



# Hansard Society evidence to the House of Commons Liaison Committee: The effectiveness and influence of the select committee system

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## Summary

### This submission covers:

- The core tasks: purpose and focus
- Possible changes to the architecture of the current select committee system, focusing on scrutiny of delegated legislation, the quality of the legislative process, and Brexit-related considerations
- Powers of select committees
- Membership of select committees
- Ring-fenced time for select committees
- Feeding into Parliamentary business
- Public engagement
- The role of the Liaison Committee

### We recommend:

- A review of the core tasks:
  - to reflect the fact that DSCs now act as an instrument of accountability not just in relation to government but also in relation to concentrations of power and influence wherever that is found in the public or private sectors.
  - to allocate the scrutiny of delegated legislation and post-legislative scrutiny to dedicated committees rather than all departmental scrutiny committees.
  - to take account of Brexit-related scrutiny pressures, including the implications of the changing landscape of the administrative state following the repatriation of regulatory functions from the EU.
- A restructuring of the select committee system, focusing on:
  - scrutiny of delegated legislation, through the creation of a new, permanent Delegated Legislation Scrutiny Committee (DLSC);
  - improving the quality of the legislative process, via a Legislative Standards Committee and a Post-Legislative Scrutiny Committee; and
  - post-Brexit arrangements – to scrutinise the potential transition period and the UK-EU Joint Committee (if the Withdrawal Agreement is ratified), future UK-EU negotiations, the UK-EU relationship in any post-transition period, and trade policy
- A formal review of Standing Orders to reflect any changes to the operation and procedure of Select Committees necessitated by these recommendations.
- Improvements in the transparency of arrangements by parties for the election of select committee Members at the start of and during a Parliament.

- Adoption of the six-week rule to govern the constitution of select committees after a general election.
- Trial implementation of ring-fenced time (e.g. one hour per day / one week per month) for select committees in the parliamentary day/calendar.
- Trial implementation of a weekly one-hour select committee slot in the parliamentary timetable during which three to four committee reports could be discussed in prime-time in the Chamber.
- Urgent redevelopment of the website and particularly the select committee pages.
- A wide-ranging review of parliamentary language, particularly in relation to select committees.
- An expanded leadership role for the Liaison Committee: more appearances by the Prime Minister post-Brexit; development of a foresight/horizon-scanning function; proactive engagement with the Restoration and Renewal process to ensure that the needs of select committees are front and centre in the planning and design process.

## 1). The core tasks: purpose and focus

1. Core tasks were introduced to provide for a more methodical, less *ad hoc* approach to scrutiny by departmental select committees (DSCs), whilst not being so prescriptive that they intruded on the capacity of committees to set their own agenda. The existence and range of core tasks have encouraged committees to reflect on the scope of their responsibilities and dedicate at least some time and resources to the scrutiny of issues and areas of government that might otherwise have been overlooked.
2. But **there are at least three key problems with the core tasks**, the remedies for which should help inform considerations about the future architecture and resourcing of the select committee system.
  - i. The overall aim of DSCs is described as being '*To hold Ministers and Departments to account for their policy and decision-making and to support the House in its control of the supply of public money and scrutiny of legislation.*' However, most DSCs now explore questions of accountability across a much broader range of economic, social, and political activity beyond the remit of the traditional machinery of government. Inquiries pertaining to the conduct, ethics, finances and strategy of individuals or private companies, banks, and charities have all

been held in recent years. Although some of these inquiries could arguably be linked to broad questions about departmental policy-making and its deficiencies (for example, the BHS inquiry was related to policy on private pensions and the role of the Pensions Regulator), this is not necessarily true of all such inquiries. **If the core tasks are to continue to be useful, they need to be reviewed in light of the fact that DSCs now act as an instrument of accountability in relation to concentrations of power and influence wherever that is found in the public or private sectors.**

- ii. Some core tasks are either not covered at all, or are not covered well by many select committees. Of the 10 core tasks, delegated legislation and post-legislative scrutiny are particularly ill-served. These core tasks have long been neglected, and an expansion in the remit of DSCs beyond securing the accountability of government departments inevitably means that the focus and attention given to these tasks are unlikely to improve. Both are important aspects of scrutiny: **a decision therefore needs to be made about whether they should remain a core task of existing DSCs or whether, as the Hansard Society recommends, they would be better served by dedicated scrutiny committees** (see section two).
- iii. **The core tasks are not fixed duties, but exactly how and why committees determine their inquiries, and the role the core tasks play in this, remains uncertain, and awareness of the core tasks among stakeholders is probably low.** Committees are better than they used to be at setting out the purpose of inquiries, but there remains a lack of clarity about the extent to which committees regard the core tasks as the strategic framework that helps define their agenda from the outset, or how far the core tasks merely provide a retrospective 'report card' function against which committees measure their performance at the conclusion of each parliamentary session. We also suspect that awareness of the core tasks among stakeholders is very low, even among those who otherwise have relatively high levels of interest in and knowledge of the work of select committees (anecdotally, for example, we have found few people working in public affairs who are aware of the core tasks). This is important because the core tasks are a means for select committees to bring greater accountability to their own work, enabling a judgement to be made about how they have performed.

3. The effective discharge of the core tasks and the overall effectiveness of select committees are challenged by the capacity, time and motivation of members and the support and resources available to them. Any review of core tasks should start from the premise that select committees should aim to work more effectively within their finite capacity, and not simply have further burdens added. At the time of writing, some committees have over a dozen live inquiries. Effective scrutiny requires adherence to the language of priorities: some committees might benefit from a 'less is more', and a 'quality rather than quantity' approach.
4. Given the additional scrutiny pressures posed by Brexit, the need to be strategic and to prioritise will be felt ever more keenly in the years ahead. To give one example, the landscape of the administrative state is changing as a result of the repatriation of regulatory functions from the EU to domestic bodies. This will pose new questions for select committees about how to scrutinise these bodies and their management of their new functions. For example, the Health and Safety Executive and the Environment Agency are to accrue significant new responsibilities for the UK's pesticides and chemicals regime but there are questions about whether they will have sufficient financial resources to carry out the functions as proposed. Some bodies may hitherto have gone 'under the radar' of the relevant select committee, but now, given these bodies' enhanced functions, there may be a case for seeking to extend the scope of pre-appointment hearings to some of them in the future, or to perhaps hold an annual hearing with their senior officials.

## 2). Possible changes to the architecture of the current select committee system

5. The need to address important areas of scrutiny which are currently neglected, and the implications of the post-Brexit scrutiny environment, point to the need to restructure the select committee system in the near future.
6. To build on the strengths of the current committee system, we suggest that attention should focus on three priority areas:
  - i. scrutiny of delegated legislation;
  - ii. the quality of the legislative process; and
  - iii. post-Brexit arrangements.
7. There is a case for considering the creation of other select committees – for example a Budget Committee and a House Business Committee – but we would prioritise these three areas first.

8. The extent to which any changes can be resource-neutral - *i.e.* achieved through the redeployment of resources - will depend heavily on decisions about the future scrutiny of Brexit and post-Brexit EU-related matters.

*i) Scrutiny of delegated legislation*

9. As set out in our report '*Taking Back Control for Brexit and Beyond*', published in September 2017, a new 'sift and scrutiny' system should be introduced, modelled on the House of Commons European Scrutiny Committee and the House of Lords EU Committee.
10. Members' experience in scrutinising the recent raft of EU Withdrawal Act 2018 Statutory Instruments (SIs) demonstrates the limitations of simply bolting a sifting committee (the European Statutory Instruments Committee) on to existing scrutiny mechanisms for SIs - praying against negative SIs and Delegated Legislation Committees (DLCs) for affirmative SIs. A sifting committee should be linked to more robust mechanisms whereby MPs can more effectively scrutinise an SI and hold the government to account.
11. **We propose that a new, permanent Delegated Legislation Scrutiny Committee (DLSC) should be established to consider all Statutory Instruments.** It would:
- i. be in the control of Members not whips (unlike DLCs), with an elected chair and members;
  - ii. have administrative, legal and research support via a committee secretariat (with the option to recruit specialist advisers as required) and the usual powers to call for 'persons, papers and records';
  - iii. be supported by a set of thematic sub-committees, focused on broad policy areas rather than government departments;
  - iv. ensure co-ordination with relevant departmental select committees through the co-option of members from relevant DSCs to the thematic sub-committees or through the adoption of a form of rapporteur/reporter system;
  - v. sift and scrutinise both negative and affirmative SIs and those subject to strengthened scrutiny procedures;
  - vi. draw to the attention of the House any SI that was politically or legally important or gave rise to issues of public policy likely to be of interest to the House;
  - vii. turn over to the House for further consideration those SIs of concern, with procedures in place to ensure that any SI reported to the House would have to be debated and voted on;
  - viii. Members would be granted a 'conditional amendment' power. This, coupled with procedural hurdles designed to ensure ministers cannot ignore the committee's concerns, should encourage constructive engagement on the key policy issues.

12. A flowchart setting out the procedure we propose for this new select committee process for the scrutiny of all SIs can be found as an Appendix to this evidence submission. Further detail about the proposal is set out in our report '*Taking Back Control for Brexit and Beyond*' (pages 37-54).
13. If a DLSC was introduced, the European Statutory Instruments and the Regulatory Reform Select Committees could be abolished. The DLSC process would also obviate the need for DLC debates on affirmative SIs, thereby generating further significant time and resource savings.

### *ii) Quality of the legislative process*

#### *Legislative Standards Committee*

14. The Hansard Society has long been an advocate of a Legislative Standards Committee. The proposal has, in recent years, been endorsed by the House of Commons Political and Constitutional Reform Committee (PCRC), the House of Lords Leader's Group on Working Practices, and the House of Lords Constitution Committee.
15. As we stated in our evidence to the PCRC in 2013, '*Parliament should at least be a partner in the process of setting the standards of what constitutes a well-prepared piece of legislation*'. A committee charged with permanent oversight of legislative standards would provide a forum for ongoing debate about the issues, and engage a range of stakeholders from the academic, legal, and civil society sectors. It would incentivise ministers to pay more attention to the standards agenda and hold them to account for it. In addition to calling a minister to answer questions about the preparation of a bill for which s/he is responsible, a Legislative Standards Committee could question the Leaders of both Houses about standards, the legislative programme and linked issues such as the use of parliamentary time. By shining a light on both good and bad practice and holding ministers to account for both, a committee would provide a focal point to encourage more of the former and less of the latter. It would also enable thinking about what constitutes legislative standards to be refined over time, in response to the changing legal, political, regulatory and technological landscape.
16. Ideally, a Legislative Standards Committee would be set up on a joint basis with the House of Lords.

#### *Post-Legislative Scrutiny Committee*

17. The potential value of post-legislative scrutiny is widely accepted but the practice has not been widely adopted. Despite being a core task of select committees, it is rarely undertaken; and when it is, it is largely in the context of analysis of broader policy matters rather than a specific examination of the government's post-legislative memoranda. Most of the post-legislative

review that has taken place has been undertaken by Lords *ad hoc* committees.

18. A permanent committee tasked with scrutiny of the departmental reviews of Acts (published three to five years after Royal Assent) would contribute to the 'circle of learning' about policy development and the legislative process. A new Post-Legislative Scrutiny Committee could have sub-committees to enable it to consider more than one Act at a time.
19. As with a Legislative Standards Committee, a select committee focused on post-legislative scrutiny could usefully be established on a joint basis with the House of Lords. This would also help address concerns about resourcing – reducing the pressure on the time of both Members and staff as well as financial support – and avoid the prospect of duplication of work by the two Houses.

### *iii) Brexit-related considerations*

20. Brexit will almost certainly require that the current House of Commons committee structure be changed. For the long term, the scrutiny committee systems in both Houses will need to accommodate:
  - i. scrutiny of policy areas in which the UK gains substantially expanded (e.g. agriculture) or new (e.g. trade) exclusive policy competences as a result of leaving the EU; and
  - ii. scrutiny of future UK-EU relations, whether this is via some special body / bodies / procedure(s) or absorbed into broader processes for scrutinising the UK's international political and economic relations.
21. In the long term, the two Houses' current European scrutiny systems are likely to become redundant, or at least substantially reduced in scope, depending on the nature of the UK's eventual relationship with new EU law as it evolves. This will have implications for their associated committees and the resources – at Westminster and in Brussels, in the shape of the National Parliament Office – that support them.

### **Possible Withdrawal Agreement**

22. If a UK-EU Withdrawal Agreement comes into force, there are three specific scrutiny tasks for Parliament that would arise:<sup>1</sup>

#### *Transition period*

- i. Parliament would continue to need to *monitor new EU law and policy*, inasmuch as the UK would be obliged under the Withdrawal

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<sup>1</sup> "Brexit: Parliament's Five Transition Tasks", Hansard Society, April 2018, <https://www.hansardsociety.org.uk/publications/briefings/brexit-parliament's-five-transition-tasks>



Agreement to take on new EU law coming into force during the transition. The considerations about if and when such scrutiny could 'safely' lapse (because all further new EU law would come into force only after the UK was no longer obliged to apply it) would replicate those that applied with respect to 'Brexit day' in the early part of the post-EU referendum period, before a 'standstill' post-Brexit transition became the most likely scenario. However, depending on the nature of the post-transition UK-EU relationship, new EU law coming into force after the end of the transition might continue to have relevance for the UK.

- ii. Parliament would continue to need to *scrutinise the actions of the UK government at EU level*, even though these would be radically more limited than they are with the UK as a Member State. The informational and institutional underpinnings of the European scrutiny system rest on the UK's position as a Member State: the system is triggered when the UK government deposits in Parliament documents which it receives from the EU institutions as a Member State government – but it appears that it will not receive such documents during transition; and scrutiny is tied to UK ministers' actions in the EU Council, but ministers will not be members of the Council after the UK leaves the EU. The UK Parliament may continue to be sent some EU documents by the EU institutions. This could provide the basis for some monitoring work. Nevertheless, as soon as any 'standstill' transition became certain, the government and the European scrutiny committees in the two Houses would need to agree new arrangements for transition-period government accountability in the absence of UK membership of the EU Council.

#### ***Withdrawal Agreement Joint Committee***

- iii. Parliament would need to exercise *oversight of the UK-EU Joint Committee* provided for in the Withdrawal Agreement (a body which will outlive the transition period). When considering appropriate parliamentary oversight, it should be borne in mind that, post-Brexit, such bilateral Joint Committees could become a more frequent feature of the UK's international relations.

#### **UK-EU negotiations**

23. Whether or not a Withdrawal Agreement comes into force, there are likely to be negotiations between the UK and the EU on an agreement or agreements to govern their future relationship. These negotiations will continue to require scrutiny.

## Post-transition: the long-term UK-EU relationship

24. The appropriate form of parliamentary scrutiny for the long-term UK-EU relationship will be determined by the nature of that relationship. The options lie on a spectrum from, on one extreme, the EU relationship being 'just another' UK international relationship that may be scrutinised as part of broader international affairs arrangements; to, on the other, a uniquely close relationship that potentially requires a dedicated scrutiny body and/or process. One key issue will be the UK's relationship with new EU law - whether there is any UK commitment, or option, to take on new EU law as it comes into force. If so, dedicated scrutiny arrangements are more likely to be appropriate. Current scrutiny arrangements for the UK's JHA opt-in decisions could be relevant, for example. Another issue will be whether UK ministers or officials will participate in any kind of joint governance structures with EU counterparts, in which case, again, the activities of the executive in such structures will require parliamentary scrutiny.

## Trade policy

25. Among policy areas which are being repatriated to the UK, the Hansard Society is focusing in particular on trade policy, especially trade agreements, because of the importance of the political, policy and constitutional issues involved. The select committee structure will need to accommodate scrutiny of this new policy area.

26. As is the case for other international agreements, Parliament's role in trade agreements is constitutionally challenging because it engages the Royal Prerogative. Given the impending new salience of trade agreements, one of the questions that Parliament should consider is whether to return to the issue of its role in UK treaty-making in general, or whether instead to focus exclusively on developing arrangements to scrutinise the making of trade agreements.

27. There are strong grounds for the view that the UK's default arrangements for Parliament's role in treaty-making will be inadequate certainly for post-Brexit trade agreements. In particular, current arrangements weight Parliament's role towards the end of the treaty process, after international agreements have been signed and when they may need implementing legislation to be passed and/or consent granted for ratification. An effective process for making international trade agreements needs parliamentary engagement at earlier stages of the process, before and during negotiations and before signature of any agreement.

28. Whatever parliamentary scrutiny arrangements are developed for post-Brexit trade agreements, their effective operation will depend on the government and Parliament having a common understanding of the documentation and information the government will automatically provide to Parliament, when it

will do so, and how the material may be used; on this understanding encompassing all appropriate material; and on both sides sticking to the understanding reached. Document deposit via the European scrutiny system is an obvious precedent. So far, the record of the Brexit process on these matters is not encouraging.

### 3). Powers of select committees

29. The debate about the powers of select committees generally focuses on the sanctions that can be applied for non-appearance of witnesses or for the failure of witnesses to tell the truth. These matters have been previously explored by the Joint Committee on Parliamentary Privilege and are currently the subject of an inquiry by the Committee of Privileges. Although there have been several recent cases of concern about the exercise and enforcement of the powers of the House in relation to contempt, these are generally infrequent (evidence is successfully secured from hundreds of witnesses each year) and it is not clear that this is a growing concern other than for one or two committees that have been particularly obstructed. The options have been set out previously: do nothing; clarify and re-assert the Houses' existing powers by strengthening Standing Order provisions and/or by passing a new Resolution; or legislate to provide a statutory basis for enforcement of the Houses' powers. Each option carries its own risks.
30. Select committees are political not judicial forums and any move to legislate for the Houses' powers would need the committee system to put into place robust mechanisms to address issues such as procedural fairness, reasonableness and proportionality. If legislation were to be the preferred option members would need to carefully consider what such mechanisms would need to look like. Our view would be that it would be better to at least try the second option of revising Standing Orders and asserting the Houses' intent via a Resolution of the House before any move is made to legislate.
31. But a wider concern about process is also evidenced by how this matter has been handled historically: the issue of contempt was referred to the Committee of Privileges on 27 October 2016 but as far as we are aware the Committee has not yet concluded its deliberations and the recommendations of the Joint Committee on Parliamentary Privilege in 2013 were, we understand, never formally considered by the House. These factors hinder the ability of the House and its committees to reach a decision on this issue.
32. Broader, less controversial issues about the powers of select committees are also worthy of review in light of the changing environment in which select committees operate.
  - i. Do the current (and possible future) practices of select committees (in the event of changes to the core tasks and architecture of the scrutiny system) require reconsideration of the relationship between Ministers and Parliament?

- ii. Is it necessary or desirable to develop sanctions to improve the timeliness and quality of government responses to select committee reports?
- iii. Would it not be advantageous – not least to generate a wider information and evidence base – for evidence to be submitted to select committees in a range of formats, including multi-media? What changes, if any, are needed to facilitate this?
- iv. Are current provisions for joint-working between committees in the House of Commons and between committees in both Houses sufficient – e.g. in relation to quorums?
- v. Are new powers needed to enable select committees to work more easily in concert with colleagues / committees in the devolved legislatures, particularly in a post-Brexit environment when common frameworks will be the focus of debate?
- vi. Are there lessons to be learnt about the powers and provisions needed to facilitate innovations such as the recent ‘international grand committee’ hosted by the Culture, Media and Sport Committee?

**33. Any changes in these or other areas could largely be addressed by changes to Standing Orders (SOs). However, whilst SOs are a key mechanism for regulating parliamentary business, and must be kept up to date, there is no provision for their regular review.** Although several hundred changes have been made to them in the last two decades formal exercises to review them have, as far as we are aware, been undertaken only six times since 1945. Five of those six reviews were undertaken at the request of the government and the last review in 2013 was undertaken on the initiative of the then Clerk of the House. A formal review of Standing Orders is not a matter solely for the Liaison Committee – and if undertaken would be the purview of the Procedure Committee – but it would be worth reflecting on whether the potential recommendations of this inquiry would require a sufficient number of changes to the SOs that a formal review process would be helpful.

#### 4). Membership of select committees

##### *Transparency around the election of Members*

34. The election of Chairs and members is widely regarded as having been a success although the elections are noticeably more competitive for some committees than others. However, the process overall would be strengthened if:

- i. the political parties were more transparent about how they elect members to select committees.
- ii. provisions were put in place to speed up the process of electing/appointing new members to committees mid-Parliament following the resignation of a member; some positions appear to remain vacant for weeks, sometimes months;

- iii. there was more clarity about eligibility for select committee membership given the array of roles that MPs can now be co-opted for in the service of their party/the government but which are not traditionally regarded as frontbench positions.

### *Party balance*

- 35. The emergence of The Independent Group (TIG) of MPs has raised new questions about the allocation of select committee positions in accordance with party balance within the House.
- 36. The TIG MPs initially held 10 select committee places between them, plus the chair of the Liaison Committee. Six of the ten non-TIG independent MPs held a further seven select committee seats between them. Two of these 17 total independent select committee places were committee chairs (the Health and Social Care and Work and Pensions committees). This meant that independents chaired the same number of select committees as the SNP, the second-largest opposition party, with its 35 MPs. And TIG MPs held nearly two and a half times as many select committee places as the Liberal Democrats, despite having the same number of MPs.
- 37. In a system predicated on party balance, one cannot ignore the fact that if party politics were to continue to fragment, achieving fairness and balance in respect of representation and participation during a Parliament would become increasingly difficult. Clarity about the rules in such circumstances – so that they are deployed fairly in the interests of all – would be advisable.

### *Constituting select committees after a general election*

- 38. The failure to constitute the select committees for months after the 2017 general election was unacceptable and should not be repeated. If any other major public organisation allowed one of its core functions to go un-done for so long, it would be accused of complacency, if not irresponsibility.
- 39. The document based scrutiny committees (the European Scrutiny Committee and the Joint Committee on Statutory Instruments) with no control over the flow of documents faced a growing backlog, hampering effective scrutiny. The select committees' lengthy absence also affected non-scrutiny tasks with which the House had entrusted them. For example both the Liaison Committee and the Backbench Business Committee were unable to fulfil their role of scheduling business in the Chamber and Westminster Hall. Even more importantly, the e-petitions system is Parliament's 'public front door'. But that door remained firmly shut while the Petitions Committee was in abeyance.
- 40. When it approved its new select committee system in 2010, the House inserted deadlines into its Standing Orders to ensure that the first stages in

getting post-election select committees up and running - for relevant committees, the allocation of chairmanships to parties, and the election of chairs - are achieved within at most one month of the Queen's Speech. The Wright Committee also wanted to set a deadline for the next stage - the nomination of committee members. The Committee recommended that 'the principal select committees should be nominated within no more than six weeks of the Queen's Speech and that this should be laid down in Standing Orders and capable of being enforced by the Speaker'. But this recommendation did not make it into Standing Orders. Instead, in a motion the House merely 'approve[d] the principle that the principal select committees ought to be appointed within six weeks of the beginning of the Session at the start of a new Parliament'. Standing Orders should now be amended to provide for the six week limit with the Speaker granted the backstop power to impose an allocation of select committee places if the Committee of Selection did not meet the deadline.

## 5). Ring-fenced time for select committees

41. The growing importance and effectiveness of select committees is part of a trend that has seen the House of Commons become a more committee-based institution. However, Members still face difficulties in dealing with the conflicting time demands posed by Select Committees and public bill committees, general committees, Westminster Hall debates and sometimes plenary sessions in the chamber.
42. Some committees have also experienced difficulties in engaging with stakeholders outside Westminster – e.g. undertaking visits – because of the impact of whipped business during a period of minority government. But even in more normal times select committees have limited capacity to conduct visits at times that would be more conducive to stakeholders: this sort of public engagement is generally organized around the convenience of Members rather than those they wish to engage.
43. A solution to this problem – first proposed by the Hansard Society's Newton Commission on parliamentary scrutiny in 2001 – would be to ring-fence time for committee work – a day a week, or one week per month, for example. This would throw up significant logistical challenges, and would need to be considered as part of a wider review of the parliamentary timetable and perhaps implemented on a trial basis. However, it might reap long-term reputational benefits. There is a mistaken belief that the House of Commons and MPs are not really working if the main chamber is not in session. A committee week would serve to convey to both media and the public that much of the Houses' best work takes place in committee rooms.

## 6). Feeding into Parliamentary business

44. 'Support for the House' is a core task of select committees. However, the ability of committees to fulfil this task is limited by the constraints on a committee's ability to secure time for its proposals to be considered by the wider House. Opportunities are more wide-ranging than they used to be but given the growth in the scope and volume of committee inquiries it is doubtful that sufficient time is built into the system.
45. To further promote the work of committees, consideration might be given to establishing, on a trial basis, a weekly one-hour select committee slot in the parliamentary timetable during which three to four committee reports could be discussed in prime-time in the Chamber.

## 7). Public engagement

46. Any public engagement strategy has to define clear objectives. What do committees want to achieve? For example: widen the range of evidence submissions beyond the 'usual suspects'? Raise the profile of the committee and its inquiries? Garner more media coverage? Raise public awareness of the work of Committees? The desired objective(s) should shape the public engagement strategy and the strategy will necessarily be different for each committee.
47. Some initiatives such as the European Statutory Instrument Committee's deployment of a 'public engagement tool' may be well-meaning but convey a worrying degree of naivety about what constitutes public engagement. This tool is basically an online form where the public can submit comments about SIs subject to sifting by the Committee. The time-scale available – 10 days – makes genuine public engagement very difficult anyway. But describing this webpage as a 'public engagement tool' is misleading. There is no agreed feedback mechanism to those who submit comments; the submissions are not made publicly available; no one knows how many people, let alone who, submitted comments; and the effect that any contributions had on the committee's members are unknown.
48. Parliament's website is inadequate in many respects and particularly in relation to select committees. Space is allocated to aggregate all content related to each individual inquiry. However, this is predominantly a repository for PDF documents and there is consequently limited search functionality. The design and presentation of the committee pages is formulaic in comparison to what can be found in other parliaments. Some legislatures do much more to augment the online presence of their committees and give them a distinct identity within the parliamentary setting. A website is an organisation's 'window on the world': Parliament's site gives a poor impression of the institution. **Redeveloping the website is an urgent task.**

49. Based on our recent research into public attitudes to Parliament, current barriers to public engagement include:

- i. ***Language:*** the public struggle with what they see as the use of 'jargon' by politicians, rather than 'plain language'. Basic terminology confuses and frustrates those outside. For example, for those facing cost-of-living pressures, a 'bill' is something they struggle to pay each month. They do not understand the word in relation to legislation. The language surrounding Select Committees is particularly alien and off-putting. Why are the committees described as 'select'? It conveys nothing about their role and purpose. Terms such as 'inquiry', 'witness' and 'evidence' are legalistic and off-putting. **A wide-ranging review of parliamentary language is urgently required.**
- ii. ***'Broadcasting' rather than feedback:*** In addition to using plain language, the public want communications to convey milestones. Strongly conditioned by the idea that 'nothing ever changes', the public want to see clear demonstrations of progress. Much engagement by parliamentary committees is entirely in 'broadcast' mode, when what the public generally say they want is a 'feedback' loop.
- iii. ***Mis-prioritisation of communication channels:*** Twitter is often used by committees and is a good way of reaching the Westminster political bubble and expert and stakeholder groups beyond. But for the general public, Facebook is a far more popular social media channel; our research suggests that Twitter barely figures. And, in any case, as our Audit of Political Engagement illustrates, traditional print media and broadcasting channels remain by some distance the most popular way in which people access news and information about politics.

## 8). The role of the Liaison Committee

### *Scrutiny of the Prime Minister*

50. After the UK leaves the EU, the Prime Minister will no longer be a member of the European Council and therefore no longer required by convention to make oral statements to the House of Commons after European Council meetings. Whenever this takes place, it will significantly reduce the amount of time the Prime Minister is subject to scrutiny throughout the year. As a result there is a strong case for putting in place alternative arrangements to hold the Prime Minister to account for post-Brexit EU-related policy-making and wider issues for which the Prime Minister has particular responsibility. One option might be to increase the number of appearances the Prime Minister makes before the Liaison Committee.



### *Horizon scanning and leadership role?*

51. The Liaison Committee could potentially play more of a leadership role in the House in terms of foresight scanning, co-ordinating responses to cross-departmental / thematic issues, and utilising its convening power. For example, in the aftermath of the EU referendum there was a need for a body within the House to take a lead in proactively addressing the question of how the House's structures and procedures might need to adapt to tackle the scrutiny challenges posed by the biggest change to our political, economic and international relations in decades. Yet, for much of the last two and a half years, the House carried on as if it was business as usual. The only significant structural changes were the creation of the Brexit Committee, but this was the automatic function of a machinery of government change, and the establishment of the ESIC sifting committee. Only in the last six months or so has the House grappled with the consequences and have innovations emerged, but on an ad hoc basis and often, though not solely, via select committee chairs.

### *Planning for Restoration and Renewal: representing the interests of select committees*

52. Looking ahead the implications of the Restoration and Renewal programme will be profound for select committees. The two-stage process of decanting to a new, temporary building location, and then returning to the Palace some years later, represent both a risk but also a huge opportunity. It is an opportunity to innovate in processes and procedures, particularly in relation to public engagement. It is an opportunity to creatively design space for committees that better fit potential future modes of working, moving away from reliance on the adversarial and inquisitorial 'us and them' layout of current committee rooms. It is an opportunity to integrate the latest technology to facilitate evidence giving, multi-media communication and a range of public engagement methods.

*Appendix: A 'sift and scrutiny' procedure through a new House of Commons Delegated Legislation Scrutiny Committee (DLSC)*

