

Select Committees under Scrutiny

The impact of parliamentary committee inquiries on government

Dr Hannah White



Foreword

The last parliament has been described as the ‘parliament of the select committee’. It is not difficult to see why. With their chairs and members now elected, the committees have displayed a new confidence and authority. Their profile rose sharply, as they put themselves at the centre of the big issues of the day. Their activities helped to restore the reputation of the Commons, so damaged by the expenses scandal, and Members themselves began to see work on the committees as a parliamentary career path in its own right. All this represented a major advance for the scrutiny role of parliament.

So why not simply celebrate what has been achieved and leave it there? This report provides the answer. What has been achieved so far is really only a glimpse of what might be achieved if the select committee system set about the task of making itself as effective as it might be. Committees are not good at evaluating what they do and working out how they might do things better. They are often unclear about the outcomes they want to achieve and the sort of impact they want to make. There is a difference between making a headline and making an impact. An individual committee may not work collectively enough to maximise its effectiveness; and committees may be more concerned with protecting their own territory than exploring how they might work together.

This report identifies what has been achieved so far and what remains to be achieved. It combines case studies of particular committees with more general analysis. It benefits greatly from the fact that its author has first-hand experience of select committees and their work. However its real value is that its purpose is essentially positive and practical. It believes that select committees are important and wants their scrutiny role to be as effective as it can be. If this means asking some hard questions about their current shortcomings, it also involves making a series of practical recommendations designed to enable them to perform better. Good scrutiny really can contribute to good government, so it is important to ensure that the scrutiny is as good as it can be.

This is why select committees need to evaluate what they do and how they work, and not to be afraid of evaluation by others. They need to take seriously the question of what impact they want to achieve, and whether they are successful in this. There is also an issue about the leadership and organisation of the select committee system as a whole, with the capacity to drive improvement and performance. The report invites a conversation on these matters among all those who want to see the select committees performing their scrutiny role to their full potential.

There is a challenge here, which I hope will be taken up. This is the necessary next stage in the progress of select committees. It does not depend upon the actions of others, but on the commitment and will of the select committees themselves. The committees are good at asking questions of others, but they need to be as good at asking questions of themselves. This report identifies the sort of questions they should be asking and how they might find some of the answers. It should be read by all those who care about the scrutiny role of select committees – and then acted on.

Tony Wright

Former Chair of the Public Administration Committee and the House of Commons Reform Committee

This report marks an important step forward in the Institute for Government's engagement with Parliament. We have talked a lot at the Institute in general about the importance of the scrutiny role of parliament in helping to improve the effectiveness of government. But, now, we have the specifics. Dr Hannah White's thorough research and balanced assessment not only highlights the various ways in which committees work but also points to how the scrutiny role can be improved, notably by the select committees now being established at the start of the parliament.

The Institute intends to take forward the analysis and main recommendations in the report not only with chairs, members and staff of the newly established select committees but also with the Whitehall departments which they are scrutinising. As Tony Wright notes in his foreword, good scrutiny really can contribute to good government.

A handwritten signature in black ink that reads "PJR Riddell" followed by a horizontal line and two dots.

Peter Riddell
Director, the Institute for Government

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About the author

Hannah is a Programme Director at the Institute for Government, leading its work on the role of Parliament in increasing government effectiveness. She completed much of the research for this report while on secondment to the Institute from the House of Commons. She has over 10 years' experience in Parliament and the Civil Service, most recently running the Committee on Standards in Public Life in the Cabinet Office and as Clerk to the Political and Constitutional Reform Committee in the House of Commons.

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All views, misinterpretations, errors and omissions are entirely mine.

Executive summary

Background

Good parliamentary scrutiny has significant potential to improve the effectiveness of government, shaping the way government goes about its business and succeeds or fails in achieving the outcomes it desires. Parliamentary committees are one of the key mechanisms used by Parliament to conduct scrutiny. During the 2010-15 parliament a number of committees very obviously increased their public profile. What's less clear is whether this increased visibility led to a corresponding increase in their impact on government.

Impact on government effectiveness is not the only thing that committees are trying to achieve. The MPs involved in scrutiny have a range of other motivations to balance in their scrutiny work – personal, party, political and parliamentary. But when they are trying to achieve a positive impact on government, it is actually quite difficult for them to know if they are being effective.

Impact from scrutiny is hard to define and the mechanisms by which it can actually change things in government are poorly understood. And quite apart from this, committees themselves seem remarkably uninterested in seeking feedback on their work. From a government perspective, there is little to be gained from evaluation which gives the credit for positive change to parliamentary committees. This means that opportunities to improve the committee scrutiny system are being lost.

The research

Based on over forty interviews, as well as roundtables and informal meetings, our research examined the relationship between committee inquiries and their impact on government during the last parliament. We looked in particular at the impact of three committees – the Defence Committee, the Home Affairs Committee and the Parliamentary Commission on Banking Standards. This report sets out our high-level conclusions. We have published our detailed findings as a separate paper which can be read as a stand-alone document or together with this report.

Findings

Based on our case studies and a wider review of Commons committee activity in the last parliament we identify six sources of influence for select committees. We argue that committees ought to spend more time cultivating their 'softer' sources of influence, such as expertise and relationships, and be less quick to resort to their formal status and powers. For their part, government departments should remember that it is in their own interests to help committees develop their multiple sources of influence.

We draw out eight lessons about the relationship between scrutiny and impact on government. We argue that committees need to be clear what impact they are trying to achieve (valuing long as well as short term change) and consider what approach will be most effective in securing it. They need to realise the value of predictable scrutiny and pester power, and recognise that impact can result from an inquiry process as well as its outputs. They need to make conscious decisions about the trade-offs involved in scrutiny and remember that sometimes it can create a 'win-win' for government and parliament. And they need to recognise that sometimes their ability to achieve impact will be influenced by factors beyond their control.

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Finally we demonstrate that the Commons committee system is not well equipped to identify its successes and learn from its failures in order to develop and improve. If committees are to fulfil their potential to improve the effectiveness of government, they need to establish systems which will facilitate learning and shift their focus from fulfilling tasks to achieving outcomes. In doing so they need to adopt a nuanced understanding of impact, which recognises that long-term influence, which may be difficult to measure, can be just as important as short-term impacts which are more readily attributable to committee activity.

Introduction

The main roles of parliamentary committees are to hold the government to account on behalf of the legislature, and to scrutinise government activity. Committees have been a feature of the parliamentary landscape for centuries but in the last parliament their public profile increased significantly. This happened under the leadership of chairs who for the first time in 2010 were elected rather than chosen under the influence of the whips. Some managed to achieve a higher profile than certain cabinet ministers. Committees conducted major inquiries into subjects such as phone hacking, the tax affairs of multinational companies and standards in the banking industry,¹ which contributed to public debate and raised public interest in the part that committees play in our democratic system.

This project

Committees are highly active, holding inquiries, scrutinising draft bills, holding pre-appointment hearings and examining the day-to-day administration of departments. But there is relatively little evidence about what impact, if any, all this activity has on the functioning of government.² In this project we examined how committees can actually make a positive difference to what government does and how it does it. We focused on the inquiries undertaken by committees – looking at the process of inquiries, how they are conducted and what impact they can have on ministers, civil servants and the processes of government. We were particularly interested in identifying what, if anything had changed about the way committees were working in the 2010 parliament and the effect this had on impact.

Our qualitative research methodology was designed to answer the following questions:

- How do committees conduct inquiries? What approaches are best placed to deliver what kinds of impact?
- How did committees innovate in conducting inquiries during the 2010-15 parliament and what difference did this make to the impact of their inquiries on government?

We examined these questions with reference primarily to the Commons, looking at a wide range of committees but focusing particularly on three case studies: the departmental Defence and Home Affairs committees, and the Parliamentary Commission on Banking Standards – a temporary joint committee with Commons and Lords membership.

Methodology

A primarily qualitative approach was the obvious choice for this research. Qualitative tools – workshops and semi-structured interviews – enabled us to explore in detail the experiences of all those involved in committee inquiries, including staff, MPs, chairs, witnesses (such as ministers, civil servants and non-government witnesses) and external observers. Two of our case study committees were chosen for their contrasting approaches to achieving impact: at one end of the spectrum the Home Affairs Committee (HAC) with its rapid, media-focused approach; at the other the Defence Select Committee (DSC) with its slower, more planned approach to scrutiny. Given our interest in what committees have done differently

¹ These inquiries were conducted by the Culture Media and Sport Committee, Public Accounts Committee and Parliamentary Commission on Banking Standards respectively.

² White, H., *Parliamentary Scrutiny of Government*, 2015, retrieved 25 May 2015, <<http://www.instituteforgovernment.org.uk/sites/default/files/publications/Parliamentary%20scrutiny%20briefing%20note%20final.pdf>>

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in this parliament, the innovative Parliamentary Commission on Banking Standards (PCBS) was an obvious choice for our third case study.

The research for this project, which was conducted between September 2014 and January 2015, involved:

- Five workshops – one each with the staff of each case study committee, and one each with members of the PCBS and Home Affairs Committee.
- Over 40 semi-structured interviews and numerous informal meetings with committee members and chairs (both from our case study committees and others), civil servants and ministers and external people who engage with the committee system.

Structure of this report

Chapter One of this report sets out the key changes which framed the work of our case study committees in the last parliament and includes a brief pen portrait of each – identifying key elements of their approach, innovation and impact – concluding by drawing together evidence about the key sources of committee influence.

Chapter Two offers eight lessons about impact from scrutiny that emerge from our research.

Chapter Three identifies problems with the committee system that we believe are inhibiting it from making further progress and offers some ideas about how these might be addressed in the 2015 parliament.

1. Innovation and impact

1.1 Introduction

The 2010 parliament was a time of significant change for parliamentary committees. The advent of coalition government and the introduction of fixed-term parliaments changed the political context in which they were operating. At the same time, an influx of new MPs and the implementation of internal reforms changed who was participating in committee scrutiny. These factors all affected the approach which committees took and the impact they had.

In this chapter we begin by outlining the key changes that provided the context for the work of our case study committees in the last parliament, including in particular the impact of elections for committee chairs. Next we set out a brief pen portrait of each committee – including key elements of their approach, innovation and impact. For those who are interested, we have published separately detailed accounts of our case study committees. We conclude by summarising the evidence we have found about the key sources of committee influence.

1.2 What changed during the 2010-15 parliament?

Since the ‘modern’ departmental committee system was established in 1979, with a dedicated committee established to scrutinise the policy, administration and expenditure of each government department, the role and practices of committees have evolved. This evolution has happened partly through a process of incremental innovation by committees themselves, and partly through the implementation of more significant decisions of the House, on the basis of recommendations from internal committees.³ These processes of development and innovation have frequently drawn inspiration from the work of outside organisations such as the Hansard Society and University College London (UCL) Constitution Unit.

One side-effect of the advent of **coalition government** was to enhance the relevance of Parliament. Key moments of coalition tension played out in Parliament – for example in the separate Conservative and Liberal Democrat responses to the Leveson Report on press standards or the failure to secure a programme motion for the bill to reform the House of Lords which led to its subsequent abandonment. This gave Parliament a relevance beyond that of merely a hurdle to be passed before a majority government could implement its plans. At the same time a continuing trend towards **increasing levels of independence among backbenchers** on all sides of the House⁴ created a greater level of uncertainty about parliamentary outcomes. This all helped train the media’s focus onto Westminster and made it easier for committees to attract attention to their work.

Within this context the implementation of certain recommendations from the Committee on Reform of the House of Commons, introduced significant changes to the Commons committee system. The Committee, chaired by Tony Wright MP, had been established in 2009 – following the shock of

³ Some committees with a remit to examine House of Commons procedure and practice have a long-term existence, such as the Procedure and Liaison Committees. Others are more temporary, for example, the Select Committee on Modernisation of the House of Commons was established in the 1997, 2001 and 2005 parliaments.

⁴ Cowley, P., *The most rebellious Parliament of the post-war era*, Political Studies Association website blog, 2015, retrieved 25 May from <<http://www.psa.ac.uk/insight-plus/blog/most-rebellious-parliament-post-war-era>>

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revelations about MPs' expenses – to examine Parliament's 'procedures and relevance'.⁵ The overall effect of the implementation at the start of the 2010-15 parliament of many of the committee's recommendations was to increase the democracy of a number of Commons procedures – wresting certain powers of patronage away from the party whips. However, not all the Wright Committee recommendations were implemented. Perhaps most notable among these was the idea of a House Business Committee to 'assemble a draft agenda to put to the House in a weekly motion', which was not established despite a commitment in the Coalition agreement to do so.⁶

Three examples of Wright reforms which were implemented in 2010 were: the creation of a **Backbench Business Committee** (a committee composed of elected backbenchers and given responsibility for the allocation of time for backbench-initiated business in the Commons chamber and Westminster Hall, previously a responsibility of the party whips); the introduction of **elections for committee chairs** by secret ballot of all MPs; and **elections for committee members** by their own parties.

Previously committee members had been appointed by the whips and chairs had been elected from among their number by individual committees. In practice committees had almost invariably chosen as their chair a candidate made known to them by the whips – a system which gave the whips a powerful tool of patronage.⁷

One result of the first round of elections in 2010 was that 58% of seats on committees went to first-term members.⁸ Under the old system it would have been unlikely that such a large proportion of committee members would have been new, even given the large turnover in MPs at the general election. This may have had an impact on the willingness of committees to innovate, because new MPs were more prepared to go along with the proposals of more experienced chairs. It also had an impact on turnover on committees, as promising new MPs were accelerated onto the lower rungs of the ministerial and shadow ministerial ladders over the course of the parliament.⁹

In the course of our research we spoke to a large number of chairs newly elected in this parliament, and to many others who observed the impact that this cadre has had on the committee system. This has enabled us to draw a number of conclusions about the impact of this change. Overall the evidence we found was that, rather than simply seeing a committee chair as a commiseration prize for loss of ministerial office or a reward for stalwart party loyalty, the MPs who stood to chair committees between 2010 and 2015 did so because they actively wanted to take on a particular scrutiny role. This, combined with the greater legitimacy of having being elected, allowed chairs to develop the role of their committees in different ways.

⁵ The Wright Committee ceased to exist after publishing its report, *Rebuilding the House*, on 12 November 2009. The House of Commons Reform Committee, *Rebuilding the House*, 2009, retrieved 25 May from <<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmrefhoc/1117/1117.pdf>>

⁶ House of Commons Library, *House Business Committee*, SN/PC/06394, Parliament UK website, 2014, retrieved 25 May 2015, <<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06394>>

⁷ There were examples of committees declining to elect a chair who had been given the imprimatur of the whips. In 2001 Labour and Liberal Democrat members of the International Development Committee refused to elect Edward Leigh MP as chair because of his views on contraception and abortion. Instead he was given the chair of the Public Accounts Committee. There were also examples of whips trying to exclude potential chairs from membership of a committee. This happened most visibly in 1992 with the introduction of a rule that no member could serve on a select committee for more than three terms. It was suggested in the press that this rule was designed to get rid of Nicholas Winterton MP, who had been a troublesome chair of the Health Select Committee. John Wheeler MP on Home Affairs fell foul of the same rule. In 2001 there was a Commons rebellion against an attempt by the whips to ensure that Gwyneth Dunwoody MP was not re-elected as chair of the Transport Select Committee.

⁸ Institute for Government calculation based on initial committee appointments recorded in Hansard on 12 and 26 July 2010.

⁹ This effect was particularly marked on the Work and Pensions Committee for example, which lost three Labour members to shadow front bench positions shortly after the committee was formed in November 2010, and then lost four Conservative members to ministerial roles in October 2012.

Who chairs are

Characteristics

Some of the members who became chairs in the last parliament were perceived to have different characteristics to those appointed under the old system. The majority were still the sort of members who would have been appointed under the old system.¹⁰ However, a small but significant minority were not.¹¹ While we heard plenty of evidence that whips remain involved in elections – making their preferences clear to those members who are willing to listen – the use of a secret ballot significantly weakens their power over the result.

Expertise

More elected chairs had evident expertise or prior experience in their policy area, either inside or outside Parliament than was previously the case.¹² In some cases this meant that they had a greater awareness of key issues in their policy area, had pre-existing contacts which facilitated their committee work and found it easier to carve a niche as a media commentator on behalf of their committee. But it also entailed a danger. We heard of more than one instance where a chair had used their committee to pursue their own pre-existing interests to the exclusion of others.

The status and position of chairs

Equality

External observers felt that, in a sense, elections had narrowed the distance between opposition and government chairs. Many opposition chairs were previously weak – reliant on securing a majority from other parties to progress their programme. Election had given them greater legitimacy to do so.

Empowerment

Some chairs felt that while election had given them a welcome boost in legitimacy, it had not radically changed their approach. Others felt that election had given them a license to innovate and push the boundaries of traditional committee procedure to experiment with new ways of doing things. In some cases however, the empowerment of chairs has been matched by the disempowerment of other committee members.

What chairs have done

Innovation

Some chairs have started to depart from the norms of usual committee practice, with some starting to move towards a campaigning role.¹³ These developments reflect chairs' visions of alternative roles for committees.

Approach

Some elected chairs were perceived to be more committed to their role and to have a clearer focus on the impact they were trying to achieve and the audience they were trying to reach, than some of their predecessors.

Requirements

Staff reported a significant increase in the demands made by chairs for staffing, resources and new committee practices – demands which staff have tried to meet without disadvantaging other committees. Over time there is a risk that this could lead to significant disparities in resource allocation between committees based on 'who shouts loudest' rather than whose work is having the most impact.

¹⁰ In some cases a party appears to have chosen a committee to enable a particular member to remain in post. The Home Affairs Committee switched from being a government to an opposition chair in 2010 enabling Keith Vaz MP to stand for election to continue as chair.

¹¹ The elections for select committee chairs in 2010 delivered some surprises, including Andrew Tyrie MP, who beat the favourite Michael Fallon MP to succeed John McFall MP as chair of the Treasury Committee. It was suggested that Richard Ottaway MP won the chair of the Foreign Affairs Committee because he was the most centrist Conservative candidate. Previously the party might have selected a more rightwing candidate. The two members elected in the two by-elections for committee chairs which occurred in the course of the parliament (Sarah Wollaston MP to Health and Rory Stewart MP to Defence) would have been very unlikely to have been appointed by the whips, as first term members with a reputation for being independent minded.

¹² Examples of chairs elected in the last parliament who had previous experience relevant to the policy area of their committee include: Stephen Dorrell MP, chair of the Health Committee, who was previously Secretary of State for Health; Sarah Wollaston MP, Dorrell's successor as chair of the Health Committee who was previously a GP; and Andrew Tyrie MP, chair of the Treasury Committee who had a background in economics and banking.

¹³ Examples of chairs departing from previous norms of committee practice include: Keith Vaz MP who announced new inquiries into topical issues as soon as they emerged, without waiting for a meeting of the Committee; and Andrew Tyrie MP who secured new powers for the Parliamentary Commission on Banking Standards which enabled it to take evidence in different ways. Graham Allen MP, chair of the Political and Constitutional Reform Committee, used it as a vehicle to campaign for the introduction of a written constitution.

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A further change which occurred during the course of the last parliament was the enactment of the **Fixed Term Parliaments Act 2011**. The promise of greater certainty about the date of the next election changed the context in which committees made decisions about their work programme. In theory it should have enabled them to plan their work more strategically, although in practice uncertainty about the likely longevity of the Coalition may have had an equal but opposite effect.

It also helped avoid the uncertainty, which in the past afflicted committees during the later years of a parliament, about whether or not to launch new inquiries that might have to be rapidly brought to a close if an election was called. In the past, committees often wound down their work programmes relatively early in anticipation of an election. The chair of the Public Accounts Committee, Margaret Hodge MP told us that in her view 'security of tenure for five years is really important because it allows you to plan without having to do things in a rushed way'.

In the end most committees do seem to have been able to bring their work programmes to a more orderly close and to do more work right up to the end of the parliament than was sometimes the case under the old system.

1.3 Our case study committees

In this section we provide a brief pen portrait of each of our case study committees. We have published our detailed findings as a separate paper which can be read as a stand-alone document or together with this report.¹⁴ Here, we set out the key elements of the way each committee conducted their inquiries, comparing the approach of the three committees.¹⁵ In the next section we explore the relationship between their approach and their impact, picking out examples of key mechanisms and innovations which delivered particular impacts.

| Characteristic | Defence | Home Affairs | Parliamentary Commission on Banking Standards |
|-------------------|--|--|---|
| Type of committee | Departmental select committee | Departmental select committee | Ad hoc joint committee – Commons and Lords |
| Subject matter | Ministry of Defence policy, administration and expenditure | Home Office policy, administration and expenditure | Standards in the banking industry |

Over the course of the nearly-five-year parliament, the HAC and DSC held a similar number of meetings in total (205 and 198 respectively) but the HAC took evidence at a much greater proportion of these (85% compared to 51%). By comparison, in the single year of its existence the PCBS and its panels managed a total of 88 meetings, 86% of which were evidence taking, so relatively speaking it was more than twice as busy. In its greater number of evidence sessions the HAC heard from more than twice as many witnesses as the DSC (793 compared to 340). In its shorter timeframe the PCBS and its panels took evidence from 252 witnesses. Again, it was relatively much busier than the two departmental committees.

The proportion of each committee's witnesses who were either ministers or civil servants reflects the committees' differing remits and circumstances. The PCBS, which had a remit to examine the banking sector rather than government, heard from the smallest proportion of government witnesses (13%). By comparison, 51% of the DSC's witnesses were from government reflecting its remit to scrutinise government and the relatively small number of non-government actors in its policy areas. The HAC, scrutinising government but with a richer civil society to draw evidence from, was in the middle with 21% government witnesses.

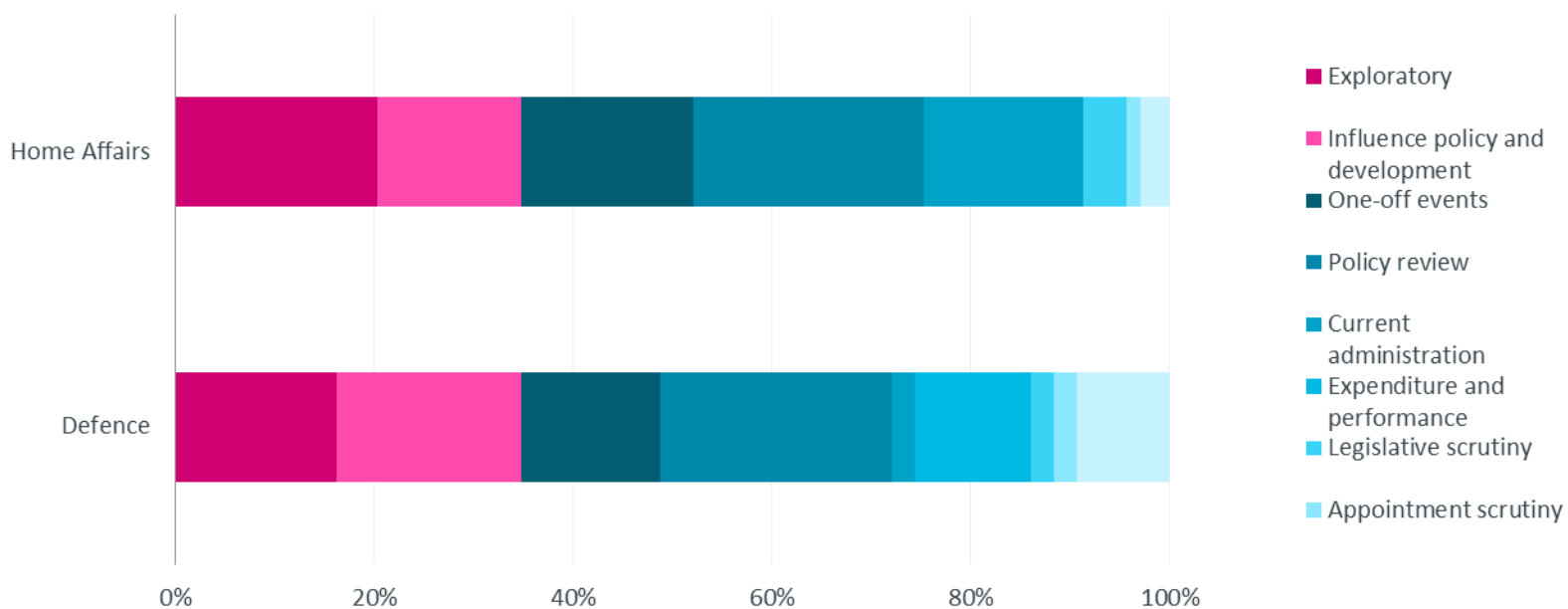
The PCBS was set up to run a single inquiry, which resulted in five reports. Our other two case study committees conducted multiple inquiries. The HAC ran almost three times as many inquiries as the DSC (109 in comparison to 38). For both committees, approximately half of their inquiries consisted of only a single evidence session. In terms of outputs the HAC published 50% more reports than the DSC (72 in comparison to 47).

¹⁴ White, H., *Select Committees under Scrutiny: Case Studies from the 2015 parliament*, Institute for Government, London, 2015

¹⁵ Data in this section is taken from House of Commons Sessional Returns for 2010-12, 2012-13 and 2013-14 (available at *House of Commons Sessional Returns*, Parliament UK website, retrieved 5 May 2015, <<http://www.publications.parliament.uk/pa/cm/cm��esret.htm>>) and unpublished returns for the Home Affairs and Defence Committees for 2014-15.

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The graph below analyses the inquiries undertaken by our two departmental case study committees to show the proportion of different types of inquiry which they undertook.¹⁶ Although the number of inquiries they each undertook differed significantly, the graph shows that the distribution of their work between different types of inquiry was in fact quite similar. Both committees spent around a third of their time on forward looking inquiries – with the HAC doing more blue-sky exploratory work, and the DSC doing more work to inform specific policy areas. In terms of retrospective inquiries, the main differences were that the HAC did more examine aspects of current administration of the Home Office while the DSC did a greater proportion looking at expenditure and performance of the MoD and following up its own work.



Proportion of different types of inquiry conducted by the Home Affairs and Defence Committees during the 2010-15 parliament

The HAC used half as many specialist advisers as the DSC (seven compared to 17). The DSC appointed many of its advisers for several sessions, whereas the HAC used its advisers for specific inquiries. The PCBS had 22 advisers in the course of its single year of inquiry, reflecting the considerable specialist knowledge about the banking industry which was required to supplement the expertise of its own staff.

In respect of travel, either in support of inquiries or in a representative capacity, the HAC travelled internationally much less than the DSC (making nine international trips in comparison to 28). This

¹⁶ We categorised the inquiries undertaken by each of our case study committees according to a typology we developed of 10 sorts of inquiry conducted by select committees. This was a somewhat inexact exercise – in some cases an inquiry could have fitted into more than one category – but the results overall give a good idea of the distribution of different types of work undertaken. The first two categories, ‘exploratory’ (examining an issue or societal concern) and ‘influence policy development’ (informing and scrutinising proposed and developing policies) cover forward-looking investigative inquiries. The remaining eight categories cover retrospective accountability-focused inquiries: ‘one-off events’ (inquiries triggered by a one-off event); ‘policy review’ (inquiries about specific areas of existing policy); ‘current administration’ (examining the administration of a particular area of a department); ‘expenditure and performance’ (examining the department’s expenditure and performance); ‘legislative scrutiny’ (any scrutiny of a draft bill, bill, act or secondary legislation); ‘appointment scrutiny’ (scrutinising proposed appointments); ‘European scrutiny’ (scrutinising proposals for European policy or legislation); and ‘follow-up’ (inquiries returning to previous work by the committee). Neither committee undertook any inquiries which could be categorised as ‘European scrutiny’ during the last parliament, so only nine categories appear in the graph and its key.

difference is unsurprising given the respective domestic and international remits of the departments they scrutinise. Domestic travel was the same for both committees, with both making 27 domestic visits in the course of the parliament. The PCBS did not travel although one of its panels made a visit to Scotland.

These differences in the use of advisers and amount of travel undertaken by the committees are reflected in the cost of running the committees. In the years for which financial data is available (2010-11 to 2013-14) the expenses (not including staff and transcription costs) of the HAC were less than half those of the DSC, despite its higher activity level in terms of evidence sessions and inquiries (£161,000 compared to £390,000). The more intensive activity of the PCBS came with associated costs, most of which was born by the Treasury as its inquiry took place at the instigation of the government. This was £980,000 excluding some costs for staffing, security and office space which were absorbed by the House of Commons and nine members of Commission staff seconded from outside of Parliament at no cost.¹⁷

1.4 Innovation and impact

As we have shown, since 2010 changes both within Parliament (the advent of coalition government and fixed-term parliaments) and to the committee system as a whole (Wright recommendations) affected the way all committees operated. But change also occurred within individual committees. Our research found that each of our case study committees innovated during the 2010 parliament, but in quite different ways. The Defence Committee largely followed a traditional model of inquiry, but used some innovative practices within that model. The Home Affairs Committee adapted the traditional model of a committee inquiry to deliver particular types of impact. The Parliamentary Commission on Banking Standards was an attempt to conduct a whole new model of parliamentary inquiry to avoid past failings. This was the very reason we selected it as a case study.

Overall our research shows that while all committees have the potential to deliver a range of different kinds of impact on government, in practice the way committees conduct their inquiries means they tend to be better at delivering certain types of impact than others. In some cases this is because the MPs involved are more interested in achieving personal, party or parliamentary aims other than improving the effectiveness of government. Overall our case study committees were judged by our interviewees to be strongest at identifying and exposing new evidence and helping government to be more open, but relatively weaker at undertaking analysis of evidence and creating the circumstances to enable government to learn lessons. Where the committees behaved predictably they generated impacts on processes within government, which adapted to respond to its expectations of committee behaviour. Committee work was rarely designed to produce impacts on third parties who might subsequently influence government, but influencing views of the role of Parliament within our democracy was an important motivation for MPs and did affect how they approached their work.

¹⁷ The PCBS and departmental figures here are not directly comparable because the PCBS figure includes some staff costs.

Innovation within the traditional model: The Defence Select Committee

The Defence Select Committee (DSC) had a well-respected and consensual chair,¹⁸ a strategic work plan from the start of the parliament, a high degree of committee agreement on inquiry priorities and a willingness to flex its approach according to the subject on which it was focusing.

Of our three case study committees, the inquiries of the Defence Committee usually remained the closest to what might be considered the 'traditional' model of a committee inquiry. Each inquiry tended to follow a familiar pattern over a period of several weeks or months: a call for evidence, followed by a series of oral evidence sessions (culminating in one with the government), followed by the production of a report.

However, within the context of that model the DSC innovated by introducing new practices which enhanced its ability to scrutinise the Ministry of Defence (MoD). This included appointing members as rapporteurs to take the lead on specific inquiries and undertake visits alone before reporting back to the whole committee. This expanded the DSC's capacity for work and enabled members to focus on areas of personal interest. The DSC also used social media tools to gather evidence from witnesses who would otherwise be difficult to reach.

But the DSC's impact on government appears to have been limited, for two main reasons. The first was the nature of the department and policy area it was scrutinising. The size and complexity of the MoD, the degree of secrecy surrounding its activities, and the attitude of its ministers to the Committee at certain periods during the parliament combined to restrict the impact it was possible for the Committee to have. Although the Committee produced high quality outputs the evidence we found was that the civil servants and ministers of the MoD found them relatively easy to ignore. This was compounded by the low-key approach of the chair and Committee to attracting media coverage for their work.

The second reason that the DSC's impact on government was limited was the tendency of the Committee to focus on influencing government through Parliament. Their strategy was to inform other MPs about defence issues and thereby strengthen the capacity of Parliament as a whole to hold government to account. However, informing backbenchers about policy issues is not an easy thing to do, and influencing MPs to create an impact on government is more difficult still. Most MPs are so busy with constituency business and their other parliamentary, party and personal priorities that they have very little time available to read reports or even to attend debates on reports from committees other than their own. Building a backbench coalition to exert pressure on the government to act on a committee's recommendations is extremely difficult even if the issue at stake is very high profile.

The effectiveness of the DSC strategy of achieving impact by influencing Parliament was further reduced by the fact that the committee did not make very extensive use of some of the key mechanisms available to it to draw its work to the attention of other members. The abolition of the five days of each session set aside for 'set piece' debate on defence matters, which accompanied the creation of the Backbench Business Committee, put the onus on backbenchers to request time for debates.¹⁹ Since that point, the length of time spent debating defence issues in the Chamber and Westminster Hall has declined significantly.²⁰ Over the course of the parliament the DSC launched one report in the House,

¹⁸ James Arbuthnot MP was first appointed chair of the DSC in July 2005. In June 2010 he was elected chair. He stood down in May 2014 and was replaced, following a by-election, by Rory Stewart MP. As the research for this report was conducted very shortly after Stewart became chair, our analysis looks exclusively at Arbuthnot's period as chair.

¹⁹ Before the Backbench Business Committee was created five days were allocated for defence debates in each session, arising from the former two-day debate on the annual Statement on the Defence Estimates and the three individual service debates. See The House of Commons Reform Committee, *Rebuilding the House*, 2009, paragraph 145, retrieved 25 May from <<http://www.publications.parliament.uk/pa/cm200809/cmselect/cmrefhoc/1117/1117.pdf>>

²⁰ Defence Committee, *Towards the next Defence and Security Review: Part Three, Twelfth Report of Session 2014-15*, 2015, Parliament UK website, p.37, retrieved 25 May 2015, <<http://www.parliament.uk/business/committees/committees-a-z/commons-select/defence-committee/inquiries/parliament-2010/towards-the-next-defence-and-security-review-part-three/>>

secured just four Backbench Business Committee debates and one Westminster Hall debate.²¹ The impression we received from DSC members was that they felt defence was such an important issue it was inappropriate for the committee to have to bid for debating time. On the other hand the DSC did manage to secure two Estimates Day debates – slightly over the average for departmental committees.²²

Examples of key impacts

Introducing new voices

The DC used an online forum, the Army Rumour Service, to gather the views of service personnel and their families about the education of service children. Using this forum, which receives several million page hits per month, significantly increased the Committee's reach and enabled them to present the MoD with new evidence from the perspective of personnel and their families.

Political consensus building

The Defence Committee's work on the role of the Service Complaints Commissioner also led to legislative amendments which significantly widened the investigative scope of the Ombudsman beyond what had originally been proposed.

Creating legitimacy

Those we spoke to who were required to account to committees for their decisions and actions told us that they valued the legitimacy created by the discipline of answering the questions of elected representatives in a public forum. Jon Thompson, Permanent Secretary of the MoD, noted that were it not for the Defence Committee and the PAC he would never have to answer for himself in public. To do so was an important discipline.

Adapting the traditional model: The Home Affairs Committee

The Home Affairs Committee (HAC) had a high-profile chair and members largely united by agreement on the reactive and media-focused mode in which the Committee should operate.

The HAC innovated by significantly adapting the traditional model of a committee inquiry to enable it to respond more rapidly to events and maintain a high media profile. The HAC's focus on maintaining the topicality of its work led it to adapt the traditional model of a committee inquiry. In theory the HAC shaped its agenda of evidence sessions around the main inquiries it had launched, but it reserved a portion at the end of each scheduled evidence session for 'topicals' – issues which had only just arisen. Very often in practice the planned agenda was disrupted by events or news stories which led to the announcement of evidence sessions to be held at short notice. Sometimes these would remain stand-alone sessions – not leading to a full inquiry and report. On other occasions one-off evidence sessions would highlight a wider issue on which the HAC decided that it wished to take further evidence or even launch a full inquiry. In some cases written evidence was then solicited alongside the Committee's programme of evidence sessions.

The manner in which the HAC had adapted the traditional model of inquiry divided our interviewees. Many of those we spoke to felt the HAC had found the Holy Grail long sought by most committees – a

²¹ *Ibid.* Figures taken from table on pp. 35-37. DSC reports were mentioned on the order paper (or 'tagged') as relevant on a further seven occasions in relation to debates on various stages of legislation and to one debate each in government and opposition time.

²² Sixteen select committees had reports debated on Estimates Days during the 2010-15 parliament. There were 27 debates in total. Work and Pensions and Communities and Local Government were the only two committees to have three reports each debated. Seven committees, including the DSC and HAC, each had two reports debated. Seven committees each had one report debated and the remainder had no reports debated.

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model of inquiry which could be conducted within the news cycle. This enabled it to maintain one of the highest media profiles of any committee and establish itself as a player within the home affairs field. The combative style of many of its evidence sessions produced a number of largely-attributable impacts in the form of resignations and apologies and was impossible for government to ignore. Thus the HAC was highly effective at achieving the short-term impact it was trying to achieve.

In doing so it pushed up against the boundaries of established committee procedures and highlighted some of the limitations they place on committee work. For example, staff told us that conventions about the sorts of evidence that can be used by committees in drawing their conclusions felt unduly restrictive, particularly in light of innovations in social media.²³

Some other interviewees identified the risks attendant on the innovations HAC had made. These included the Committee's relationship with its witnesses and its difficulty in retaining a focus on long-term impact. They told us that at times the chair and certain members of the HAC appeared to be using the Committee to pursue personal rather than committee priorities. Although the government cannot ignore the Committee, on the other hand they can be reasonably confident that the HAC will not spend time examining the boring detail which makes up much of the department's day-to-day work. So the potential for the Committee to have an impact on these areas is limited. Some felt that the HAC's approach had contributed to a defensive attitude on the part of the Home Office which was unlikely to be conducive to problem solving and lesson learning.

Examples of key impacts

Raising the profile of issues

The HAC inquiry on localised grooming was launched in response to a campaign on the issue by a broadsheet newspaper. The committee's inquiry, alongside criminal trials, helped define the issue as it emerged into the public consciousness.

Exposing evidence

Unsurprisingly, the academics we spoke to told us they welcomed the opportunity to gain public exposure for their research by discussing it with committees. In relation to drug policy, Professor David Nutt told us that although it was not always clear that discussion of research in a committee forum necessarily influenced government policy, he felt that reports summarising the state of the evidence had a powerful effect in stimulating public debate. They were also an important resource for researchers. Liam Byrne MP told us that committee reports could also be a valuable resource for those seeking to develop policy in opposition.

Obtaining testimony

The HAC in particular provided examples of occasions on which unwilling witnesses from inside and outside government had been compelled to give oral evidence by the threat or actual use of the Committee's power to send for 'person, papers and records' (PPR).²⁴

²³ By convention, committee reports are based primarily on novel evidence generated by their inquiries. This means either transcripts of oral evidence taken by the committee or written evidence drafted specifically for the committee. Occasionally a committee may commission research themselves and refer to the results in its report. Committees can also refer to other published sources, but reference to anecdotal material – for example, conversations on committee visits or on social media – are discouraged. This convention enables a report and the evidence on which it is based to provide a largely stand-alone, publicly-available resource. It also provides protection against an inquiry's conclusions being unduly driven by evidence which may not have been heard by all members of the committee. However, particularly when inquiries are conducted at speed, it can restrict the evidence base available to committees.

²⁴ In 2014 the HAC formally summoned the Right Honourable Sir Mark Waller, The Intelligence Services Commissioner, to appear before them after he had refused a request to do so. On other occasions witnesses were encouraged to attend by the threat of being summoned.

Cross-cutting work

Commons committees were established to replicate the departmental boundaries of government departments, with one committee to scrutinise each department.²⁵ As the Institute has argued elsewhere, the boundaries between departments can hamper the ability of government effectively to develop and implement policies addressing cross-cutting issues.²⁶ Usually committees do little to challenge the problem of departments working in silos.²⁷ The HAC was involved in a one off instance of cross-committee working during this parliament. In July 2013 the House asked the European Scrutiny, Home Affairs and Justice Committees to undertake a joint inquiry and report on the opt-outs from the EU justice and home affairs provisions. The resulting report was seen in Parliament as very useful – and as informing the ultimately highly-contentious debate on the subject but was remarkable mainly for its exceptional nature.

Confidence

The HAC held an evidence session during the parliamentary recess in 2011, to question the police on their response to the riots that had broken out across England that summer. Staff felt that this was particularly important because, in the absence of any debate in the House, the public could see that elected politicians were paying attention to what was going on and fulfilling their role within the democratic system.

Introducing a new model: The Parliamentary Commission on Banking Standards

The Parliamentary Commission on Banking Standards (PCBS) was a temporary joint committee (with membership from the Commons and the Lords) established in the wake of the LIBOR scandal²⁸ to look into standards in the banking industry. It also conducted pre-legislative scrutiny of the Financial Services (Banking Reform) Bill. It was created by Parliament, at the instigation of the government, as an alternative to a public inquiry and was seen as an opportunity to demonstrate some of the opportunities and risks of an alternative parliamentary model of inquiry.

The PCBS model was also an attempt to avoid some of the factors which its chair and members believed had limited the impact of joint Commons and Lords committees in the past. Although in many ways the Commission operated like a conventional joint committee, it was conceived as a novel form of joint committee, enjoyed several new powers and employed a number of innovative working practices.

²⁵ There are also a few committees with explicitly cross-cutting remits including the Environmental Audit Committee and European Scrutiny Committee. The committee system in the House of Lords was deliberately developed to be cross-cutting and thematic in order to avoid competing with or duplicating the Commons system.

²⁶ Page, J., Pearson, J., Jurgit, B. and Kidson, M., *Transforming Whitehall: Leading major change in Whitehall departments*, Institute for Government, 2012, retrieved 25 May 2015, <http://www.instituteforgovernment.org.uk/sites/default/files/publications/Transforming%2520Whitehall%2520Departments_0.pdf>

²⁷ The Defence Committee is involved in one of the only standing mechanisms for cross-committee working – the Committee on Arms Export Controls (or CAEC). CAEC is made up of members from the Defence, Foreign Affairs, International Development and Business Innovation and Skills Committees who meet together on a regular basis to consider the control of strategic exports, including weapons. Another mechanism for cross-committee working is the Joint Committee on the National Security Strategy, on which the chairs of several departmental select committees sit.

²⁸ In summer 2012 concern emerged about the fixing of the LIBOR (London Inter-Bank Offered Rate), an average interest rate calculated through submissions of interest rates by major banks in London. Coming on top of the financial crisis, this scandal created widespread public disquiet about behaviour in the UK's financial sector, which provided the impetus for an inquiry.

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For example, its use of panels (sub-committees with a quorum of just one MP) allowed Commission members to pursue areas of particular personal interest²⁹ and bringing in counsel enabled a more detailed and forensic approach to the evidence in some areas. Alongside their benefits these innovations brought their own risks – the massive volume of evidence collected brought the danger of loss of focus and the use of counsel pushed the Commission closer to a public inquiry model of investigation without any of the accompanying protections for witnesses.³⁰ But the fact that the Commission was trying to be different – even that it sounded different as a ‘commission’ rather than a ‘committee’ – does seem to have increased its impact.

However, the most significant factors contributing to the Commission’s impact were not actually novel. They can be reduced to political backing, resources and relationships – supporting elements which any committee could enjoy in theory at least. The fact that the government really wanted the Commission to be set up and that the other parties gave it their blessing gave it impetus and legitimacy. Witnesses took the Commission seriously because the Chancellor had virtually guaranteed that its recommendations would be implemented – so what they were going to say mattered. And the blank cheque which the Chancellor had signed was significant because it meant the Commission was supported by a larger team than any normal committee and was able to bring in a virtually unprecedented amount of external support and advice – including secondees and specialist advisers, which added to the credibility of their work and recommendations. At a cost of £980,000³¹ (more than twice the cost to run the DSC for five years) the Commission had considerably greater resources at its disposal for its year-long inquiry than departmental committees do.

But perhaps the most significant factors contributing to the PCBS’s impact were the reputation and relationships which its chair and members brought to the table. The chair brought subject-matter expertise from his earlier career, status from his role on the Treasury Select Committee (TSC), a pre-existing network of relevant contacts and an established (if not always rosy) relationship with the Prime Minister and Chancellor, who originally instigated the PCBS inquiry. The other members of the Commission brought a range of experience and expertise. Five were current members of the TSC who already had varying levels of experience scrutinising the financial sector. The peers – including a former Cabinet Secretary, former Chancellor of the Exchequer, former derivatives trader who became Archbishop of Canterbury, a former Chair of the TSC and a former banker – brought significant credibility to their work. But most crucially they proved a powerful alliance to push through amendments in line with the Commission’s recommendations to the Financial Services (Banking Reform) Bill as it passed through the Lords. Between them they were sufficiently influential among different groups in the Lords (bishops, former cabinet secretaries and party groups) that they succeeded in strengthening the bill beyond what the government had intended in a number of ways. This demonstrates the importance of the make-up of committees for impact.

Examples of key impacts

Accessing written evidence

The PCBS provided numerous examples of how parliamentary committees can use their powers to send for ‘persons, papers and records’ to access written evidence which would otherwise be

²⁹ As the panels had no power to report their findings and recommendations independently of the Commission, some of those we spoke to felt that their findings were reflected inconsistently in the Commission’s final reports.

³⁰ Most public inquiries are now established under the auspices of the Inquiries Act 2005. The associated rules under which inquiries are conducted set out a number of rules in relation to witnesses including those on evidence, legal representation and warning letters. See Statutory Instruments 2006, *No. 1838, Inquiries*, Legislation website, 2006, retrieved 25 May 2015, <<http://www.legislation.gov.uk/ukSI/2006/1838/made>>

³¹ This figure excludes some costs for staffing, security and office space, which were absorbed by the House of Commons, and nine members of Commission staff seconded from outside of Parliament.

inaccessible. The PCBS gained access to corporate records from financial institutions which shed light on the processes that led to the financial crisis. This and the large volume of other evidence collected by the Commission enhanced the Commission's understanding of the issues and also enriched the historical record of the financial crisis.

Political consensus building

The PCBS demonstrated the ability of a cross-party parliamentary committee not only to come up with a set of proposals that would win acceptance across the political spectrum, but to mobilise a parliamentary coalition behind that consensus. This resulted in the government being forced to strengthen its banking reform legislation beyond its original intentions.

Introducing new voices

MPs saw the PCBS panel on 'Corporate governance: below board level' which took evidence from mid-ranking employees as particularly enlightening because it enabled them to gain a better understanding of the dynamics within financial institutions which contributed to the problems with LIBOR.

Catharsis

Several external observers of the PCBS argued that the process of watching 'bad bankers' give evidence before the PCBS (and the fact that one surrendered his knighthood after a coruscating report) had an important cathartic effect for the general public who had suffered as a result of the financial crisis. They argued that, aside from schadenfreude, it was important for democracy for the public to see bankers held to account.

Alternative model

For the chair and members of the PCBS, a secondary motivation for their work was to prove the capacity of Parliament to undertake a major public inquiry. Most of those we spoke to thought the PCBS had been successful in demonstrating a new model of parliamentary inquiry. Some saw it as presenting a credible alternative to a public inquiry in a narrow set of circumstances. Others argued that the very specific circumstances in which it was established meant that it would be difficult to replicate.

1.5 What are the sources of a committee's influence?

Unlike committees in other countries, scrutiny committees in Westminster do not have the power to actually change anything. Comparisons are often drawn between Westminster committees and committees in other legislatures which have greater resources and greater powers, mainly in relation to legislation. Examples include the power to initiate and routinely scrutinise legislation (US Congress, Wales, Scotland), directly amend legislation (US Congress, German Bundestag) and control the finance available for legislation (US Congress). But it is not necessarily instructive to make direct comparisons with committees in other legislatures because they play different roles within alternative political systems. Powers to authorise taxation, appropriation and expenditure are entirely different between the USA and UK, for example because of differences between their political systems including the US separation of powers.³²

Nonetheless for many members of committees in Westminster, their lack of power is a frequent source of frustration. As we have seen in this chapter, UK committees must rely on influence to achieve impact – although not all committees are equally successful in doing so. To achieve impact they need to be aware of the multiple sources of influence at their disposal, which range from the formal and structural to the personal and relational.

Looking at our case studies we have identified six key sources of influence for parliamentary committees. We found that 'soft' sources of influence, especially effective relationships between committee chairs and secretaries of state, are absolutely key but sometimes neglected alongside more obvious means of achieving impact.

- **Status:** Many committees have a tendency to assume that their official status as representatives of Parliament gives their work a special status. As agents of accountability parliamentary committees do remain unique in some respects, including their power to compel witnesses and evidence. However, in an increasingly media-driven, post-Freedom of Information world, they increasingly need to compete for the attention of both the public and government. They can no longer assume, if they ever could, that the world will pay attention to their work simply because of who they are. It takes more than a standing order to create an "influential cross-party committees of MPs" – as select committees are often referred to in the media.
- **Formal powers:** Given our confrontational political system it is perhaps unsurprising that many committees resort to their formal powers, especially when they feel thwarted or ignored. This is most common when committees are operating in 'accountability mode' and want to secure answers from witnesses they perceive to be obstructive. Some committees are more ready than others to deploy their powers, even in some cases simply because of the additional publicity they can attract by 'summoning' rather than simply 'inviting' a witness. Although the rights and privileges of parliament exist for good reason, committees must balance the benefits and risks of deploying them.
- **Relationships:** Relationships are vital for influence, particularly the relationship between a committee chair and secretary of state. This key relationship, which sets the tone for the relationship between the committee and the department, is the most crucial factor determining whether a committee achieves impact. Even if they get all other aspects of their scrutiny right, a committee that fails to establish a productive relationship with its secretary of state risks seeing its conclusions disregarded and recommendations ignored. But it takes two to tango. Establishing and maintaining effective working relationships takes effort on both sides. It can also be mutually beneficial. Committees stand to gain a position within the policy landscape and the possibility of directly influencing the individual who is responsible for making key decisions. Ministers stand to gain a productive accountability relationship which makes a contribution to their thinking on key challenges, rather than directing their efforts away from those key challenges in seemingly random directions.

³² McKay, W. & Johnson, C.W., *Parliament and Congress: Representation and scrutiny in the twenty-first century*, Oxford, 2010.

- **Expertise:** Acquiring and maintaining expertise on their subject area is an important mechanism for committees to ensure that they are taken seriously by the government and civil society. If they want to be listened to then they need to make clear that they know what they are talking about and what questions they should be asking. This means being networked into their policy area and up to date on the opportunities and challenges facing a department. There is no better way to ensure a minister will dismiss a committee's findings than for members to ask questions or make recommendations that betray a fundamental lack of understanding of an issue. This will be readily attributed to indolence ('they can't be bothered to understand the issue'), arrogance ('they think they understand the issue but they don't) or stupidity ('they are incapable of understanding the issue'). Expertise is also crucial if committees want to produce authoritative reports that will stand the test of time. In the end, acquiring and maintaining expertise boils down to two things: effort on the part of members – reading briefings, talking to departments, attending meetings etc; and resourcing of committee teams.
- **Respect:** Committees are influential when they are respected by those they scrutinise. Interviewees mentioned a range of factors that influence the degree of respect they felt for a committee and its work. These included its level of expertise (discussed above); the judgement it exhibited in choosing its inquiries and its witnesses; the skill it displayed in eliciting information; and the courtesy with which it treated its witnesses. Our research shows that being respected is not essential for achieving all types of impact. However, being respected can affect both the quality of the evidence committees can collect and the way in which others engage with and respond to their work.
- **Communications:** Media coverage is almost always necessary but rarely sufficient for some kinds of impact. Committees should treat media coverage for committee activity as a means for securing impact rather than as an end in itself. To do this they need to be clear about the sort of impact they want to achieve and who their audience is, and tailor their efforts accordingly.

While the support of formal status and powers seem relatively easy to reach for, our research shows that some of the 'softer' sources of influence, such as relationships and expertise, are also important for impact. These sources of influence are all things within the power of committees, and particularly chairs, to cultivate. But they will not develop without conscious effort. Committees should seek to develop these sources of impact alongside the formal sources of influence to which they have ready recourse.

This work is relevant for government too. Committees cannot develop productive relationships with departments without effort on the part of civil servants and ministers. Departments should recognise that it is generally in their interests to facilitate committees developing their softer sources of influence. Helping committees develop expertise in their policy area and treating them with respect – as players within the policy field with a contribution to make – will make them less likely to resort to confrontational modes for achieving influence. Sometimes this may feel difficult – when parliamentarians seem to be pursuing their own agenda, and not demonstrating a level of knowledge that is deserving of respect. But it is likely to make scrutiny a more comfortable and productive experience for everyone.

2. Eight lessons about impact from scrutiny

2.1 Introduction

In this chapter we pull out the themes which arise from our three case studies and our wider research on parliamentary scrutiny. We offer eight lessons for anyone interested in how scrutiny can have an impact. We illustrate each lesson with examples from our case studies. Although our evidence base is small we believe our lessons, and the observations and examples on which they are based, should provide food for thought for all those involved in the scrutiny process, including MPs, parliamentary staff and those subject to scrutiny both inside and outside government.

2.2 Eight lessons

Lesson 1: Know what you are trying to achieve

Among the members of a committee there may be diverse reasons for wanting to conduct an inquiry into a specific issue. These might include personal, political, constituency and parliamentary objectives as well as, or instead of, a wish to increase the effectiveness of government. But different types of inquiry are most effective at producing different sorts of outcome. So it is important for committees to agree what impact they are trying to achieve before they embark on an inquiry.

This means a committee should know who it is trying to have an impact on – who their audience is. Most often this will be the government, but it may also be in the public interest for committees to seek to influence other groups, such as professional bodies, private sector companies (including those involved in delivering public services), the public, the judiciary or international entities, such as the European Commission. Sometimes an inquiry will have multiple audiences. The important thing is that these should be clearly defined in the committee's mind.

This is because different approaches to inquiries will be appropriate for different audiences. If government is the focus then it will be important to engage civil servants in the inquiry from the start, and keep them updated with the progress of evidence gathering, so that the committee's conclusions and recommendations do not emerge as if from a black box at the end of the inquiry. Evidence sessions with civil servants and ministers at the end, and perhaps also at the beginning, of inquiries will be particularly important. On the other hand, if the public is the audience then different methods of evidence gathering might be appropriate. Committees are increasingly experimenting with different sorts of social media as a means of engaging the public, particularly in the evidence gathering stage. An example was the DSC's inquiry into education for service children, which gathered the views of service families through an online forum.

Committees also need to decide what type of impact they are trying to have on their audience. For example do they want to influence, to engage, to set an agenda or to hold to account? Different aspects of inquiries will be important for different sorts of impact. For agenda-setting inquiries the framing of an inquiry will be essential, that is, establishing the key issues to investigate and deciding what questions the committee should be asking. With accountability-focused inquiries, oral evidence sessions will be crucial. Where a committee wants to engage an audience it will need to pay particular attention to its processes and outputs – how to talk to its audience in language and via a medium which works for them. Where a committee is seeking to influence someone it will need to consider the approach which is most likely to motivate them to engage with the committee's conclusions. With some audiences a

private meeting to discuss the committee's emerging findings might be most effective, for others, maximising media coverage might be the best means of catching their attention.

Lesson 2: Think about the impact of the inquiry process as well as its outputs

I remember there was a... [Lords Economic Affairs Committee] inquiry into this that looked like it was going to be very thorough, and actually we ended up writing, together with BIS [the Department for Business, Innovation and Skills] and the Treasury, a joint submission back which corralled for the first time in a serious way the government's evidence on the economic impact of migration. And so that inquiry was the trigger for what was a really important piece of cross departmental working.³³

Liam Byrne MP, former Home Office Minister of State for Borders and Immigration

When thinking about impact there can be a tendency among committee staff and MPs to focus on reports which are the most frequent output from inquiries. Although government has committed to respond to reports produced by parliamentary committees,³⁴ we found that it is often the process which the committee goes through in conducting its inquiry that has as much, if not more impact on government.

The very fact that a committee launches an inquiry will raise the profile of an issue within government because of the need to produce written evidence and, usually for ministers and civil servants to give oral evidence. Often this process has far more impact on the individuals concerned than a committee's final report. In fact some of the senior government figures we spoke to admitted that they rarely read committee reports. When asked about the impact of the HAC, external observers (including those in government) spoke much more frequently about its high-profile evidence sessions than about its reports.

Most of those we spoke to who had experience of giving oral evidence to committees noted that the process of preparing for a committee hearing had valuable effects: requiring witnesses (at least in the short term) to get up to speed on issues and understand them in depth; and requiring ministers to satisfy themselves of the rationale for policies and helping to expose any gaps, inconsistencies or inadequacies in them. Former Home Office minister Damian Green MP told us, 'It made you, as a minister, concentrate on those areas and think, "How do I answer this question?" and "Hang on, I can't answer this question in any sensible way because then that might well have policy implications or activity implications".'

The inquiry process can also shape the wider context in which the government has to respond to a report, by building pressure through media attention. James Arbuthnot MP observed that 'the government is more likely to respond to something that has a background of pressure put on the government from publicity'.

³³ The report resulting from this inquiry was published as: House of Lords Select Committee on Economic Affairs, *The Economic Impact of Immigration, First Report of Session 2007-08*, 2008, retrieved 25 May 2015, <<http://www.publications.parliament.uk/pa/ld200708/ldselect/ldeconaf/82/82.pdf>>

³⁴ The government's commitment to respond to all Commons and Lords committee reports within two months of their publication is set down in the so called 'Osmotherly Rules' – most recently published as: Cabinet Office, *Giving Evidence to Select Committees: Guidance for civil servants*, 2014, retrieved 25 May 2015, <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364600/Osmotherly_Rules_October_2014.pdf>

Lesson 3: Consider long-term outcomes as well as short-term impact

Keith Vaz would certainly claim credit for the abolition of the UKBA [UK Border Agency]. Now, he regards that as a result. I would say it's a possible vehicle to achieve the result you want, which is improved Home Office visas and immigration operation. But it's a mistake to regard that as a result in its own right. So it's an impact but it's not necessarily a good impact. I also think that that has been achieved at the expense of some pretty serious damage to morale within the organisation.

HAC stakeholder

The impacts which are most directly attributable to parliamentary scrutiny tend to be short-term impacts on individuals and organisations (resignations, apologies and so on). Delivering a short-term 'hit' of accountability to an individual or organisation which has failed is sometimes a desirable impact and an effective use of committee resources. And the fact that there may be a price to pay for failure – in terms of personal criticism in front of a committee – may have a preventative effect. But helping the government to prevent such failures being repeated, surely a more important goal, will often require more complex, long-term solutions for which it is more difficult for the committee to claim credit. Sometimes politicians involved in scrutiny may deliberately be using it as a mechanism to achieve personal and political aims other than a positive impact on government. But even where they are focused on increasing government effectiveness, politicians are understandably keen to be able to show that their scrutiny has had impact. They may therefore tend to focus on the types of inquiry that have the potential to deliver short-term readily attributable impacts. But in terms of impact, what you cannot measure may not be less important in the long run than what you can.

An example of this is the HAC's role in relation to UKBA. The Committee originally pushed for the creation of the agency which was formed in 2008 by a merger of the Border and Immigration Agency, UK Visas and the detection functions of HM Revenue and Customs. But in the last parliament the Committee kept a constant focus on UKBA and members told us that they saw the government's decision to take the agency back into the Home Office as a victory. They seemed less clear as to whether the abolition of UKBA would lead to the longer-term improvement in the administration of visas and immigration which they had sought. Indeed we heard anecdotal evidence to the contrary – that the Committee's constant attention to immigration issues had had a detrimental effect on the morale of the staff of UKBA, and discouraged high-flying civil servants from taking up roles in immigration because they feared having their reputations destroyed before the HAC. Clearly in part these effects were the result of the failings which the Committee identified and not merely the HAC's scrutiny of them, but this does highlight the fact that committee inquiries do have an impact on individual civil servants as well as the departments they work for.

Lesson 4: Understand the impact of predictability and value of pester power

Committees rightly value their ability to determine their own independent agendas. But being independent does not have to mean being entirely unpredictable. While unpredictability might be thought to be a virtue – because any aspect of a department's operation might be next under the microscope – in fact it can reduce the positive pre-emptive effect which scrutiny can have on government. Of course there may be a risk that entirely predictable scrutiny would enable departments to 'play' the scrutiny system. But in practice a degree of predictability is effective at creating pre-emptive impacts on how government works.

Several witnesses told us that committees had a pre-emptive effect on civil servants – awareness that their actions could subsequently be subject to scrutiny shaped what they did in the first place.³⁵ In some cases this effect resulted simply from the committee’s existence. Former MoD civil servant, Sir Ian Andrews told us, ‘They have an impact by their very existence... because as a civil servant you are always thinking about how your actions are going to play in terms of democratic accountability.’

In other cases witnesses described their actions as having been affected by a generalised understanding of a specific committee’s approach to scrutiny. The Home Office for example could be confident that the HAC would launch an inquiry into any home affairs issue attracting significant media attention, so could begin to prepare a response.

But we also heard from others who felt that a consistent approach to scrutiny on the part of the committees with which they interacted had enabled them to be more confident about the appropriateness of their own response. This meant that the committee was more likely to get what it needed. Andrew Bailey, Deputy Governor of the Bank of England told us, ‘A greater common understanding of the objectives of policymakers as set out in statute, and the approach of the Treasury Committee to its role in accountability, has in my view improved the operation and oversight of policy for the benefit of both.’ Thus a degree of consistency and predictability has advantages for all concerned.

Another example of where deliberately predictable behaviour on the part of a committee had a beneficial impact came from the Defence Committee. It established a policy of always asking the MoD for an update on progress on its recommendations six months after the government had responded to a report. Committee staff told us that this had prompted the creation of an internal process within the MoD for reviewing progress against committee recommendations.

This example also illustrates the value of ‘pester power’ – the ability of committees to return again and again to issues to keep them on the government’s agenda. Too often committees are drawn to the novelty of new inquiries rather than spending time reviewing government action against past recommendations. But we heard evidence from civil servants that pester power does work. An occasion when the chair of a committee had followed up a committee report by lobbying and writing to the secretary of state was noted as a technique which had the potential to produce a different result to simply publishing a report.

Lesson 5: Don’t allow a focus on consensus to blind you to the value of exposing dissent

Because committees are so strongly against producing minority reports, their recommendations can often be quite bland and obvious and things that people can’t disagree with like ‘motherhood and apple pie’. The search for consensus and airbrushing out of differing views isn’t always right. There may be issues of huge public concern which committees don’t touch on because they are afraid of not reaching consensus. But sometimes the process can be as useful as the outputs.

Chair of a public body

Committees are aware that consensual reports can have a great impact on government. Recommendations agreed by MPs from across the political spectrum cannot simply be dismissed as partisan. And, if a cross-party committee manages to come to agreement on an issue, that is often a good test of a politically-workable solution, to which the government should pay attention. Achieving a

³⁵ The Liaison Committee framed this as an aspiration for select committees: ‘Our aim is that committees should be respected, listened to and feared by departments and ministers for the quality of their investigations, the rigour of their questioning, the depth of their analysis, and the value of their reports. Their influence will go beyond the subjects they choose to inquire into: departments will be mindful of the reaction of their committee when they make policy decisions and of the high probability of exposure of any administrative shortcomings.’ The Liaison Committee, *Select committee effectiveness, resources and powers, Second Report of Session 2010-12*, 2012, retrieved 25 May 2015, <<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmliaisn/697/69702.htm>>

political consensus was seen, by members of the PCBS, as particularly important – especially in relation to the Commission’s first report which bound members together and helped ensure they spoke with one voice over the remainder of the Commission’s lifetime. Politically this made it nearly impossible for the government to renege on its promise to implement the Commission’s recommendations. So, while it can sometimes be tempting for members to highlight their differing views on a committee’s report – perhaps by issuing a minority report – this should not be done lightly. Party political consensus is a powerful tool for impact.

But an over-emphasis on achieving consensus can blind committees to the positive impact which can be made simply by the process of their inquiries. Members of the DSC told us that the Committee had recently decided against undertaking a major inquiry on the renewal of Trident, because they knew they would be unable to reach a consensus view on what should be done. Obviously a cross-party consensus on this divisive political issue would be a powerful outcome. However, the Committee’s decision not to undertake an inquiry ignores the significant value which would come from the inquiry alone, even if no attempt was made to make recommendations. Simply identifying the range of perspectives on Trident renewal, inviting a selection of witnesses to represent those perspectives and testing their positions in a public forum, could have immense value for the public and the media, as well as the government. It could generate a better-informed public debate which would continue to influence the government’s decision making even once the inquiry was concluded. Sometimes embarking on an inquiry which the committee knows in advance will expose dissent can be the right course of action. If framed in the right way it need not diminish a committee’s broader impact.

Lesson 6: Make conscious decisions about the trade-offs involved in scrutiny

That all committee inquiries necessarily involve trade-offs – some in relation to impact – was evident from all our case studies. The important thing is that committees think about these trade-offs and make conscious decisions about how to proceed.

Given the restricted timeframe for its inquiry, the PCBS’s decision to prioritise the collection of a comprehensive evidence base – which added to the credibility of its recommendations within government and the financial sector – limited the resource it had available for public engagement activities. This was a source of regret for some members although they agreed that influence on government and the industry had been their main priority.

As chair of the DSC, James Arbuthnot MP’s approach to impact was to establish the position of the Committee as a player within the defence sector by creating for it a reputation for ‘steadiness, fairness and value.’ This approach did not preclude the asking of hard questions of government. However, the Committee’s consistently courteous approach (in comparison to other committees) meant that the media was not always paying attention when those hard questions were asked because they were looking for drama in other committee rooms. The potential for media attention to multiply the pressure on government to release information or take action could therefore not be exploited. The impression we gained from some of those who had worked within the MoD was that this made the Committee’s work easy to ignore.

We heard a number of views about the trade-offs inherent in the HAC approach to its inquiries. The Committee’s approach to its evidence sessions often produced precisely the short-term, high-profile impacts it was seeking. But, to take one example, the speed of many of its inquiries had an effect on the quality of the evidence it was able to gather – sometimes there was no time for written evidence to be submitted or for witnesses to prepare properly.

Lesson 7: Remember impact can be a ‘win-win’ for parliament and government

The bit which is sometimes not present in these dialogues is that we're on the same side. If I'm in charge of pensions policy, as I was briefly, and I'm in front of the Work and Pensions Committee, we can all assume that we all want to understand the evidence base and the pros and cons of deferring the pension age or introducing compulsory pension savings.

Richard Heaton, Permanent Secretary for the Cabinet Office

It would be naive to suggest that scrutiny can always create a win-win situation for committees and departments. But a number of those we spoke to argued that the potential mutual benefits of scrutiny were sometimes lost in Westminster's confrontational model of politics – too frequently committees and departments treated each other as ‘the enemy’. The government's approach to parliamentary committees, in terms of speed and quality of replies to reports and co-operation in relation to inquiries and evidence sessions, is deeply inconsistent. The example of the MoD's relationship with the DSC, explored in our case study, provides a benchmark of poor practice: lack of co-operation fostered by negative ministerial attitudes towards Parliament, inadequate responses to reports, and a dismissive attitude towards committee recommendations. Other departments do better but it seems there are no established cross-government expectations for parliamentary interaction, which might drive more positive relationships. A number of those we spoke to questioned why government did not more frequently propose subjects for inquiry to committees – providing them with the opportunity to investigate something which was a current issue for the department, and providing the department with a digest of available evidence together with a politically-sensitive analysis of potential solutions.

From their side committees should not be too quick to reject such suggestions as an attempt by government to co-opt them. As the PCBS amply demonstrated, an inquiry conducted with the government's backing can make a real contribution to government thinking and not end up being seen simply as a whitewash. Committees could make more of a point of understanding the priorities of departments. Making sure they chose really topical subjects for inquiry will increase the chances that government will engage with the result. It is often in relation to knotty policy problems that committees can undertake really agenda-setting work – an example being the Health Committee's work which contributed to the introduction of smoke-free workplace regulations in 2006.

It can sometimes be useful for civil servants to be able to use a committee's recommendations for support when negotiating within their own department. For example former MoD senior civil servant, Sir Ian Andrews told us, ‘As an official, for example, I was trying to raise the profile of the estate because it was critically important in terms both of maintaining the value of the asset and getting policymakers to understand the need to provide people with acceptable living and working accommodation. I generally found the evidence sessions good and the subsequent reports helpful.’ These are all examples of positive impacts from scrutiny achieved without confrontation or embarrassment, although the latter will also remain important tools in any committee's toolkit.

Lesson 8: Understand that good scrutiny may not be enough

It is important for those engaged in scrutiny to remain aware that their ability to achieve the impact they want will always be affected by factors beyond their control. These external factors can affect both the ability of a committee to conduct an inquiry and the way the outputs from its scrutiny are received.

The starkest example of this came from the Defence Committee. The Ministry of Defence had three different secretaries of state during the course of the 2010 parliament (Liam Fox, Philip Hammond, Michael Fallon). Who was in charge at any given time was probably the single most important factor determining the Committee's ability to have an impact on the Department. It was clear that the relationship between the chair and the minister, and the tone they set from the top, affected the attitude

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of the Department to the Committee. We were told that, following a number of leaks (none of which were attributed to the Committee) one secretary of state had explicitly prohibited civil servants from speaking to the DSC except with formal permission from ministers. This edict from the secretary of state had made it particularly difficult for the DSC to access information from MoD civil servants and made it very dependent on the skills and attitude of the individual in the role of Defence Committee Liaison Officer, who was responsible for liaison with the committee. If the civil servant in this role is not well established or networked within their department, or if they do not have a pro-active and helpful attitude to requests from a committee, then they can seriously restrict the committee's interaction with the department.

The attitude of the secretary of state, and the 'tone from the top' this established for the MoD, also had a severe impact on the way the MoD treated the reports it produced during this period. Committee member, Madeleine Moon MP commented, 'The response to our Committee reports became insulting! They were outrageously contemptuous in their responses to our reports.' On two occasions where the Committee felt that the responses it had received from the government to its reports were inadequate, it responded by refusing to publish them and instead sent them back to the MoD to be rewritten. The Committee decided to do this privately – to hold the possibility of publicly criticising the MoD in reserve, and to give the department an opportunity to improve its response. Both staff and members observed that the responses received subsequently had been of higher quality.

Committees need to think about the external factors which may be limiting their impact and be prepared to re-assess their approach and change their working methods in order to deal with them.

3. Building on success?

3.1 Introduction

The public narrative around parliamentary committees is that they are growing in strength and confidence – indeed that they are one of the most effective elements of the Westminster parliamentary system. Our research has found much to praise about the work of committees. They are highly active and frequently innovate to explore new ways to achieve impact on government. But we have also found that the committee system as a whole lacks the capacity to identify and capitalise on these achievements.

In an ideal situation the committee system itself would be equipped to do what we have done in this project – to identify the successes of scrutiny, working out what approaches are effective for achieving impact, in order to build on its success, and discard less effective practices. But what became apparent through our research was that the committee system is not well equipped to do this.

In this final chapter we make some observations about factors which are currently constraining the ability of parliamentary committees to develop and improve, and offer some initial suggestions about what might be done about this.

3.2 Factors constraining improvement

Our research has highlighted a number of factors which we believe constrain the ability of the Commons committee system to learn and improve.

- **Focus on activities not outcomes:** The way committees are established and administered has led to a tendency for them to focus on what activity they should be undertaking rather than what they are trying to achieve in terms of impact. This is exemplified by the ten ‘core tasks’ for select committees set out by the Liaison Committee. Committees are encouraged to use these core tasks to shape their work programme, and to report against at the end of each session. While there is nothing wrong with establishing expectations for the sorts of activities committees ought to undertake, the focus on tasks obscures the importance of committees considering what outcomes they would like to see from their work. A committee could obediently undertake activity in relation to each of the core tasks and still have no positive impact whatsoever on government.
- **Silos:** Committees tend to operate in silos. They tend towards introspection, pursuing their own programme of work and ignoring that of others even when they are investigating an issue that another committee has already addressed. An example of this was the fact that while both the Defence and Foreign Affairs Committees did inquiries on Afghanistan during this parliament, a member of the DSC told us he would be surprised if any member of either committee had read the reports of the other. Cross-committee working remains rare. This is a pity, mainly because of the lost benefits for scrutiny, but also because of missed opportunities for cross-fertilisation of working practices and successful strategies for impact between committees. There is an absence of internal mechanisms to make MPs aware of each other’s work or to facilitate learning between committees in the Commons and the Lords. The tendency for each committee to work in its own silo means that innovations and successes in scrutiny occur in isolation, usually unnoticed beyond the bounds of each committee. Likewise failures and missed opportunities remain invisible to those outside the committee.
- **Lack of institutional memory:** Within each committee silo, turnover of membership, generated in part by the inevitable lure of frontbench positions, has a negative effect on learning. The Defence

Committee saw turnover of 83% of its membership (10 members) over the course of the parliament, and the Home Affairs Committee 73% (eight members).³⁶ The rate of turnover means that there tends to be a lack of institutional memory among committee members. There is no formal induction process for new committee members. Although those elected at the start of a parliament will receive briefing from staff about what the committee has done previously, such briefing tends to focus on subject matter rather than what has been successful in terms of scrutiny mechanisms.

Lack of institutional memory can be exacerbated by staff changes. Although the clerk of a committee would normally expect to remain in place for a whole parliament, other committee staff are replaced and circulated more frequently. In some cases staff may be a valuable repository of knowledge about what works but may not volunteer this information for fear of being seen as trying to lead the committee. And it may not occur to members to ask for their advice. Problems with maintaining institutional memory mean that even within committees, knowledge of what works for achieving impact may be rapidly lost.

- **Absence of feedback:** The Commons committee system is remarkable for its lack of feedback mechanisms. The only means by which members can get a sense of how they are doing is through feedback from other members in the tea room, or via the media. We did not hear about any of our case study committees systematically seeking feedback from government on the impact of their work. It is certainly the case that some chairs seek and receive feedback from ministers, and some clerks from civil servants, on an informal basis. But the absence of any established expectation that committees should seek feedback from their primary audience – government – on the impact of their inquiries and working practices, is truly surprising.

Committees might also learn much if they pro-actively solicited feedback from non-government witnesses and others who interact with them. The only formal request for feedback we heard of during this session was the Liaison Committee call for evidence for its inquiry on select committee effectiveness, resources and powers. This did not yield the sort of detailed evidence that could enable an individual committee to reflect on its own impact. Committees do not seem to have a clear idea about who their customers are or how they engage with their work, or how journalists use their reports for example. Nor do committees receive data on the number of times their reports are downloaded or their webpages are viewed. In fact committees' lack of curiosity about their audience is quite extraordinary.

- **Lack of evaluation of process:** In terms of self-evaluation we found few attempts to identify how inquiry outcomes had been affected by the way inquiries had been conducted, or to apply such learning to future work. The one exception was the training the Defence Committee had undertaken on 'effective questioning', which they had attempted to consolidate through reflection sessions at the end of each evidence session. Members told us these had been useful, but that too frequently MPs had left to attend other meetings rather than stay to evaluate their own performance. Looking beyond our case study committees the Public Administration Select Committee has sought feedback from witnesses about the experience of giving evidence.
- **Lack of meaningful evaluation of impact:** We found no evidence of our case study committees evaluating the long-term outcomes of their work. Members of each of the committees we looked at had a good, shared sense of their overall aims (whether these were strategic as in the case of the Defence Committee's focus on contributing to the next Strategic Defence and Security Review, or tactical as in the case of the Home Affairs Committee's approach of responding rapidly to topical

³⁶ Four of the 10 members who left the Defence Committee during the last parliament did so because they took on ministerial posts (Alison Seabeck MP became Shadow Minister for Communities and Local Government; David Hamilton MP an Opposition Assistant Whip; Julian Brazier MP a Parliamentary Under-Secretary in the Ministry of Defence; Thomas Docherty MP the Shadow Minister for Environment, Food and Rural Affairs). Three of the eight members who left the Home Affairs Committee during the last parliament did so because they took on ministerial posts (Bridget Phillipson MP became an Opposition Whip; Karl Turner MP an Assistant Whip; Steve McCabe MP the Shadow Minister for Education).

events). However, when asked about what they were trying to achieve, some committee members focused on the process of inquiries and take-up of their outputs rather than on longer-term outcomes. This was reflected in our departmental committee case studies use of mechanisms to track their impact: Home Affairs publishes ‘traffic light’ reports rating their recommendations as red, amber or green depending on whether they have been implemented; and Defence Committee staff systematically return to the MoD for an update on progress against recommendations every six months after the government has responded to a committee report. But neither committee evaluated the impact of their work in a wider sense, that is by considering whether the recommendations they had made had had the impact they had intended.

- **Lack of leadership:** To date, providing central direction for the committee system has been one of the responsibilities of the Liaison Committee – the Committee made up of the chairs of all Commons committees.³⁷ But our research has shown that in this parliament the leadership role played by the Liaison Committee has been sporadic at best. There were occasions on which the Liaison committee made useful policy decisions on behalf of all committees, most often in defence of their powers, but on balance the chairs we spoke to said they felt it was largely irrelevant to their work. One described it as ‘the most dysfunctional group of people you could ever hope to meet’ and another told us that attending Liaison Committee meetings was ‘the most ridiculous experience of my life’. In practice the main reason that chairs attended meetings in the last parliament seems to have been to prevent their colleagues from making decisions which would constrain the way they wished to operate.

At the moment structural problems with the Liaison Committee militate against its effectiveness in taking a leadership role. Any committee with 30-plus members would struggle to be effective, let alone one composed of some of the busiest and most opinionated backbenchers in Parliament. The result is an ever-shifting cast of attendees. In 2013-14, Liaison Committee members managed an average attendance at meetings of 42% – some way short of the 60% agreed by the House as the minimum acceptable for members of individual committees. The consequence was that decisions affecting the operation and resourcing of committees were taken by a different set of members on every occasion. Add to this the fact that every chair on the Liaison Committee instinctively believes their own committee to be both a paragon of good practice and the most deserving of debating time and resources, and you have a recipe for decision making which seems structurally incapable of delivering the best results for the committee system as a whole.

Another problem with the Liaison Committee is that it has not historically been led by a chair with the time and inclination to champion the cause of committees as a whole. There is a trade-off between having a chair who is also a chair of their own committee (as Sir Alan Beith MP was during the last Parliament) and a chair who is chair solely of Liaison (as was Beith’s predecessor, Alan Williams MP).³⁸ A chair with their own committee has more experience and credibility with other chairs to draw on but must balance their time and responsibilities to each. A chair who is chair only of the Liaison Committee has more time to devote to the job but may be seen as remote from the experience of the rest of the committee. The most important thing is to have a chair with the time, experience, ideas and drive to maximise the potential of the committee system as a whole.

- **Inappropriate emphasis on committee freedom:** A key guiding principle of the committee system is that committees should have the freedom to determine their own priorities, within the core tasks

³⁷ Charged under Standing Orders with considering ‘general matters relating to the work of select committees’, the Liaison Committee agrees guidelines and core tasks for committees, allocates funding for select committee travel, seeks to promote effective scrutiny and gives advice on select committee matters to the Commission (the body which runs the House of Commons). On a tri-annual basis it also takes oral evidence from the Prime Minister.

³⁸ In 2005, Alan Williams was nominated to the Liaison Committee although he was not (and had not previously been) a select committee chair, and then subsequently elected chair. This was not because of his particular virtues. Indeed it was argued in the press at the time that it was a manoeuvre to prevent Gwyneth Dunwoody MP being elected chair of the Liaison Committee. White, M., ‘Dunwoody done out of a job’, *The Guardian*, 16 November 2001, retrieved 25 May 2015, <<http://www.theguardian.com/politics/2001/nov/16/houseofcommons.labour>>

defined by the Liaison Committee.³⁹ During our research we heard that at times, the wish to not constrain the freedom of committees had counterproductive effects. We heard that attempts to evaluate impact were inhibited by reluctance among members to make judgements about what had been successful on one committee, lest they be seen to be criticising the choices of another. This had the consequence of limiting lesson learning and allowing sloppy or ineffective practice to go unchallenged. Evaluating and disseminating evidence of what works should not be seen as restricting members' freedom of operation but enhancing their ability to fulfil their important role.

It is important that elected members have the right to choose what subjects their committees scrutinise. But few members arrive in Parliament with any degree of specialist knowledge about how best to go about scrutiny.

3.3 How can Parliament's enhance its ability to improve its own scrutiny?

This research project has focused on the activity and impact of parliamentary committees in the last parliament. The main problem we have identified is that while most individual parliamentary committees are progressing and innovating, the committee system as a whole lacks the capacity to evaluate and build on the progress they are making in improving their impact on the effectiveness of government. Some MPs may not see this as a problem. Those who are primarily using committee work to pursue personal, party or other parliamentary aims may not be concerned about the effectiveness of the system as a whole. But for those with an interest in cementing the role of Parliament as a mechanism for improving the effectiveness of government, it does matter.

The options for improving this situation range from minor changes in the behaviour of individuals and committees, to major reforms to the system as a whole. But the goal of any change should be the same: to create a committee system that generates continuous improvement in scrutiny by identifying and building on success, and learning from and discarding failure.

In this section we offer some thoughts about how to resolve the problems we have identified with the committee system. These are not fully-tested proposals, but ideas intended to stimulate a conversation among those interested in improving scrutiny about how that might be achieved.

Impact focus

The whole committee system needs to shift from an emphasis on tasks and outputs to a focus on impact and outcomes. We are emphatically not saying that committees should switch to a focus on achieving only things which are measurable. Rather they should focus on what they are achieving in terms of outcomes rather than what they are doing in terms of activity. A report may not be the right way to achieve the outcomes a committee wants to see. Other means of engagement and influencing may be much more effective. Committees need to have a nuanced understanding of impact which recognises that long-term outcomes, which may not be directly attributable to committee activity but still result in part from it, may be just as valuable, if not more so, than short-term measurable outputs.

At a system level this means identifying a strong, shared narrative about the impact that committees are trying to achieve instead of concentrating on the activities committees should be undertaking. This shared narrative should go beyond vague aspirations to 'hold government to account' and 'conduct effective scrutiny'. Backbenchers need to be clear about what impact they want their accountability and

³⁹ The Liaison Committee has put it as follows: 'We believe it continues to be useful to define core tasks for committees, to guide committees in deciding their programme, but not to constrain their freedom to decide their own priorities.' The Liaison Committee, *Select committee effectiveness, resources and powers, Second Report of Session 2010-12, 2012*, paragraph 16, retrieved 25 May 2015, <<http://www.publications.parliament.uk/pa/cm201213/cmselect/cmliaisn/697/69702.htm>>

scrutiny activity to have on government, and what the outcomes of that might be. Each individual committee needs to have its own goals in terms of the impact it is trying to have on its specific department, which should reflect the system level narrative.

Suggested actions

- **Individual committees** should maintain a constant focus on impact and hold private meetings at least annually during which they discuss the impact they are trying to have on government and agree the outcomes on which they should focus.
- **Committee chairs** should work together to develop a shared understanding of the impact and outcomes committees should be trying to achieve. This work should include recasting the current 'core tasks' of select committees as impact-focused goals. For example, rather than the current 'Core Task Two' which is 'to examine policy proposals by the department, and areas of emerging policy, or where existing policy is deficient, and make proposals', an impact goal might be 'to evaluate policy proposals, areas of emerging policy and areas where existing policy is deficient and contribute to improvements in the quality of policymaking and better policy outcomes'.

Feedback and evaluation

Work to evaluate the impact of committee work and derive lessons about good practice should not be misinterpreted as an attempt to constrain the right of committees to determine their own work programme. Such evaluation is essential. Currently, there is an almost complete absence of feedback mechanisms providing committees with information on the impact of their inquiry processes and the outcomes of their work. It is tricky for members to evaluate the activity of their peers and difficult for staff to do so without being seen to criticise the choices of MPs. Nor can government provide an objective evaluation of a committee's performance. But without such feedback it is impossible for committees to learn what works and identify ways to improve. There is therefore a case for introducing independent evaluation of committee impact.

Suggested actions

- **Individual committees** should, as a matter of good practice, seek feedback from their witnesses on their experience before the committee and the process of the inquiry. The results of this feedback should be collated by staff and presented to the committee regularly. The **Commons authorities** should also regularly present committees with analytical data showing how frequently their reports and other outputs are viewed and downloaded and by whom (inside and outside Parliament).
- **Individual committees** should undertake a short evaluation exercise on the impact of their inquiry six months (or another appropriate interval) after receiving a government response to a report. The evaluation process should involve commissioning a short memorandum from the department about progress in relation to the committee's concerns, and seeking the views of other interested parties. Evaluation results should be fed back to witnesses so that they can understand the value of the process to which they contributed. Regular feedback should also be sought from interested parties on the impact of committees' non-inquiry related activity. Social media channels could be a useful mechanism for achieving this.
- **Committee chairs** should work together to establish channels with the Leader of the House to facilitate feedback between committees and government. This could include regular informal feedback sessions about the activity of committees and their relationship with government. Such meetings could be used as an informal forum to discuss matters such as pre-legislative scrutiny, ideas for new committees and suggestions for useful activity and would enable grievances on both sides to be aired. The Leader could feedback any outcomes from such meetings to departments (keeping the Cabinet Secretary informed to ensure consistency) and the Liaison Committee to committees and the Clerk of the House.

- **Committee chairs** should work together to identify an agreed mechanism for independently benchmarking and evaluating committee impact. Once agreed, evaluation of committee impact should take place on a rolling basis with each committee being subject to evaluation more than once in each parliament.

Learning and exchange of ideas

As we have shown, it is possible to identify what works well, and what works less well, when trying to achieve different types of impact on government. But the silo-based nature of the committee system and lack of mechanisms for exchanging and recording information about good or ineffective practices make it difficult for the committee system to build on its successes and learn from its failures. In the past many MPs have been resistant to undertaking any form of training or receiving advice on scrutiny, but in the last parliament a number of committees felt they benefited from training on questioning techniques. Providing induction and training on scrutiny techniques for new, or even more experienced committee members, is an obvious way learning could be consolidated within the committee system. Peer support between MPs could be an important means of achieving this.

Suggested actions

- **Committee chairs** should work together to create and embed mechanisms to recognise what effective practice looks like, and to identify and proactively highlight aspects of good practice – not just through annual reports but on a real-time basis. All committees should be required to engage with the benchmarking and sharing of good practice and promoting the development of the committee system as a whole. This responsibility could be the focus of a new impact-goal.
- This work on good practice by **committee chairs** should be used to create resources for use in the induction of new committee members. Committees should continue to experiment with skills-based training on scrutiny techniques, to embed learning within the committee system.
- **Committee chairs** should work together to find mechanisms to drive cross-cutting committee work by actively identifying emerging issues which cut across the remit of several committees and to commission joint working by committees. This would have benefits in terms of scrutiny outcomes but also facilitate sharing of good practice.

Leadership of change

There is value in the growing diversity of the committee system but also risk. The committee system needs effective central leadership if the risks from increasing diversity are to be managed and the benefits realised.

In previous parliaments leadership of the type of change we suggest in this section would have naturally fallen to the Liaison Committee. But in its current configuration the Liaison Committee is not well equipped to support committees to identify and learn from their experience. The most urgent change required therefore is to reform or replace the Liaison Committee with a body equipped to take on this role.

Suggested actions

- The **chair of the Liaison Committee** needs to be an MP with the experience, ideas, drive and time to maximise the potential of the committee system as a whole. During this parliament consideration should be given to changing the current system so that, in the next parliament, the chair of the Liaison Committee is elected by the whole House from amongst the members of the committee to demonstrate the significance of the role.
- An **executive sub-committee of the Liaison Committee** should be created with a specific remit to develop good practice across the committee system as a whole. The sub-committee should have no

more than six members and be chaired by the chair of the Liaison Committee. Its role should include horizon scanning to identify issues and risks likely to affect the work of committees and developing advice and protocols accordingly. Ideally the sub-committee should be elected from among the members of the Liaison Committee some way into the parliament, so that chairs could stand for the role on the basis of their track record.

Conclusions

This research has shown that parliamentary committees are progressing and innovating but that the committee system as a whole lacks the capacity to evaluate and build on the progress they are making. Those who see the committee system primarily as a means to pursue personal, party or other parliamentary aims may not be concerned about the effectiveness of the system as a whole. But for those who are interested in cementing the role of Parliament as a mechanism to improve the effectiveness of government, this matters.

Scrutiny costs money and, particularly in straitened economic times, we need to be confident that the scrutiny Parliament conducts provides good value for the tax payer. It should not be taken for granted that committees will continue even to maintain their current level of impact, let alone increase this, without those involved paying attention to how this can be achieved.

External factors such as the shifting party composition of Parliament could have major unforeseen effects on the committee system. For example, powers which have been passed from the whips to backbenchers are not necessarily secure. While it would probably be difficult now to return to a system of chairs and members being appointed, it remains possible – in the more uncertain political environment of small majority government – that the whips might wish to reassert some degree of control by electing chairs within parties, rather than by secret ballot of the whole House. This would threaten some of the positive impacts we identified as having resulted from this innovation.

Every chair we spoke to told us that, since the introduction of elections for committee chairs, they had felt greater confidence and legitimacy in undertaking committee work because they knew they had the support of their peers rather than pure political patronage. The freedom to determine their own priorities has led to increased diversity of practice between committees. This diversity can be seen in a nutshell by comparing our two departmental case studies. Defence focused on influencing Parliament through fewer, longer inquiries whereas Home Affairs focused on communicating via the media with government and the public through more, shorter inquiries.

Diversity in committee practice is not in itself a bad thing. On the contrary it can be seen as an indicator of growing confidence and creativity in the committee system. However increasing diversity of practice entails certain risks. Primary among these is the danger that, without evaluation, learning and support, poor or ineffective practices (by staff or MPs) will go unchallenged. At best, this means that committees will fail to deliver to their full potential; at worst, there could be damage to the brand of the committee system as a whole – in the eyes of the government or the public.

Another risk of growing diversity is that disparities will develop in the resourcing of committees, based not on impact but on which committee shouts loudest. The more diverse the committee system, the stronger the requirement for it to be able to monitor and address such risks.

Some would argue that the unequal relationship between the executive and the legislature under the UK's system of government makes it impossible for the scrutiny conducted by Parliament to have any significant impact on the government. Certainly it is rarely in the interests of the government and Civil Service to strengthen the legislature's scrutiny function. So, as ever, it is up to backbenchers and parliamentary staff to take on this challenge. There is an obvious interest for Parliament in making scrutiny the best it can be, and cementing its own role as a mechanism for improving the effectiveness of government.

In the next phase of our work we are keen to work with those involved in parliamentary scrutiny in Westminster and Whitehall to develop these ideas and understand more about how the impact of scrutiny can be enhanced.

Annex 1: Beneficial impacts of committee inquiries on government

The following table is taken from our previous report *Parliamentary Scrutiny of Government*.⁴⁰

| Beneficial impacts of committee inquiries on government | |
|--|--|
| 1. | Evidence: identify new evidence that improves the government's evidence base for decision making, for example about issues, risks or opportunities. |
| 2. | Analysis: provide a new or different analysis of the available evidence (including political opinion) which influences the government's view about what it is doing. |
| 3. | Openness: facilitate government openness by obliging civil servants and ministers to explain and justify what they have done. |
| 4. | Learning: identify lessons about past mistakes or successes by reviewing government expenditure, administration and the development and implementation of policy. |
| 5. | Processes: prompt higher standards or better processes in government through the act of conducting effective scrutiny. |
| 6. | Context: shift the context of government activity by influencing the views and actions of other actors – MPs, the media, public, judiciary, industry, civil society, think tanks, etc., including by building relationships and creating coalitions. |
| 7. | Democracy: affect the democratic system within which government operates, including wider trends relating to trustworthiness and legitimacy. The openness and transparency generated by scrutiny can also encourage the public to buy into government decision making. |

⁴⁰ White, H., *Parliamentary Scrutiny of Government*, 2015, retrieved 25 May 2015, <<http://www.instituteforgovernment.org.uk/sites/default/files/publications/Parliamentary%20scrutiny%20briefing%20note%20final.pdf>>

Annex 2: Key characteristics of our case study committees

The table below summarises key characteristics of our case study committees. Two were conventional Commons committees established to scrutinise Whitehall departments, while the third was an ad hoc joint committee of the Commons and Lords established to undertake a specific inquiry.

| Characteristic | Defence | Home Affairs | Parliamentary Commission on Banking Standards |
|--|---|---|---|
| Type of committee | Departmental select committee | Departmental select committee | Ad hoc joint committee – Commons and Lords |
| Subject matter | Defence policy, administration and expenditure | Home Office policy, administration and expenditure | Standards in the banking industry |
| Chair (dates in office) | James Arbuthnot MP (July 2005 to May 2014) Rory Stewart MP (May 2014 to March 2015) | Keith Vaz MP (July 2007 to March 2015) | Andrew Tyrie MP (July 2012 to June 2013, when the PCBS ceased to exist) |
| Method of appointment – chair | Elected by the whole House | Elected by the whole House | Agreed by usual channels (previously elected chair of the Treasury Committee) |
| Method of appointment – members | Elected within party groups | Elected within party groups | Agreed by usual channels (Commons members all previously elected members of the Treasury Committee) |
| Party affiliation of chair | Conservative | Labour | Conservative |
| Membership (excluding chair) | 11 (4 Conservative, 1 Liberal Democrat, 1 Democratic Unionist, 5 Labour) | 10 (5 Conservative, 1 Liberal Democrat, 4 Labour) | 4 MPs (1 Conservative, 1 Liberal Democrat, 2 Labour), 5 Peers (1 archbishop, 1 cross-bench, 1 Conservative, 1 Labour, 1 Liberal Democrat) |
| Staff | 6 full-time equivalent (2 clerks, 2 committee specialists, 2 administrative). Media officer shared with other committees. | 6 full-time equivalent (2 clerks, 2 committee specialists, 2 administrative). Media officer shared with other committees. | Exact staffing model varied over the course of the inquiry but averaged 20 to 25 full-time equivalent staff. Total staff working over the lifetime of the commission were: 1 chief of staff and 1 deputy chief of staff, 1 Lords clerk, 3 second clerks, 16 commission specialists (14 seconded from outside Parliament), 1 media officer, 10 administrative. |

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