretending to be Members of Parliament and will throw questions at them, to have the experience of being in the room and knowing that what you are saying is going on the record. That much is true.

The best piece of advice I ever got when preparing for Select Committees was to make a list of all the questions you hope they do not ask you, and work out your answer. I thought that was a very good piece of advice because it leads you to address all the weaknesses in the policy area that you are coming to talk about, and it forces you to go away and spend time understanding them, questioning colleagues in the organisation, having conversations with Ministers and so on. There is a lot of focus on reports and formal responses from Departments, but I do not think we should underestimate the impact of the process that leads to people from Government Departments having to come and give evidence.

What the Public Accounts Committee introduced was very powerful, where in the hour before the officials give evidence, they invited people from a local health authority, or patients or people who had experienced a particular problem, to give evidence. You would come up to the table and you would have to confront the reality of what you have just heard in the room. That is very powerful because you cannot really prepare for that—you cannot learn any lines. You have to be able to show that you can listen and respond to evidence in real time. That was a powerful innovation.

**Sir Richard Mottram:** I agree with what has been said.

**Chair:** So we ask everyone what they did not want to be asked when they come to a Select Committee. On the point about reports and responses, I will bring in Harriet.

Q14 **Ms Harman:** Thank you for giving very interesting evidence to us. Can I



ask about a general proposition and then something specific? Do you think that the attitudes of Ministers and civil servants relate to a time when Select Committees had much less credibility than they do now? They used to be so much creatures of the Whips. The Whips would appoint the Chairs, and when somebody was about to be sacked as a Minister, they would ask, "Will you go quietly if we offer you the Chair of a Select Committee?" They might say, "You are causing a bit of a problem on this Select Committee; you will be removed and not do all that foreign travel that you like unless you pipe down about this policy we are having difficulty with."

Do you recognise that there was what certainly seemed to me like an absolute transformation in the credibility and the legitimacy of Select Committees by them being owned and accountable to the House, elected by Members rather than by the Whips? That was the Wright reforms; we are going hear later this afternoon from Tony Wright. Do you think there is a bit of a hangover in civil service attitudes from those days, and therefore not a recognition that the powers, resources and attitudes really need to be changed to bring them up to date with the true role and importance of Select Committees as they are now?

**Charles Clarke:** I do believe the change you describe is a very important and a right change. When Una referred to the Select Committees having been more challenging in the last three or four years, I was thinking that perhaps part of the reason for that was this change in the way the Select Committees are appointed. As you know, Harriet, I haven't really had experience in the period since the changes were made, so it is difficult to comment on your comparative point, but I would have expected, certainly, civil servants to be responding to the new structure of the Committee rather than to an old structure of the Committee. I have to say that you may well be right that that is not, in fact, the case, but I would be very surprised if Ministers were not responding to the new reality that has been created.

On your fundamental point, I agree completely that that is the direction to keep on going, and that means doing things like giving resource to the Select Committees and using the House of Commons Library in different ways to be able to strengthen their role, widening the role of Select Committees in all these areas. It will simply be a question of time as that constitutional reality is embedded in the way people behave.

**Sir Richard Mottram:** I very much agree that the "Wright reforms" were a very important development and a very positive development. One of the impacts has been that Select Committees now have a lot more visibility, the Chairs have a lot more visibility, there is a lot more credibility in what they say, and there is a stronger sense of an ability to get publicity for important issues, get them on the table, get them talked about, and so on. I agree 100% that what has been done since 2010, or whenever it was, has been fundamentally valuable.

Where I would slightly disagree is that, thinking back to my own career—I left the civil service in 2007—I did not think that Select Committees prior



to 2007 were just patsies that civil servants could ignore, so I do not think civil servants have a hangover. There will not be many people who remember that period, anyway. If you have an issue about whether the system is sufficiently responsive to Select Committee reports—we could talk about that, and my answer would be that it is not—I do not think it is because the civil service has not smelt the coffee and understood how things have changed. There was a track record of some Committees, even before 2010, being influential and quite frightening to appear before unless you had a very good story to tell. The reforms themselves are a very positive development, and we should take them further.

**Dame Una O'Brien:** I agree with everything that has been said. Certainly, as somebody who was in Government at the point at which the Select Committee Chairs were elected, I can say that we were aware that that was a significant change. I think what has played out is that, across the board, the Chairs have exerted their authority, both in Select Committee hearings and with the public and in the media. That is very clearly observed and understood in Government, and I think it has enhanced the quality of the scrutiny. I agree with Richard that it was not light scrutiny before, but I think it is more consistent now across the board.

The other reform that has happened—I know it predates the election of Chairs, but I did just want to reference it, if I may—is hearings on public appointments. That has sharpened up the approach to selecting candidates for major roles in big public corporations and non-departmental public bodies. That is something that did not exist at all in the past, and that has had a significant effect on making sure that people who come forward to do those jobs can hack it with scrutiny, because they have to get through it in order to be confirmed in the job.

**Charles Clarke:** Can I add one point to that? In the Treasury Committee, which I mentioned that I was a member of in 1997-98, we were considering the independence of the Bank of England and we passed a resolution unanimously that we should have a formal confirmation period for the new Governor. I still think that was the right thing to do. In fact, Giles Radice, who was Chairman of the Committee, and I put down an amendment to the legislation in the name of the Select Committee to achieve that change. For reasons that are lost to me but won't be lost to you, Harriet, the then Chancellor of the Exchequer felt he wanted to oppose that particular change, so in late 1997 I broke the Whip for the first time and I abstained rather than voting for the amendment that stood in my name on the Order Paper.

Joking aside, I genuinely think there is a whole string of issues here—I don't know whether you are considering them in this Select Committee, Chair—about having a systematic approach to a number of key roles, and whether you go so far as a confirmation hearing. I know we are not there at the moment, but that is a big question for the future of Select Committees, which Una's remarks brought to mind. I think it is important to think through where one wants to go.

It was an entirely corrupt process. Many years ago, before I came into Parliament, I gave evidence to a Select Committee about the appointment of the Lord Chief Justice under the Conservatives and the role of the Leader of the Opposition in that process, which was shameful. The whole operation that took place at that time was a nod-and-a-wink process. Select Committees can and do make a major change now in carrying it through, but how to systematise that and what to do with it remains quite a big unresolved question. Nicky knows about the issues around Amanda Spielman and her appointment as chair of Ofsted with the Education Committee at that time. There is a whole set of complicated questions about the relative roles of the Select Committees, the Secretary of State and so on in all these key public appointments.

**Q15 Ms Harman:** Do you think we need to bring the relationship properly up to date? The situation used to be that the Government had the credibility of having been elected as the Government, and Members had the credibility of having been elected, but Select Committees lacked credibility because they were simply creatures of patronage of the Whips. Bearing mind that that is not the case any more, do you think consideration of Ministers' approach to Select Committees and Departments would be a good idea? For example, there are all sorts of things in the ministerial code, such as how Ministers should not respond to surveys, and two and a half pages on Ministers' travel issues. How much has it got on Select Committees? It has half of one sentence, which is about not leaking a Select Committee report if you get your hands on it in advance.

The ministerial code speaks to me of a time when Select Committees didn't have credibility and didn't matter. Would it not be a good idea for it to be part of a wider review of the approach to Departments, which includes the timeliness and thoroughness of their response to Select Committee reports, and ministerial respect for the work of Select Committees? Nearly 10 years after the Wright reforms, and therefore the strengthening of Select Committee roles, is it not time for that sort of review to bring the code up to date?

**Charles Clarke:** For myself, I think that is an absolutely excellent idea.

**Sir Richard Mottram:** I think that would be a very good idea. I would say two things. One is that alongside the ministerial code there is a thing called something like the Cabinet guide—I can't think what the exact phrase is—that was produced after 2010. It is a description of how Government works, and a Select Committee has been arguing that the Government might get round to updating it. That would be a good place to have some reference to the importance of the role of Select Committees.

The delay in the Government responding to Select Committee reports will not necessarily be solved merely by writing into the ministerial code or the guide, "Kindly reply within two months." I think you would also have to develop an approach of naming and shaming, which might help. Committees that had the Cabinet Secretary before them, for instance, could ask him why it was that Department X was doing this and Department Y was doing that. He would then go back and ask permanent



secretary X and permanent secretary Y why their performance was lamentable. There is a whole series of things that you could do to get a better response in terms of time, and also to get some of the responses in English. I realise how old I am when I read them and think, "Is this the best that the civil service can do?" There is still a lot more scope for Departments to be expected to tighten up their performance in responding in a timely way and responding appropriately, but I absolutely agree with your proposal.

**Dame Una O'Brien:** I agree with everything that has been said. In thinking about coming here today, I contrasted the experience of being inside Government, now that I have been outside Government for three years, and the difference in the knowledge and information that I had about policy developments. That reinforces to me the absolute importance of the work of Select Committees—not just bringing to public attention key shortcomings in various policies, but especially the scrutiny role, which I have mentioned before today. It is imperative that that is maintained and strengthened, and that it is an enduring part of Select Committees going forward, because bureaucracies will always draw into themselves. FOI has been a great advance, but it goes only so far. I support what you are saying; if that means strengthening what is in the ministerial code as well as the Cabinet guide, it would only be a good thing. From a citizen's perspective, I'm not sure that all current civil servants would necessarily agree with it. Having been inside and now outside the system, I believe it would be absolutely the right thing to do.

Q16 **Mrs Miller:** Can I bring the first part of this session to a close by asking you to drill a little bit into what Richard was saying earlier about the timeliness and quality of the responses that Select Committees receive from Government? I speak as somebody who chairs one of those cross-departmental Committees: Women and Equalities. Sometimes it is horrendous to try to get a response. Talking to Ministers, as we do informally, they draw on the fact that it is sometimes so difficult to co-ordinate between Departments. Is that something you recognise, or do you think it is just a bit of a fob-off?

**Sir Richard Mottram:** I would say it is a bit of a fob-off, to be honest with you.

**Mrs Miller:** Expand on that, please.

**Sir Richard Mottram:** There are well-established systems within Government for co-ordinating replies to things, if Government has got the will to do it.

Q17 **Mrs Miller:** So you think it is more of a demonstration of political will than anything?

**Sir Richard Mottram:** It is a demonstration of a combination of official and political will. Senior officials need to focus on these things. It is not impossible to co-ordinate across Departments a response to a cross-departmental Select Committee's report; it is a lack of drive to do it. What is the consequence of not doing it? Select Committees need to ask



themselves how they can up the consequence for the system—both officials and Ministers—of shoddy and untimely replies. Given all the pressures in Government—like everywhere, Governments are not always the most competent organisations in the world—you will get drift in things if they do not. You have to up thinking about raising the stakes for the other side.

Q18 **Mrs Miller:** What would be a good consequence for us to put in place?

**Sir Richard Mottram:** To think about holding senior officials to account for the performance of Departments, at least on timeliness, would be one small example. In terms of substance, it is rather more difficult. What has struck me about the way the system works—thinking about coming here today—is how reports are produced and thrown into the Government. The Government may or may not condescend to reply; sometimes the Government does not reply for a year or whatever. The replies can be very vague, a bit shoddy and so on. The Select Committee gives up. There is no audit trail and no reporting by Select Committees of their experience of dealing consistently with Government. It is rather like Charles's point about having a programme over a period of years, where you would be going back to Government saying "Thank you very much, but we still haven't had a satisfactory answer to the point we raised with you two years ago." That, of course, requires a lot of effort, but I think it would be worth it. I think that people give up, because they think, "I'm dealing with this huge bureaucracy: I give up."

**Charles Clarke:** I very much agree with Richard's last point— mainly the ability of Select Committees to use their power to require people to come in front of them and give evidence. That is an enormous power, you have the right to do that and you can do it in a wide range of different circumstances. That said, I would go back to the point I made earlier about the cross-departmental Committees such as yours. This may be out of time, but I still think those Committees are taken less seriously by Government Departments than the main departmental Select Committees. The way to change that is for the Select Committees concerned—yours or Harriet's, or whoever it might be—to exercise themselves to say "We are not going to have this any more," in the kind of way that Richard has just described. But—and it's a big "but"—I would say that when I was in government the greatest problematic issues were all the cross-departmental subjects. Women and Equalities is a classic such issue. Policy issues like drugs, young people—a whole set of issues—

**Sir Richard Mottram:** Health.

**Charles Clarke:** Health, and almost all public health issues—actually, getting cross-departmental work on those kinds of issues is very difficult. In the early days of the '97 Government the Cabinet Office was full of all kinds of Ministers who were given jobs to get co-ordination, but actually the so-called tsar or Minister, or whoever, had almost no purchase on what was actually going on in the main Government Departments. So you had, often, this Cabinet-level Minister flailing around and not being able to get hold of what was going on in the individual Departments—with drugs,



for example, education, health and homes are key—and it was very difficult to operate. A fortiori, as it were, that is true of the non-departmental Select Committees looking at particular problems.

I think—I dare say Richard would not disagree, but he might—that achieving a co-ordinated approach on these cross-departmental issues is very difficult. He is quite right that there is an obvious clearing process in Government, but that is the lowest-common-denominator approach that goes on, where each Department basically says, “We are not against the answer that the other Department is giving.” Pushing it up, to put—I don’t know—human rights at the core of what all Government Departments are doing is another major step forward from where we are at the moment. But I do think Richard is right that the fundamental thing is for those non-departmental Select Committees to say, “Actually, this subject is important. Our Committee was established for a set of reasons, which are agreed, and we are going to insist on proper responses in different ways.”

**Dame Una O'Brien:** To some degree, what you are experiencing is a reflection—the mirror image—of what is going on on the other side, in that the ministerial roles that have these cross-departmental responsibilities are accorded insufficient authority across the machine. Therefore, it does not surprise me that when it comes to co-ordinating a response to a Select Committee on these cross-Government matters, you are seeing that reflected.

The second point is that I would agree exactly with what Richard has said, in that if the machine wants to do something, it will do it. The capability is there. It is a question about leadership and the authority of someone to slap the table and say, “This must be done.” The machine is perfectly capable of organising things cross-departmentally when it wants to.

It might be interesting to look at how things have progressed in relation to the Public Accounts Committee. During my time, the role of the Treasury Officer of Accounts—an official within the Treasury who sits at every PAC hearing—was enhanced. That postholder was required by the PAC Chair—quarterly, I think, or maybe six-monthly—to gather up in a single report what progress each Department was making on implementing the recommendations from the PAC. On one occasion, or possibly two, I was called back by the Public Accounts Committee to explain why we had not made sufficient progress with implementing the recommendations. It does take a bit more of a machine to be able to do that.

Reflecting on the point I made at the beginning, when I look at the body of work undertaken by the Health and Social Care Committee since 2010, I see that an enormous contribution has been made. It would give real strength to the Select Committee system to give them the capacity to follow up on what has happened to that work. We could call in the permanent secretary and ask them to explain why we are not getting a response or why the responses are of a weak quality. Stepping out of the process of a particular inquiry and asking about the departmental process could be quite a powerful intervention.

**Mrs Miller:** That is very helpful. Thank you.

Q19 **Chair:** Following on from that last point, we have seen a continuing delay, for instance, in the release of the Green Paper. Would it be worthwhile for a Select Committee to call in the permanent secretary where it is not getting any answers from the Secretary of State?

**Dame Una O'Brien:** I am sure that permanent secretaries will always be at the service of the Select Committees. We need some good ideas there. I have given a very mandarin answer to that.

Q20 **Chair:** Thank you very much. Are there any further points that we have not asked you about and that you want to make?

**Sir Richard Mottram:** I have one small point to add, which follows on from the last point, regarding the problem of co-ordination inside Government. I apologise for not having spotted this before, but while we have seen the development of joint inquiries by Select Committees, I have also noticed—partly because I was reading around some of these things when coming here—that individual Select Committees have started inviting Ministers from more than one Department to appear before them. I think that is very positive. In other words, there is not just one solution.

**Tom Tugendhat:** Not all Departments agree with you on that.

**Sir Richard Mottram:** No, of course they don't. I imagine that the Ministers say, "I don't think I should come along to your thing." But you should stick to your guns. It is obviously a useful way of doing things. The Government are saying to you that they have a wonderfully co-ordinated machine, so presumably the Ministers could come along and explain it all.

**Charles Clarke:** The only point I would emphasise, which I made brief reference to, is about the EU. If we stay in the EU—we shall see what happens—scrutinising the relationship of the UK Government to the EU seems to me very important.

I would argue that one reason for our current state of affairs is that years ago that was left to a very small group of MPs, who are very preoccupied with the issue, neglecting its impact right across the whole of Government. Every Department has an EU dimension to what it does, which is an underestimated, active part of what Government Departments do on a day-to-day basis. That needs to be scrutinised more, where it was not before.

**Dame Una O'Brien:** I just have one final point, which is that people don't live their lives in Government Department descriptions or Select Committee descriptions—human life is complicated. I would love to see Select Committees choose some localities and look at the combination of policies in a given locality, and reflect that back to Government. If that could be co-ordinated across a number of Committees, it would be an immensely powerful thing. For example, if you choose a city such as Manchester and a couple of rural areas, and ask how these policies come

together on the ground in relation to people's lives, I think it would be innovative and interesting.

**Chair:** Thank you all very much for giving evidence this afternoon.

### Examination of witnesses

Witnesses: Professor Meg Russell, Dr Hannah White, Dr Ruth Fox and Professor Tony Wright.

Q21 **Chair:** Good afternoon, and thank you all very much for coming to our inquiry into Select Committee effectiveness. I know there was a useful opportunity to meet with you informally to guide some of the areas we should be asking you about today. Thank you very much, all of you. It would be helpful if those following from outside heard about your own experiences with Select Committees in your current roles, perhaps starting with you, Dr Ruth Fox.

**Dr Ruth Fox:** Generally speaking, they are positive. I have been appearing before Committees throughout my 10 years at the society. I would say—

Q22 **Chair:** I meant to say, can you mention your current role as well, just for people following from outside?

**Dr Ruth Fox:** Sorry, my apologies. I am director of the Hansard Society.

**Professor Russell:** I am Professor Meg Russell from University College London, where I direct something called the Constitution Unit. We have researched Select Committees and their impact. I was also the specialist adviser to Tony's Committee, 10 years ago.

**Professor Wright:** I was a Member of Parliament. I chaired the Public Administration Committee for 10 years, which I think is longer than is technically possible. Right at the end I chaired the Select Committee on Reform of the House of Commons, which you have referred to. I am now an emeritus professor of government at UCL.

**Dr White:** I am Dr Hannah White. I was a House of Commons Clerk for 10 years. I am now deputy director of the Institute for Government.

**Chair:** Thank you. We have got a number of questions that we would like to probe you on, and a couple of members of our Committee have to leave at 4 o'clock, so I will start by bringing in Harriet, who as you know is a former Leader of the House.

Q23 **Ms Harman:** Thanks very much for coming to give evidence to us. Could you just say how you think the role of Select Committees has changed, particularly in terms of the change that has come about from the election of Chairs and members? Do you think there needs to be further reform building on that? Obviously when there is a change, you have to take a while to observe how that change is bedding in, but once it is bedded in—we have had more or less 10 years—what is the next step? I think everyone would agree that the reforms of the Wright Committee were



absolutely essential for democracy, so how do we build on them and strengthen them?

**Professor Wright:** It is worth saying that those reforms happened not easily. I think they showed you how difficult it is to make quite substantial reforms to how this place works. The forces of conservatism and inertia are vast. Frankly, it did take the complete meltdown of the expenses scandal to produce the opening for reform of that kind. Without it, it would not have happened, because the usual channels and party machines would not have given away the powers that were given away through those reforms. That is worth saying. I spent years involved with other people making reform proposals and getting nowhere. It took the extraordinary circumstances of 2009 to enable it to happen. You remember that vividly.

In terms of impact, I look now from the outside and take enormous pleasure in what is happening. I see people chairing Select Committees—I will not embarrass them by naming them—with distinction and who would have never chaired those Committees if it had been left to the Whips to decide who was going to do it.

Q24 **Ms Harman:** Absolutely. They would have been ruled out on that basis.

**Professor Wright:** The gain in profile, authority and credibility is enormous, and that is all to the good. I am an enthusiast for Select Committees, but I want to add one more thing, so that we do not get too self-congratulatory, which is always the danger. Everyone says that Select Committees—

**Ms Harman:** That is why we were asking you how we can build on it. We are never satisfied.

**Professor Wright:** One precise thing that you will recall is that the full package was never implemented. Meg can also talk about that. We did manage to get the Backbench Business Committee established, where for the first time Members of Parliament got some control over their own business. The second stage, however, was always to be the House Business Committee, which would collectively determine the business of the House itself, bringing Government and Back Benchers together, with the model, as Meg described, from elsewhere—this is nothing revolutionary, if you look at Parliaments elsewhere, including Scotland.

As I have been looking at things from the outside, over these last few years, one thing that has struck me during the Brexit saga—yet unfinished—is that the House of Commons lacked the collective mechanisms to assert itself into that process. I could give you a lecture on it. I often say that Parliament does not exist: Parliament as a collective entity in a sense does not exist; the parties exist, the party machines exist, Government and Opposition exist, but Parliament as a collective entity in a sense does not exist, and that has been absolutely exposed by the Brexit process. Parliament had no way of even commanding the time that it wanted to assert any preferences in relation to Brexit. Had there been a House Business Committee setting the weekly agenda, of course you could not have avoided having days devoted to the House doing what



it wanted to do. These are not abstract things; these are things that matter greatly.

That is the obvious thing, but in terms of other things—I will stop then—we said nothing in our report about the performance of Select Committees. Frankly, I think the performance is variable: some are better than others, they have defects, some of their questioning is unsystematic and the commitment of members is variable. The Chairs—by the way, looking at Harriet for this, one of the things that came out of our report was that we ditched the word “Chairman”, so that thereafter the House has had to talk about “Chairs”—are heavily invested in Select Committees, but I am not sure that the members are, any more than they were before, but you might tell me that I am wrong about that. A lot of it comes down to commitment and how much time and energy are given to it. I had variable experiences chairing the Committee.

I would say, always, that Select Committees are a work in progress; they are not the finished article. They have made great progress and become a really important part of what this place is, and election and so on has made them even more important, but they should always be regarded as a work in progress, I think.

**Professor Russell:** Shall I add to that? I very much agree with Tony’s starting point: out of crisis comes opportunity. We are not having such an easy time now, so we may be about to hit the time when there are opportunities for further reform. Having said that, I totally agree with Tony on this as well, and I wrote an article about “Never let a crisis go to waste”, reflecting on the process of the Wright Committee being formed and the battle, frankly, to get its recommendations agreed, because even at a time of crisis people retrench very quickly and become resistant to reform.

I am not sure that what we need now is anything so big. Leaving aside the House Business Committee stuff—because I think that is probably not your agenda today—the changes needed to the Select Committees now, in so far as they are needed, are more incremental, more managerial and less structural. There are some potential risks with the strengthening of Chairs—we might come on to talk about that. They have not come to pass yet, but there are some risks inherent in the system. Tony indicated the changed behaviour of Chairs, but perhaps less so the changed behaviour of members. You will remember the session that we did with Iain McLean, who is one of the biggest brains on the planet with respect to electoral systems, about the possibility of electing Select Committee members on a cross-party basis across the House. It is a shame that we weren’t able to figure out a way of doing that, because I think that would have strengthened the system. We also, of course, have no quotas for those elections. Given that it is Harriet who is speaking, that might be a sensible point to make.

I think the reforms have strengthened the Committees enormously in lots of ways. That isn’t to say that there is not more strengthening that can be done. It also isn’t to say, as the last panel emphasised, that the



Committees were weak and pathetic before. We mustn't think that the world began in 2010. Tony was, as he has told us, a very independent and influential Select Committee Chair for 10 years before 2010, and he wasn't the only one. The world did not completely change at that moment.

Things have changed, and the Committees have become higher profile and more independent. Lots more people are watching them and they have become tougher. All that is good, but with that strength comes responsibility. They are not the underdogs any more. They are now held on a pedestal, in terms of being something that Parliament can be really proud of. That is potentially quite a fragile position to be in. I think that the context of this inquiry should be to shore that up to ensure they can't be knocked off that pedestal through some of the weaknesses in the system.

Q25 **Ms Harman:** Sorry, could you elaborate on that? I don't quite know what you mean about the risks and how you would guard against them.

**Professor Russell:** I said that I think there are some risks inherent in the powers that Chairs now have.

Q26 **Ms Harman:** For example? And how would you guard against them?

**Professor Russell:** Chairs clearly have a strong mandate and are responsible to the Chamber, and they can ultimately be removed by their Committees if they behave extremely badly, but there is a risk under this system of Chairs becoming a bit detached from their Committees and not that accountable after their election. The Committees now have more resources than they did before. That has been an enormous change since the "Shifting the balance" report came out. The resources have increased enormously, as has the status of the Chairs. There are some risks of a lack of co-ordination between Committees. We have seen some quite aggressive questioning of witnesses by Committees. There are moments when you think that things could turn.

Q27 **Ms Harman:** Is that a problem, though? If Margaret Hodge is Chair of the Public Accounts Committee, and it is Amazon failing to pay their taxes, is it axiomatic that aggressive questioning is a bad thing?

**Professor Russell:** It is not axiomatic, no, but you have to be very careful. When you become power players, there are people out there who are going to want to knock you down. That's all I am saying.

**Professor Wright:** I think Meg has a good point here. You have a good point, too. It is the price of success, in a way. We have reached a point now where the expectation among the public is that any issue that surfaces is somehow going to be got at by a Select Committee. That is a huge advance, and it is a great privilege to do that, but as Meg says, it comes with considerable responsibility not just to chase the headline but to do it in a responsible, considered way.

**Professor Russell:** I think it is wonderful that Select Committees have the profile and the good reputation that they have. I want to see that protected. If that were part of the framing of your inquiry, I think that



would be sensible. Once you are in the limelight, you are vulnerable to people picking apart what you are doing and criticising it in a way that they perhaps didn't when Committees were a bit more marginal.

**Dr Ruth Fox:** Just to add to that, I don't think the issue is about preserving and protecting the reputation, or about questioning; it is a broader, more strategic question. If Committees, as they are now, are doing many more inquiries and work looking at other concentrations of power and influence outside Government Departments—the private sector, charities, think-tanks, or whatever it may be—and if the focus and critique on those is going to continue in the way that they have developed, it seems to me that there is a reputational risk, not for individual Committees in particular, but for the House collectively. If a Committee is perceived to say to Amazon, Google or the banks, "Get your house in order"—to coin a phrase—that can be reflected back on this House. There is a risk about the direction of travel in which some of the critique and inquiries might go, in terms of things such as governance issues and so on, and a mirror could arguably be held up to the House in future and questions could be asked of it. It is worth thinking about—strategically and in reputational terms—the damage that could potentially result and how it might be mitigated.

**Dr White:** I agree with much of what has been said. I think that it is a really good thing that the Liaison Committee is conducting this inquiry at this moment, because of course, with the process of the UK leaving the EU, Parliament has been a big focus for the country and the work of Committees has been very important within that. There have been a number of pressure points between Committees. The face of the legislature and of the Executive have come to light through Brexit. There are risks to the Committee system—for example, Committees' involvement in the use of the Humble Address to access information. The issues that Committees have experienced are not new—for example, getting witnesses to give evidence, and so on. They are important issues for you to consider at this moment. To use Meg's terms—"Don't waste a crisis"—it is not necessarily a crisis for the Committee system, but this is an important moment for it to take a view on some of those important issues.

I agree with Meg's point that this is not necessarily a time for major structural change, but it is a time for Committees themselves to reflect on whether they are as effective as they might be, taking a really detailed look at the role of Committees in relation to the Brexit process—I know that your inquiry is broader than that. What was achieved and what could not be achieved? Are your available powers, techniques, softer skills and the way that you go about your inquiries as good as they could be? I think that it is very important to undertake that.

I think that thinking really systematically about what Select Committees are good at, what your USP is, and what you are best placed to achieve, is a really important thing, because what still happens too frequently is that Committees see an important issue and think, "We must do something on



that," without thinking clearly enough about what the Committee is going to bring to that issue. That, combined with following up on work, which is something that came up in the previous session, are two of the most important things that Committees should be doing.

**Dr Ruth Fox:** I just want to add, partly so that we are not all saying exactly the same thing, that I am probably less sanguine than either Hannah or Meg about the idea of structural change. That is in part because were you to do an analysis of the core tasks, there are things in those tasks that are not done well by Committees and could be done better by departmental Committees and in a different way, which I have articulated in some detail in our evidence.

If you think ahead, particularly to scrutiny of the post-Brexit transition or withdrawal agenda, in whatever form it may take, that will raise some quite significant challenges—not least in terms of your time and resources and so on—about what you will prioritise and how you will do it, who will do it and which Committees, and what the opportunities for more joint working might need to be. The administrative landscape is going to change, in terms of regulatory activity being repatriated back to the UK, and that will raise all sorts of questions about how your departmental model will scrutinise that.

There are some quite difficult questions to think about. There are pressures for things like a Budget Committee, which the Procedure Committee is looking at, there is a debate about a Business Committee that is ongoing, and so on. At the end of the day, it is probably not possible to service all those demands. Therefore, there will have to be a quite difficult discussion about prioritisation and whether things can be done in a different way in some areas, and in our evidence I have highlighted legislation particularly.

**Professor Wright:** Could I just say one more word? Meg is a great incrementalist. When she writes about the House of Lords, she thinks that she can sort of nudge them along and then they will get there eventually. I am a bit more of a bold initiative sort of person—a Second Reading sort of person—so I do not want to go too much down this route of "Let's not be too adventurous", because I think there are real gaps at the moment, some of which I identified through my Committee some years ago.

I remember Peter Hennessy getting hold of me one day, years and years ago, and telling me there was a big gap in the Select Committee system: the Prime Minister was not accountable to a Select Committee. So I got a bee in my bonnet about that and kept pestering the Prime Minister—several Prime Ministers—and I would get letters back from the Cabinet Secretary saying, "Ah, it would be completely without constitutional precedent for the Prime Minister to come before a Select Committee," and so on. Then Robin Cook, who was the Leader of the House at the time, got hold of me and said, "Look, will you just stop going on about this? Because he's not going to do it. So just stop."



## HOUSE OF COMMONS

A week later, Tony Blair announced that he was going to start appearing twice a year before a Select Committee, and suddenly the constitution had changed. Now it is a constitutional fixture and the reforms that have been made are now a constitutional fixture. No one now thinks, "Oh, we'll go back to appointing Chairs of Select Committees."

I think you always have to remember that, particularly in our system, things that are thought to be constitutionally unthinkable one day become constitutional orthodoxies the following day. That is just a way of saying that I think there are ways to push further.

I think there is a gap in the kind of inquiries that the House of Commons undertakes. We first started pressing this in relation to Iraq, because the Government would not set up an Iraq inquiry. So, as it were, year after year we would argue that there should be an inquiry into the Iraq war. Eventually, of course, it came, but it seemed to me to be completely wrong that the House of Commons—a sovereign Parliament—should not be able to put in place an inquiry that it wanted to have.

The Foreign Affairs Committee tried and had to abandon it. So I thought that there was a case for something like a parliamentary commission. When the Select Committees system was set up, they would just reproduce the departmental structure of Government, but there are occasions when you want a different sort of inquiry. Now, either you wait around for Government to do it or the House of Commons itself finds a mechanism—out of the Select Committee structure, but going beyond it—to do it itself.

An example is the Banking Commission, which I think was a different model; it had huge resources and was thought to be a success. When I hear you, Sarah, saying, as you often do, "Oh, we want a commission on how we fund the health service," or, "We want a commission on how we fund social care in the future", I think, "Well, surely, instead of waiting around for the Government to do this, something like a commission set up by Parliament"—a parliamentary commission, with all the resources at its disposal—"should be able to get hold of this". I think that if I was here now, that would be something that I would want to look at.

In relation to Brexit, it seems to me to be very, very odd that immediately after the referendum the Commons and Lords together did not set up something like a Brexit commission, actually to get on top of this issue in detail, servicing both Houses as it went along. All that happened was that you reproduced a departmental structure—"Oh well, there is a Department for exiting, therefore we'll have a departmental Committee." That is not good enough. We should have had something really big across Government—and across two Houses—to get hold of this, which could now be informing things as it went along. I do think that you have to be quite bold in thinking, "Where are the gaps that we still need to fill?"

**Dr White:** Just to combine that point with the one that Ruth was making, the IfG is shortly going to publish a piece of work arguing that Parliament ought to set up just such a Joint Committee between the Commons and



the Lords to think about its role after Brexit, because there are so many issues that are being thought about in different parts of the forest—there is your look at the Committee system, there is the House of Lords' thinking about their Committee system, there are bits of places thinking about Parliament's role in scrutinising treaties, and there are all the issues that Ruth raised about the changes in the regulatory landscape and where the gaps are going to be in oversight from Parliament.

We argue that there is really a need for a centralised body, not to do all the work itself, but to co-ordinate, prioritise and think about what Parliament needs to think about now. Everyone is so busy and so occupied by thinking about the process of Brexit that there is just not the bandwidth and the space for people to co-ordinate and think about, "Well, part of the point of this whole process is to think about the strength of the role of the UK Parliament." This is a great opportunity for Parliament to step up and say, "We can be this effective sovereign body." This is the moment, I think, in a more positive way—Tony talks about the crisis that led to his inquiry, but this is a more positive moment where you could think about actually doing something like that.

When you think—we looked at the cost of running the House of Commons and the House of Lords together—the administration is £550 million, which is the cost of running the admin budget of one mid-sized Government Department, yet the role of Parliament is to do all the scrutiny, all the passage of legislation, all the holding of Government to account, and all the debates. The money it takes to run a commission or something, which could make the whole system more effective, is peanuts in relation to that, so it is really something to think about.

**Q28 Chair:** Can I explore the Banking Commission a bit further? One of the reasons I understand that that was successful was partly because they had Government buy-in from the start and the appointment was also agreed by the Leader of the Opposition, whereas the trouble we had trying to get a social care commission—something similar—off the ground was a failure to have that blessing and buy-in right from the start. How essential do you think it is, or should we just ignore that as a possibility right now, around something like Brexit?

**Dr White:** I think it was very important at the time, because the Labour party had been pressing for a public inquiry, and the Government, post Leveson, really did not want to have a public inquiry, so there was an agreement that a parliamentary inquiry would be quicker and would be able to undertake the pre-legislative scrutiny of the Bill that was going through the House at the time. That was a thing that came together between the parties, and the party leadership agreed it, which meant it came to fruition.

Of course, the way our system works, if the Commons and the Lords were going to pass a motion saying that they wanted to set up a joint committee, it would be possible in a minority Government situation to do that, but normally speaking, you would need Government buy-in to set up such a committee. The point that Tony is making is whether that is right,



or might it be that something like the Liaison Committee, perhaps, could come to a view that actually it was important to have a different body.

**Professor Wright:** There is a gap. I know this because we looked at the Inquiries Act when it was passed in 2005, I think, but Parliament used to have at least a formal role in the setting up of inquiries. Under the 1921 Act—this is going to bore you—when you set up a commission of inquiry, or a royal commission, it had to be approved by Parliament, so Parliament had at least a formal role in it. There is no role for Parliament now, and that is why a lot of time is spent asking for inquiries but not having the means to put them in place.

There is mounting demand now, and at some point there is going to be a Brexit inquiry. Already there are people suggesting we need one: “How on earth could the biggest decision in British post-war history have happened in the way that it did? Why was there no preparation?”—all those questions. Either you sit round saying, “We must have an inquiry into this”, or you think, “Well, look, we are Parliament. Surely we should find a way to have an inquiry if we want one, probably on that commission model.” All I am saying is there are things still to be done.

**Chair:** Nicky, did you want to come in?

Q29 **Nicky Morgan:** Yes, there were a couple of areas. One was about the setting up of Select Committees after the general election, and I think, Ruth, the Hansard Society particularly gave evidence on that and the six-week rule. Can you just take us through your thoughts on that, but also the consequences of not having Select Committees set up fairly promptly after a general election? What goes unscrutinised?

**Dr Ruth Fox:** Certainly after the 2017 election, the documentary, scrutiny-driven Committees—European Scrutiny, Joint Committee on Human Rights and so on—had difficulties in terms of a backlog of work building up, documentation that they couldn’t deal with, and inevitably that has a knock-on effect in terms of the scrutiny they do at the outset once the Committee is established. A big one, particularly if we are talking reputational matters, is the fact that the Petitions Committee is the front door for many members of the public to this House. That front door was closed, and there was nothing able to happen in terms of petitions for quite a number of months. That is clearly not acceptable.

There were issues about Committees, such as the Liaison Committee, allocating time for debates and so on. That cannot happen if the Committees have not been constituted, so our view has long been—I think Tony’s committee looked at this, and we looked at it quite a number of years ago in our Newton commission on parliamentary scrutiny—that if the parties cannot agree a process, cannot agree the provision of Committee seats, then there should be a limit on the time that is permitted for them to organise it.

If they can’t—I think the agreement is generally around six weeks, although that would depend on the timing of an election, in terms of

recesses and so on—it would be handed to the Speaker as a backstop arrangement, and that would put the pressure on the parties to sort it out. If they didn't, then it would go to the Speaker to allocate according to his judgment of what the party balance required in terms of the formula.

**Q30 Nicky Morgan:** Do any other witnesses have a particular thought on that, or anything to add to what Ruth has said?

**Dr White:** One of the things that links to it is the question about the Committee Chairs who are still not elected—the appointed ones. I think the original rationale for not electing them was that it was really important they be set up quickly after an election, and there wasn't time to wait for elections. They were among the last to be set up; the European Scrutiny Committee, for example—which, as Ruth has said, had an important role at that moment—was one of the last to be set up, and then of course that delayed the Liaison Committee.

The Liaison Committee had not taken evidence from the Prime Minister for a year by the time it was then established. Of course, that might seem quite appealing for the Government at the time, but it is a significant problem. I think it does link back into saying, "Well, why couldn't these other Select Committee Chairs also be elected?"

**Professor Russell:** It is, of course, an irony that the introduction of elections creates a potentially slower process, and depending on the timing of the summer recess, you can get a big gap. I guess that is just something that, given the experience of 2017, needs to be looked at and nailed down a bit more. I think 2017 was difficult at the other end as well, to some extent, because of course it was a totally unexpected election and a lot of the Select Committees were stopped in their tracks, which was unfortunate when added to the delays afterwards.

**Q31 Nicky Morgan:** The other area I was going to ask about was witnesses. We have had a lot of evidence, and you have all probably been witnesses, or seen Select Committees. Being a witness takes a considerable amount of time, and I think we had some evidence about witnesses being treated in a way that was far more political than they had expected, or depending on the type of witness they are, they had intended to impart information rather than perhaps to be accountable for decisions that they had taken.

We have had instances quite recently—and again, often related to Brexit—where evidence that a witness has given has been greeted with scepticism or passionate debate outside the Select Committee. I wondered if the panel had any views or any experiences, either your own or from talking to other witnesses, about how people feel about giving evidence to a Select Committee and then seeing it pulled apart and commented on without necessarily then having another platform in order to be able to correct it. Hannah, you are nodding, so I am going to come to you.

**Dr White:** The Institute for Government does quite a lot of work with Select Committees, and one of the things that we have done for Select Committees is, on their behalf, go to some of their stakeholders, people who have given evidence to them, and talk to them about their experience



and their views of the Committee and feed that back to the Committees, which they have found quite useful in evaluating their own ways of working and so on. Generally speaking, people understand the capacity in which they are coming to give evidence to a Committee. Generally speaking, most of the people whom Committees call to give evidence are in a role where they understand what to expect, even if they have not done it before. The experience is, for the vast majority of people, nerve-racking but—

**Nicky Morgan:** Not too painful.

**Dr White:** Not too painful. There are definitely occasions on which Members forget the capacity in which the person appears before them, and sometimes something party political arises that means they don't think about the capacity in which that person is there, and that can lead to an uncomfortable situation, but I don't get the sense that that, at the moment, is a major issue.

Q32 **Nicky Morgan:** Have witnesses ever said to you, "We would love to have had an opportunity to comment further on the way our evidence has been portrayed or the way things have been written up in reports"?

**Dr White:** One of the things that I have had reported to me is that witnesses have found it uncomfortable when they have experienced members in the Committee tweeting about the evidence that they are giving while they are giving it, so they are unaware of what is being said externally about something they might have said. There is almost an external conversation going on that they are not party to. I have not had anyone feed back specifically on wanting to have a right of reply, as it were. I think most people are aware that if something arises in a Committee that they feel afterwards they would like to follow up on, they are at liberty to do that. It might be worth Committees' making that clear to people.

**Professor Wright:** Of course, it is a tribute to the greater profile of Select Committees that now a lot of people who appear in front of them have been trained. There are now organisations—probably you're doing it, Hannah.

**Dr White:** No, we don't do witnesses; we only—

**Professor Wright:** I sometimes am asked to go and talk to people—organisations. I used to go and talk to the National Audit Office people about appearing in front of Select Committees. This is another interesting point. A lot of NAO reports, I think, are wasted because the PAC takes the pick of what it wants. There is frustration, I think, at the NAO that Select Committees don't routinely take up all the other reports they produce, and they are an amazing resource.

On the question of the Chair again, a lot depends on the Chair of the Committee making witnesses feel happy. Often, I used to have to go and apologise to witnesses afterwards for the behaviour of Members, or one or two Members. There was nothing you could do about them, because they

just felt that they could do what they wanted and say what they wanted and they said the same thing every time, but I think you have to protect a witness and make this easy for them.

**Professor Russell:** I was going to say something similar; indeed, we might even be thinking about some of the same people. As a person who has given evidence—it's quite a tough environment. Obviously, it depends on you and your personality, your professional background and so on, but being in front of the live cameras and it being on record forever etc.—that is quite a trying environment for people. I have been asked some pretty wild questions at times. I have also witnessed some other people being asked pretty wild questions.

This is a bit like what I was saying before about Chairs. I can't remember whether I used this phrase; the phrase that I had written down was the possibility, under this system, of Chairs "going rogue". I am not saying that we have seen that. I don't think that the risks that Ruth and I were identifying were things that we are saying are happening, but they are things that have the potential to happen. You also, as Chairs, have the risk of Members going rogue in evidence sessions. We have probably all seen it.

There are some really quite difficult questions, in a democratic Parliament where Members are here in their own right, as democratic representatives, and Chairs are elected by the whole House, as to what degree of control and what degree of regulation you can apply in a system like that. To what extent should Chairs be able to control their members and tell them that they cannot ask certain questions, and to what extent should this Committee be able to control the decisions of Chairs and their Committees collectively? I'm talking about things like overlap between inquiries or perhaps Committees that are being a bit over-ambitious in terms of the number of inquiries that they can pursue at the same time. Maybe they are working their staff incredibly hard by running lots of inquiries at the same time. Who is regulating that, and who should regulate that? Those are really hard questions. At Committee level, that applies to Chairs and staff, and the degree of control they have over Members.

It is striking that if you give evidence in the House of Lords you get questions in advance. It is never guaranteed that you are going to be asked those questions, but they are very well behaved, and in my experience you always are asked the questions you have been sent. That makes it a much more comfortable, less frightening environment than going in and suddenly being asked a question that is completely left-field and nothing to do with what you thought you were there for. How much freedom should there be in the system, and how much regulation? That is really tough.

Q33 **Nicky Morgan:** Ruth, do you have any thoughts about that?

**Dr Ruth Fox:** In 10 years of appearing before Committees, I have only really had one very bad experience, and that was because a couple of the Committee members of different parties—it wasn't a party point—did not

agree with something I said and persisted, over quite a lengthy period of time in the session, in trying to persuade me that it was a stupid idea and I should change my mind. It became quite a difficult environment, with a number of Committee members trying to assist me in that. I subsequently received an apology from the Chair and the Clerk. I hold my hand up and say I didn't handle it particularly well either and, looking back, I learned a lot from it in terms of how I would respond if that happened again. The Hansard Society is treated as a friendly witness; we are not treated in the way that the bankers, Amazon CEOs and on so on are treated. We are known as the constructive friend of the Westminster Parliament, but I think sometimes, some Members assume a bit too much about the friend and not enough about the constructive element of that.

That is really my only difficult experience, but an awful lot more thought has to be given to supporting a witness who does not come from our professional roles—an ordinary member of the public who comes to give evidence about their experience of universal credit, for example—than to us. I do think there is a case that the language—the use of “evidence” and “inquiry”—and the set-up, if I may say so, do not lend themselves to a particularly friendly atmosphere for somebody who is not at all used to it. Equally, people I have spoken to who have given evidence find it quite hard to understand why MPs keep leaving. We know why they keep leaving, and that is fine, but if you do not understand and appreciate the other things that Members are going to do, that can be quite disturbing. If you have given a lot of time and effort to giving evidence and you see Members on their phones or their iPads, or wandering out, it gives the appearance—even if we know that is not intended—of their being somewhat discourteous.

**Professor Wright:** If a witness is mocked—not by Committee members but by the press—that can be extremely upsetting. I think of one instance, where the person in question was the woman who was chairing the Charity Commission at the time. The dreadful Quentin Letts—do you know him?

**Nicky Morgan:** He's still around.

**Professor Wright:** I know—unfortunately, he's still around. He writes these books—you know, “The 50 People Who Ruined Britain” and that sort of thing—and she was always on this list. He always came to our Committee because he got good copy out of it. She was terrified about coming because she knew that she was just going to be mocked in his *Mail* column the next day. In fact, I had to start the session by having a go at Quentin Letts, which did me no good at all but offered her a modicum of protection. But it just—

**Nicky Morgan:** It's not on.

**Professor Wright:** No, it's not on.

Q34 **Lilian Greenwood:** I just want to ask a quick follow-up to what you were saying, Ruth, about how intimidating it is, with the language of being witnesses and giving evidence and all that sort of thing. Obviously,



sometimes, when you are thinking about planning an inquiry you think about whether to do something in an informal setting to make it a bit easier for people to talk, particularly if they are people who are not used to appearing in this kind of setting. Equally, sometimes there is a huge power in allowing ordinary people—people who are not professionals at it—to give their evidence and it be on the public record. Apart from explaining the process in advance and having the members of the Committee conscious that somebody is not professional and will not have been trained, what can we do to allow people to give their evidence—because it is really powerful—but, at the same time, make it a less intimidating prospect?

**Dr Ruth Fox:** If you are asking them to come here to give their evidence—that is a question: does it always have to be here? Are there ways in which people could give evidence in a variety of different ways and different environments? You have had lots of evidence about video conferencing and whether different formats in terms of evidence could be utilised, all of which would put it on the public record and make it available.

I disagree with one of the previous witnesses on the earlier panel about the Committee website pages. I do not find them terribly good or useful. An awful lot of improvement could be made to them to provide a better platform for putting that evidence on the record.

If you require people to come here, it is about things like the language. I support a much broader language review for the House. It is not just about Committees—there are all sorts of issues about the language used in the Chamber, for example—but certainly thinking about how things are described. It is also the kind of support and contact that comes through the staff and how much time and resource that might require for a witness who is unfamiliar with the process.

I think there is an issue for many people about being on television and being recorded. Yes, there is power in giving that evidence and it being on the record, but I think for a lot of people actually never having seen themselves on TV or video before—certainly in the public domain—that is quite a daunting thing, and talking about what that means and things to consider when giving that evidence in terms of supporting them. The Institute has done more work on this, so Hannah might have some specifics.

**Dr White:** There is a need for a wider review of what Select Committees mean by evidence, because it is very much a focus on this type of evidence giving and on written evidence submitted in advance. The way in which people communicate these days, as we all know, has changed—you, as Members, are acutely aware. I fully appreciate the reasons why Select Committees have a focus on evidence—it is very important as underpinning if their reports are to be authoritative. It is also important as a means for Members to reach cross-party agreement on things, because they are looking at an evidence base rather than a series of opinions and so on. But a cold, hard look at all the different ways in which you can

gather information which you are comfortable to use as evidence is long overdue, and thinking about different forums in which that can happen and how that can still have equal weight and be treated as evidence would be really useful.

I would also like to pick up what Ruth was saying about where you take evidence. For this sort of evidence session—I was thinking about the restoration and renewal project. I am frequently asked by journalists, “Surely we should just move Parliament to”—choose your city of choice around the UK—“during this period.” Of course, the argument against that is that Government is in London, and it is really important for Parliament to be able to hold Government to account and to be close so that Ministers can come and give evidence to Committees. That is true, but much of the evidence that Select Committees take is not from Ministers, and particularly in the light of R&R there is a strengthened case for Committees, as a matter of course and as a norm, to move around the country, with the infrastructure developed so that it is not a massive stress for Select Committee staff to try to find a location, generate an audience and all those sorts of things. It ought to be much more normal for evidence to be taken off your turf and on other people’s turf—even if it was a question of just moving around the constituencies of whoever happened to be on the Committee at the time or something of that nature. Yes, you would probably have to be in Westminster to take evidence from a Minister, but otherwise many of the people you wish to talk to are not here, and shifting the balance of power by moving out and taking evidence elsewhere would be a really powerful statement on the part of the Committees.

**Q35 Lilian Greenwood:** We do quite a lot of that on the Transport Committee. The downside, which you can comment on, is that it can be difficult to get good attendance from members, and it is even more difficult if the evidence session is away from Westminster.

**Dr White:** Yes, indeed.

**Professor Wright:** It is funny how they find it very possible to go to exotic places and somehow find it impossible to go to Newcastle.

**Professor Russell:** Can I add something on this point about forums of evidence, and so on? I think Hannah said you need to think about what evidence is. I think you also have to think about what evidence is for. What is the purpose? I have already indicated the trade-off between control and independence on Committees, and I think there is another trade-off, between quality of evidence and transparency, perhaps, because the presumption is, as Ruth has said, that it is all taken on the record, and that is quite intimidating for people. It is not just the fact that it is recorded; I think it is the fact that it is unedited and going out live, and if you mess up, then it can never be removed from the record. That must be pretty terrifying for a lot of people; but if the evidence is for a public audience, then that matters.

You were talking to the former Minister and former senior officials in the previous session, I think that that is really important in those cases. Our research about the impact of Select Committees very much emphasised some of the things that they said, which is that a lot of the impact is actually before the appearance takes place. One of my favourite quotations from our interviews was from a former Cabinet Minister, who said, "We were always asking ourselves in the Department, 'How would this look if there were a Select Committee inquiry into it?'" You are not even talking about an inquiry that is happening; you are talking about an inquiry that could happen. They are thinking through policy and thinking that they need to pick a policy that will withstand scrutiny later, and that is really good. That is a really good impact of Committees, but it is completely invisible. For that you do require transparency. You need Ministers in the hot seat and being frightened of being caught out on things, but you don't need that with the other types of witnesses that we are talking about. There may be other forums in which you can collect evidence from them—private closed seminars, or whatever. So maybe the transparency isn't always necessary.

I think this also blurs into questions of public engagement. Maybe one of the reasons why you want to do that is because you want to be seen to be doing it, because you want to engage with the public directly. I think there are some challenges there in the future for Committees as well. You are more and more open. You are encouraging more and more ordinary people to submit evidence, but to be honest, if all the ordinary people who were affected by these inquiries did submit evidence, you would be completely overwhelmed by the volume of evidence. You would also be struggling to work out whose voices to listen to, because the people who respond may not be representative of the population as a whole. They may have been mobilised by particular pressure groups. They may be from particular social classes, or whatever.

That in turn leads to questions about one of the weaknesses of Committees, I think, which is their ability to commission research. The Committee research budget is very small. The timescales in which Committees have to turn around inquiries, or want to turn around inquiries, very often do not allow for the commissioning of research, but if you are really interested in public opinion or the opinions—the experiences—of particular service users, the best way to do that in a representative way would often be to commission some kind of piece of research, some focus groups or a citizens jury, or something like that. I know you did the citizens assembly on social care—

**Chair:** And it is really helpful.

**Professor Russell:** Yes, which was a terrific thing. You can't do that on everything, because those are quite big and expensive, but slightly smaller-scale research, to dig into the experiences of users, might be a better way of getting representative voices than encouraging people to come to hearings.

**Dr Ruth Fox:** Putting together what Meg and Hannah have said, if you are for example looking for services users from, let's say, universal credit, you therefore need to reach out to some of the harder-to-reach groups that won't naturally engage with a Select Committee and won't even, perhaps, be terribly aware of it, other than the big inquiry they have seen caught on the news, and are not aware that Select Committees hold those inquiries week in, week out and are interested in hearing about what ordinary people have to say. You are talking about, as we did a year or so ago, doing focus groups in some of the communities like Merthyr Tydfil, Airdrie and Shotts, or Barnsley—places we picked out specifically because they had the lowest participation levels in general elections and also the lowest levels of participation in terms of e-petition signatories. We were picking out some of the hard-to-reach groups that the House says it wants to reach: ethnic minority groups, the disabled, the long-term sick and so on—unemployed. That engagement requires a different type of thinking than when trying to engage people like us; it requires a whole different set of skills and approaches to communication. In many ways, as MPs and constituency representatives, you are more used to dealing with this and will, I suggest, be better equipped than many of the staff of the Committees, or indeed the outreach teams, who perhaps do not have that experience day to day and week to week. That is something that we are thinking about.

Specifically on getting to those communities—in the spirit of being bold and thinking about more significant changes rather than incremental ones—the Committees are such a positive element of what the House of Commons does, so we have argued for setting aside a Committee week or month in the parliamentary timetable and radically re-thinking the parliamentary timetable. Clearly, Committees cannot do that alone—there are an awful lot of other issues and consequences that come into play—but I still think it is worth revisiting and thinking about. It could address the question of people always having to come here, as well issues about the whipping arrangements, availability and so on. We suggest having time set aside where Members can go and do those inquiries, focus groups or citizens juries in places where and at a time when the public are available, on their terms rather than on yours.

Q36 **Kate Green:** My concern is at the complete opposite end of the witness spectrum, namely the witness who refuses to attend or deliberately, it would seem, delays and seeks to frustrate the work of the Committees. We have seen a couple of quite high-profile instances of that recently—for example, in the Digital, Culture, Media and Sport Committee, as well as the Women and Equalities Committee's work around non-disclosure agreements. How much do you think it matters, in the face of that kind of behaviour from potential witnesses, that Parliament can do relatively little to compel a witness to co-operate, if their evidence could be extremely material to the ability of the Committee to carry out good scrutiny? No one wants to answer?

**Professor Wright:** I know that people think—and they might be right—that those are real issues. The examples that you give point to them being



issues. I have never found them to be an issue. I don't think we ever had a refusal. Perhaps Lord Ashcroft—do you remember him?—would not come once when we wanted to look at his affairs. But on the whole I don't think it is an issue. We are not a court of law or a judicial inquiry. If it became a common issue of people saying, "I don't need to bother," you would have to look at it seriously.

As things stand, I would not want to over-formalise it. Giving evidence, as we have been hearing, is quite a daunting thing. You want people to come because they feel that they want to, not because we will do terrible things to them if they don't.

**Q37 Kate Green:** But if we are talking about a balance of power, I am thinking of fairly powerful figures, not people who are deterred, because they are fearful, shy of media or reluctant to put their arguments across with force. Is Parliament weakened by its inability to bring those people in to give evidence, where it could materially enhance Committee scrutiny?

**Professor Wright:** It is difficult. As you say, it is a balance. If a Committee deliberately asks someone whom they are pretty sure will not come, and then makes a great fuss about them not coming, I am not sure that that is terribly helpful. But if the person is absolutely indispensable for an inquiry, you should press hard. Your point is what happens if they keep saying no. Some people do keep saying no, but on the whole the remarkable thing is that people don't say no.

**Dr White:** I think that this issue is arising a bit more as Select Committees are changing the focus of what they look at. When the Select Committees were very focused on Government, it was possibly raised less, though there were questions about which civil servant you might call and so on. Now that Committees are looking at international issues and some corporate issues a little more, the issue is arising a little more, so the situation has changed. Obviously very eminent groups of parliamentarians and others have looked at these questions, and there are concerns about the potential conflict between Parliament and the courts were we to legislate for this, but I think I am right in saying that both the Scottish and Welsh legislatures have a legal basis for their power to call witnesses, and the sky has not fallen in. There has never been an actual course of—people just come, because they know that Parliament has a legal basis to call them to come. I am inclined towards thinking that the sky would not fall in if we legislated to provide for the power that we think Select Committees should have.

**Professor Russell:** I would just add that this is another nice problem to have, in a sense. It is an illustration of you entering a next phase as a set of Select Committees, and it is another new challenge. You are victims of your own success. On the one hand, there are people not wanting to come because they are aware of the level of exposure that they will get if they do. That is a sign of your power, but also, as Hannah says, it is a sign of the Select Committees having moved into new fields.



In terms of looking at the successes of the system and the impact that the system has, we have to look now beyond the impact on Government, which would be the traditional thing of, "What recommendations do you make? How many recommendations are implemented by Government?" It is about that anticipatory effect that applies to Government, but it is also about holding to account people outside central Government and outside the public sector altogether—these private sector figures.

In terms of the great achievements of the Select Committee system in recent years, one way of asking yourself that question would be the counterfactual of, "What if Select Committees had not existed?" We can look at many of these big issues around banking and the tax evasion. Most recently there has been the fake news issue. How would these people have been exposed on the public record, were it not for Select Committees? This is an extraordinary change, and it is really valuable, but as I said before, your increased profile brings new threats that you need to think about, and this is another one.

**Dr Ruth Fox:** Just to add to what Hannah was saying, it seems that this has been looked at a number of times. The idea is that you can do nothing and accept the situation as it is, or you can restate things in Standing Orders in an effort to try to reassert the position of the Committees—accepting that that may not be enough and you may therefore miss out on a few witnesses occasionally—or you can legislate, and the sky may not fall in, as Hannah alludes to. Other Parliaments, including Commonwealth Parliaments on the Westminster model, have legislated and the sky has not fallen in. The price to pay for that will be that the Committee system will have to think quite carefully and in detail about the fall-out, which includes issues such as procedural fairness and so on, to ensure that what you have in place was not just for the potentially difficult, recalcitrant witness who doesn't want to attend, but was universal to us all. At the moment, you do not have to pay much attention and spend much time and resource on that, so it is about the cost-benefit analysis of the value to you and how important you think it is to take those measures and expend those resources to get those one, two, three or four witnesses—however many it may be per Session—before you.

**Professor Wright:** Meg's point—it is worth hanging on to—is that there are people appearing before Select Committees now who do not want to appear in public at all. They do not have to go to television studios or meet the press. They don't do any of it. Here, they have to appear in public and answer questions about what they are doing. That is known now to be what happens. That is a huge advance, and I think a lot of people would see the reputational damage of not coming to be more serious than coming and getting into trouble. It is a difficult one.

Q38 **Chair:** Ruth, can I just follow up a point with you? I understand that in the past the Hansard Society wrote a paper about making Select Committees more accountable by setting out their strategic priorities, so they could be held to account for delivering them. Is it still your view that we should be clearer about what our own strategic priorities are?



**Dr Ruth Fox:** Yes, I think so. That goes partly to thinking about the core tasks—what role core tasks play, and whether they need to be reviewed—and we set out in some detail why we think some of them do. We have not spent as much time on it in the last few years as we did prior to the last time the Liaison Committee looked at this, so I did not touch on it in any great detail in the evidence as a consequence, because we have not done the research to back it up.

My anecdotal sense is that Committees are a bit clearer sometimes about their inquiry and what they are trying to achieve at the outset, and thinking about what they are doing at the beginning of a Parliament, in terms of what their priorities are. There is more thinking around having away days to strategically plan and so on. I don't think that is necessarily universal across the board, but one hears a lot more about that than one used to. It is quite difficult to judge the last few years, though, because of course the 2017 election and the unexpected nature of that meant that we didn't, for example, get the legacy reports from Committees that we would otherwise have had to look at in more detail. It is difficult to do the analysis going backwards unless one looks at each and every Committee.

Broadly speaking, to do effective scrutiny, you have to be strategic about what the priorities are, because you can't do everything. Therefore, you have to be strategic about what choices you are making and why. There is an element of, "If Committees require accountability from others, there is no reason why we as citizens can't expect a degree of accountability from Committees as well", and your fellow Members might expect some accountability about why you are doing what you are doing, what you are prioritising, resource allocation and so on. Strategic plans are a way to think about that. They are not perfect, but they are a tool.

**Dr White:** Can I just add to that? I was struck when Harriet was here with the previous panel, and she was talking about the enhanced legitimacy of Committees, having been elected and so on. It does remind you that you think, "Well, yes, the House has given this increased legitimacy to Committee Chairs and to their members. Where is the accountability?" The accountability bites primarily, then, at the next point at which someone might be seeking to be elected as a Chair or as a member. For a variety of reasons, that might not happen.

One of the things I find myself repeatedly explaining to people who don't know the House of Commons system is the fact that, at the point at which the Committees are set up, the House is delegating this responsibility to that Committee to look at a particular area of Government policy or whatever it is. There is a danger, I think, of that being an exercise of the House saying, "Okay, we've decided that that group of Members is going to look at that, so we don't need to worry about that any longer, and they can go off and pretty much do whatever they like. They've got the core tasks, but it's a fundamental principle that they are independent and they can fulfil their role under Standing Orders however they want. They could focus on one core task for the entire Parliament if that is what they chose to do."



It would be desirable for there to be a feedback element within that, for the House to take more notice of what it is that this group has gone off to do, not least because we talked earlier about the importance of the House taking note of what Committees do, and their work informing the work within the House, but also in a strategic sense: "What has this group of Members made of this opportunity that we have given them, and the resource that they have had?" Having that feedback loop within the House, I think, would be quite desirable. Committees being held to account within the House is a missing aspect of the picture at the moment.

**Professor Russell:** I agree with that. One of the things I was very struck by when I went and researched the Australian Parliament was that the committees in the Australian Parliament are given their inquiry topics by the Chamber; they do not have the power to set their own inquiries. That is a pretty extraordinary connection to the Chamber, and too strong, because of course it means that the majority can control what committees can do. You don't want that, but as you say, the connections between the Committees and the Chamber are pretty weak after the Chairs have been elected.

There is a potential win-win, actually. One of the things that Committees complain about is lack of access to the agenda of the plenary. There is a potential win-win if, for example, whenever a report was published, you could have a half-hour question session with the Chair in the Chamber. That would be an opportunity for the Chair to showcase what they had just published, but it would also be an opportunity for Members to come along and ask, "Well, why didn't you look at this? Why didn't you look at that?" if they felt that the Committee had not focused in the right places. That would be quite a nice umbilical link to have.

Q39 **Chair:** There is quite a limited opportunity for Select Committee questions in the House, when you present a report. We have had quite a bit of feedback about how that could be strengthened by having it more regularly on the Floor of the House, and not on a Thursday, and having an obligation for Ministers to come as well. Would you support that?

**Professor Russell:** As a principle, yes. Again, there are going to be challenges, given the number of reports that are produced, the limits on time in the Chamber and so on, but I think the principle is an important one—not just the opportunity for Committees to broadcast what they are doing for the Chamber, but to some extent for the Chamber to hold Committees to account.

Q40 **Chair:** Then there is also the issue of engaging with stakeholders, which is something that the Health and Social Care Committee tries to do regularly. Do you think it should be part of their core task to be doing wider external engagement on what they are doing?

**Professor Russell:** That is interesting. Perhaps we are coming into closing time and thinking, "What didn't we mention?" Another thing I have not mentioned is the thing that I really have to mention: when I gave evidence to the Lords Liaison Committee with Dr White, one of the things I

said was that there must be co-ordination between the Chambers. We have these reviews going on in the two Chambers, and it would be a great shame if they were not talking to each other. The Chambers should not replicate each other; they should not compete, but they should co-ordinate where appropriate.

One of the things that I said to that Liaison Committee was that perhaps more could be done to engage the public in what inquiries need doing—not just, “Look at us—we’re doing this inquiry,” or, “Give evidence to us,” but, “What should we be looking at?” That obviously happens within sectors at an informal level through Committees holding seminars occasionally to get in stakeholders and discuss, but that might be quite a nice way of connecting with the public. It might be a way of connecting not just with the ordinary citizen, but with professionals, and saying, “Send in your ideas. What should we be looking at this year?” I do not know whether that needs to be a core task; Ruth would want to comment on that. Again, as a sort of accountability mechanism outside Parliament, that might be quite sensible.

**Dr Ruth Fox:** Some Committees have crowdsourced, for want of a better phrase, their Committee agenda or ideas for it, but it is patchy; it is not universal. It goes to a need really to think anew about what the core task of public engagement means, but it also means thinking about—this will not be the same for every Committee—who your audience is and why, and who your stakeholders are and why. That will be different between Committees, and depending on the type of inquiry you want to run and why. It needs to be quite strategic at a Committee level, but it needs to be quite granular at an inquiry level.

A lot more thought needs to be given to the public engagement task in terms of how resources are utilised, what resources are being brought in from different places within the House, and whether the outreach teams that are now based all across the country are being used to support Committees in the way that perhaps they could. There are a whole range of opportunities around public engagement, and the demands will continue to increase.

The question is whether the House can keep pace with that. One of the problems may be that you need to keep getting Standing Order changes to adjust your ways of working to respond to that. Perhaps there are more flexible ways to enable Committees to take initiative, even if they are not covered specifically in the Standing Orders, and to be more flexible.

**Dr White:** I agree with most of that, but one quick point is that—this is the case across a wide range of things—there are some really interesting things being done in the devolved legislatures in relation to public engagement. One thing that this inquiry could usefully think about, and Committees could think about, is how you learn from what is being trialled in other legislatures, and so on, and how you talk to each other about Committee practice. I know there is informal staff engagement and so on, but certainly from my time working in the House, I know that it is very easy to get siloed, even within one Committee within one House of one



legislature, and not necessarily to have the opportunity to learn from what other Committees within your own House are doing. There are really interesting things going on in relation to public engagement, but there are also other things, in other legislatures. It would be really good to find more systematic ways of transferring that learning, I think.

Q41 **Chair:** Are there any other points that you have not been asked about today that you want to make sure we have heard?

**Professor Wright:** Could I just mention one? We have not talked at all about the relationship between Select Committees and legislative Committees. I just know that when I joined this place in the 1990s, the experience of legislative Committees was grim, and the experience of Select Committees was wonderful. There was a complete mismatch between the two. Much of the criticism of this place has to do with the quality of legislation and the inadequacies of the process of scrutiny and so on.

When thinking about the future of Select Committees and what they should be doing, it is important to get hold of the relationship between the legislative process and scrutiny Committees, and Select Committees. We haven't got time to go into all that, but there are many different models. I think as witnesses we disagree, don't we, about various things? There is no off-the-shelf solution, but there is a real problem in relation to bringing the ethos and skills of Select Committees into the scrutiny of Bills. Minimally, I think, all Bills should come to a Select Committee first, for expert analysis. Yes, Bill Committees now do a bit of evidence taking, but that is neither here nor there, really. It is ludicrous that they are not reservoirs of expertise, as you well know. There is an issue there to be considered, and I would say the model should be that all Bills should come in draft form to a Select Committee, which would do the detailed, expert analysis and then feed back into the other process.

I remember that we looked at the Freedom of Information Bill in draft, whenever it was that it was in draft, and one of the witnesses pointed out to us that Parliament was not included in the FOI Bill. We thought, "Oh, that's very silly," so we recommended that Parliament should be included in the FOI Bill. Jack Straw, who was the Minister, could see no reason why not, and it went through the House without any discussion at all. Without that, you might say, there would have been no expenses crisis, and without the expenses crisis, there would have been no reform of the Select Committee system, so it is funny how these things work.

My final thought is this. We all know that politics is changing; it is changing fundamentally, I think. It is becoming far more fluid, and the kind of political system that some of us grew up in is disappearing. In some ways, I think—this is being positive—the Select Committees here, which operate on a cross-party basis with an ethos of consensus seeking, are a completely different model from the model of politics in Britain that Parliament has operated hitherto. It lasted for a long time, but it is now breaking down. So in some ways, I think, the challenge now is to see how you can extend the Select Committee model into the operation of



Parliament as a whole. I think the opening for that is a real one and the potential is great.

**Professor Russell:** I would say that to some extent that is happening. Indeed, there may be some connection with the breakdown that Tony has described. I think that the culture of the Select Committees has seeped over into the Chamber. It encourages not just members of Committees, but Members in the Chambers as a whole, to look at evidence, to work together across party lines and to challenge claims by Government and others. I think it has been very good for the culture in that respect. Our research shows that Select Committees are cited very, very frequently in debates. We did a study of 12 Bills going through both Chambers, and on average Select Committees were cited on each Bill 140 times. They are mostly not reporting on legislation, so that is quite an achievement.

On the legislation point that Tony raised, we produced a report on this a few years ago called "Fitting the Bill", looking at whether there were things that could be done to import the culture of the Select Committees into Bill Committees. We were not in favour of a merging of the Committees, but we were in favour of trying to import a culture of greater expertise and specialisation, and permanence, into Public Bill Committees. It is quite difficult to see your way through that.

One closing remark that I would make—it is connected to that point—is about the way in which committee systems operate in many other comparable Parliaments. We are often down on ourselves in comparison, but in the Select Committee system I think we are well ahead of many other comparable Parliaments when it comes to the quality and extent of scrutiny, leaving aside legislative scrutiny: the scrutiny of Government, the kinds of inquiries and so on—all the things we have been talking about today.

One of the reasons for that is because the Committees are not looking at legislation. The committees in those other Parliaments have a lot of their agenda crowded out by looking at Government legislation, which also politicises them in a way that does not apply to our Select Committees. Again, there is a difficult trade-off there.

**Professor Wright:** The reform Committee took evidence in private from a few people, one of whom was a former Conservative Chief Whip, who described his years in opposition. You remember these remarks. He said to us—were you there?

**Professor Russell:** Yes, I was there.

**Professor Wright:** He said, "As a Conservative Chief Whip"—this was when they were in opposition—"I never could decide whether my job was to make legislation better or worse." I thought, "That is such a monstrous thing to say about the way in which we handle legislation." I think we have to do better than that.

**Professor Russell:** I remember that I appeared at the Procedure Committee with you, and you quoted that, and there were some members of the Procedure Committee who absolutely stuck up for that Chief Whip. I remember that; it is all on the record.

Q42 **Chair:** Any final points on that?

**Dr White:** As I said before, it is really important for Committees to think about what their USP is and what they are good at. There is a lot of focus on accountability, questioning and so on, but actually Committees are really good at the agenda-setting work that was referred to earlier in the session.

There are also lots of occasions when Committees can draw on the work of other bodies and usefully take another step forward—something they can do because they are a parliamentary Select Committee—whether it is the work of the NAO, or even picking up on a review that has been commissioned by a Department.

Another really important role that I think Select Committees do not play sufficiently, but they ought to, is picking up on the recommendations of public inquiries. That is something that the Health Committee has done in relation to the Mid Staffs inquiry, as was. They are a tremendous use of public money and they go to great lengths over great periods of time to produce recommendations, and then all too frequently the model is that they cease to exist and there is no one there to follow up.

The institute has recommended that the Liaison Committee consider adding a core task of following up on public inquiries that make recommendations that are within the remit of different Select Committees. There is a really powerful role that Committees can play, building on work that has already been done.

Q43 **Chair:** Including, would you say, the Liaison Committee, which had Sir John Chilcot come before it?

**Dr White:** Yes; if there is something cross-cutting, there might well be a role for the Liaison Committee. If something sits very squarely within one departmental remit, then that might be—as with Mid Staffs—more appropriate for a specific Committee to consider.

Q44 **Chair:** Ruth, did you want to add anything?

**Dr Ruth Fox:** There is one issue that we have not picked up on. We have talked about pre-legislative scrutiny, but we have not talked about post-legislative scrutiny. I know Committees can pick up aspects of post-legislative scrutiny through their policy inquiries, but the idea is to make provision for them to do regular, rigorous analysis of departmental memorandums on Acts three to five years after Royal Assent, which was the Government's commitment on post-legislative scrutiny.

I do not think that is something that each and every individual departmental Select Committee necessarily can or should do, because of prioritisation and other pressures of demand, but it is one of those things



## HOUSE OF COMMONS

where thinking about a different scrutiny model—a different Committee model—would help. It could help work with the departmental Committees, in terms of the circle of learning about policy making and about how things are operating in departments, about financial management and so on.

Thinking about both the policy and the operationalisation of the impacts of legislation afterwards, and learning the lessons, would be useful. That it is something that is missing from the system at the moment, certainly in a systematic way.

**Chair:** Thank you all very much for coming this afternoon.