



Ethnic and Religious Diversity in the House of Lords

Summary

Estimates suggest that around 6% of Members come from a minority ethnic background. This is significantly lower than the ethnic diversity of the UK population. The Office for National Statistics puts the UK minority ethnic population at 13%, based on the 2011 census. However, the ethnic diversity of the House of Lords has grown in the last 20 years, up from an estimated 2.6% minority ethnic membership in 2001. By comparison, 8% of MPs are minority ethnic, which itself was up from 2% in 2001. There are no estimates on religious diversity. The membership though is increasingly multi-faith. However, Members are not appointed solely because of any religious beliefs or 'ex-officio' position they hold. The exceptions are the Lords Spiritual. They make up around 3% of the membership of the House of Lords, a small percentage of the overall size. Lords Spiritual are the 26 Church of England bishops. There are also Members who hold no religious beliefs.

The diversity of the House of Lords is dependent upon appointments. However, given membership is for life, and retirement is only a recent possibility, change in the overall diversity of the House of Lords can be slow. The Queen formally appoints Members through the creation of life peerages granted to individuals. These peers are created on the advice of the prime minister. The prime minister controls the regularity and number of new appointments. In reality, the prime minister will seek nominations from opposition parties, as well as nominating from his/her own. The prime minister is also able to nominate up to ten individuals per parliament to the crossbenches who have a proven record of public service. Among such appointments in recent years have been retired senior civil servants, a retired Church of England bishop and former diplomats.

The House of Lord Appointments Committee (HOLAC) also provides the prime minister with nominations to the crossbenches. In making its suggestions, HOLAC is asked by the prime minister to have regard to diversity, including ethnicity, religion, gender and geographic, as well as professional expertise. HOLAC also vets all political peerage nominations for propriety but has no say about the diversity, or overall suitability, of those nominations. In recent years, the annual number of HOLAC appointments has been around two or three, relatively small compared to political appointments. However, to date 19% of its 71 appointments have been minority ethnic individuals.

In 2017, the Lord Speaker's Committee on the Size of the House suggested non-legislative ways to cut membership by about 200 and proposed an appointments formula. The House of Commons Public Administration and Constitutional Affairs Committee has recommended that HOLAC be given an advanced role in monitoring and reporting diversity, with the objective of influencing the nominations of political parties. The Government has said it would speak to HOLAC about its future role.

Matthew Purvis | 5 November 2019

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I. Introduction

This Library Briefing considers ethnic and religious diversity in the House of Lords. It starts by defining what is meant by ethnicity and sets out information available about the proportion of minority ethnic Members in the House today. To provide additional background, the briefing also presents short chronologies to show how the ethnic diversity of membership has developed over time. It considers religion and faith in the same way. The briefing then sets out the appointments process, the role of the House of Lords Appointments Commission (HOLAC) in that, and recent proposals concerning HOLAC's role. It concludes with a discussion about diversity and implications for representation in the House of Lords.

Throughout, the briefing refers to particular individuals to highlight examples of appointments at various points. The briefing also sets out some of the challenges in discussing issues of personal identity. These include both approaching such aspects, but also the limitations in drawing any conclusions from estimated numbers or proportions of Members from minority ethnic backgrounds or particular religious or faith groups.

2. Defining Ethnicity

The Office for National Statistics (ONS) defines ethnicity as “very diverse, encompassing common ancestry and elements of culture, identity, religion, language and physical appearance”.¹ Furthermore, it notes, conceptions of ethnicity are fluid and are dependent on the context in which they are viewed. Consequently:

Since ethnicity is a multifaceted and changing phenomenon, various possible ways of measuring ethnic groups are available and have been used over time. These include country of birth, nationality, language spoken at home, skin colour (an aspect for consideration for some and not for others), national/geographical origin and religion. What seems to be generally accepted, however, is that ethnicity includes all these aspects, and others, in combination.²

There are no official figures that provide the number of Members either by ethnicity or by religious affiliation. The House of Lords does not require Members to provide such information. The Government has also confirmed it does not record it either.³

Consequently, attempting to quantify numbers of minority ethnic⁴ Members is fraught with methodological difficulties. Ethnicity is self-defined and an aspect of an individual that cannot be assumed. As guidance produced by the Office for National Statistics explains, collecting data on ethnicity:

¹ Office for National Statistics, [Ethnic Group, National Identity and Religion: Measuring Equality: A Guide for the Collection and Classification of Ethnic Group, National Identity and Religion Data in the UK](#), accessed 30 September 2019.

² *ibid.*

³ [HC Hansard, 20 December 2012, col 882W](#).

⁴ In this context, minority ethnic refers to the following ethnic groups, as classified by the Office for National Statistics: Mixed/Multiple; Asian/Asian British; Black/ African/Caribbean/Black British; and Other (which includes Arab). See Office for National Statistics, [Ethnic Group, National Identity and Religion: Measuring Equality: A Guide for the Collection and Classification of Ethnic Group, National Identity and Religion Data in the UK](#), accessed 30 September 2019. This general approach is taken due to the variety of sources cited and issues arising from that concerning consistent use of definitions and data reporting.

[...] is complex because of the subjective, multifaceted and changing nature of ethnic identification. There is no consensus on what constitutes an ethnic group and membership is something that is self-defined and subjectively meaningful to the person concerned.⁵

A consequence of this is that, any existing numbers or percentages can only be indicative, rather than comprehensive, and should be used with caution.

3. How Ethnically Diverse is the Lords in 2019?

In 2018, the then chair of the House of Lords Appointments Commission, Lord Kakkar (Crossbench) told a Lords committee around 6% of Members were from minority ethnic backgrounds.⁶ In 2013, HOLAC gave a figure of 5%.⁷ If this proportion is broadly correct, then ethnic diversity in the House of Lords has more than doubled over the past two decades. In 2001 it estimated 2.6% of Members were from minority ethnic backgrounds.⁸ HOLAC is probably the most authoritative available source about diversity in the House of Lords. Established in May 2000, HOLAC is an independent, advisory, non-departmental body. It recommends individuals to the prime minister for non-party political life peerages. It also vets nominations for life peerages, including those from political parties, for propriety.⁹

On the basis of HOLAC's figure, about 48 Members are from a minority ethnic background.¹⁰ In November 2010, Operation Black Vote (OBV) said that the number had risen from 37 to 42 following the second list of new peerages announced that year.¹¹ OBV's website currently lists 46 BME peers. However, several of those named have since died or retired. That list also excludes several notable public figures. For example, Lord Ribeiro,¹² a former president of the Royal College of Surgeons of England is missing. As is Lord Ahmad of Wimbledon,¹³ the Foreign Office minister. More recently, Democratic Audit, a research organisation based at the London School of Economics, said "there were 51 black or minority ethnic peers".¹⁴

However, this is still somewhat short of reflecting the ethnic diversity of the United Kingdom. ONS analysis of the 2011 census found that "13 percent (8.1 million) belonged to a minority ethnic group, representing one person in eight of the UK population".¹⁵

⁵ Office for National Statistics, [Measuring Equality: A Guide for the Collection and Classification of Ethnic Group, National Identity and Religion Data in the UK](#), accessed 19 March 2014.

⁶ House of Lords Constitution Committee, [Corrected Oral Evidence: House of Lords Appointments Commission](#), 28 November 2018, Q4.

⁷ House of Lords Appointments Commission, [Annual Report October 2011–September 2013](#), 2013, p 8, para 26.

⁸ House of Lords Appointments Commission, [Annual Report 2001](#), April 2011, paras 21–4.

⁹ House of Lords Appointments Commission, [Annual Report November 2015–October 2018](#), 2018, p 4, para 2.

¹⁰ This figure has been calculated from membership of the House as at 30 September 2019 including ineligible Members. See: House of Lords, [Lords by Party, Type of Peerage and Gender](#), accessed 30 September 2019.

¹¹ Operation Black Vote, [New BME Peers: Baroness Oona King](#), 19 November 2010.

¹² Ghana Web, [College of Surgeons Awards Dr Ribeiro](#), 9 February 2006.

¹³ Colour of Power UK, [List of All BME People](#), 2018.

¹⁴ Democratic Audit, [How Undemocratic is the House of Lords?](#), 2 October 2018.

¹⁵ Office for National Statistics, [2011 Census: Key Statistics and Quick Statistics for Local Authorities in the United Kingdom](#), 11 October 2013, p 5.

3.1 Short History of Minority Ethnic Appointments

Before the Life Peerages Act 1958

The proportion of Members from minority ethnic backgrounds has increased largely due to developments within the last 30 years. Certainly, ethnic diversity (or the lack of it) was rarely commented on before that. In his survey of the House of Lords between 1911 and 1957, Peter Bromhead described several categories of Members.¹⁶ For example, he mentioned diversity in the ranks of the hereditary peerage,¹⁷ the political affiliation of Members and the professional backgrounds represented.

Ethnicity was not mentioned.¹⁸ This was possibly because at the time there was only one known minority ethnic holder of a peerage. That was Arun Kumar Sinha. He inherited the title as the son of the first Lord Sinha. The title was created in 1919 for Satyendra Sinha, who was appointed to the Government as Parliamentary Under Secretary of State at the India Office. On his appointment, the *Scotsman* noted the peerage was “of unique interest”.¹⁹ It noted it “as marking the entry into the House of Lords of the first Member who is not of pure European descent”. The paper thought this could be “a step towards making the House of Lords more representative of the Empire” with the Prime Minister giving such “prominent statesmen” life peerages.²⁰ By 1961, the Sinha peerage was still a novelty. The Atticus column in the *Sunday Times* reported that the second Lord Sinha still travelled from Calcutta every March to attend the House as “the only Indian representative”.²¹

After 1958

In the New Year’s Honours List in 1969, it was announced that Sir Learie Constantine was to be awarded a life peerage. He was a former West Indies cricketer and had held a number of public offices. These offices included High Commissioner for Trinidad and Tobago in the UK (1962–4). On appointment, he became the first black peer. He was also a noted Roman Catholic.²² Reporting his introduction to the House in March that year, the *Times* noted that, while he was the first West Indian Peer, there still remained only one other non-white peer. At that point, the third Lord Sinha, who had inherited the title in 1967, had yet to take his seat.²³

Only three further life peerages were awarded to minority ethnic individuals between 1970 and 1990.²⁴ David Pitt, a doctor by profession and also a Labour member of the London County Council,²⁵ became Lord Pitt of Hampstead in the New Year’s Honours List in 1975.²⁶ Pratap Chitnis, head of the Liberal Party Organisation between 1966 and 1969, was awarded a life peerage in the Queen’s

¹⁶ PA Bromhead, *The House of Lords and Contemporary Politics: 1911–1957*, 1958.

¹⁷ The Life Peerages Act was passed the year the book was published.

¹⁸ PA Bromhead, *The House of Lords and Contemporary Politics: 1911–1957*, 1958.

¹⁹ Lord Sinha, *Speeches and Writings of Lord Sinha*, 1919, Appendix, p 3.

²⁰ *ibid.*

²¹ *Sunday Times* (£), ‘Mainly about People’, 2 April 1961, p 12.

²² WD Rubinstein, *The Harvester Biographical Dictionary of Life Peers*, 1991, pp 128–9.

²³ *Times* (£), ‘Sir Learie Triumphs in First Lords Test’, 27 March 1969, p 2.

²⁴ WD Rubinstein, *The Harvester Biographical Dictionary of Life Peers*, 1991, pp 128–9.

²⁵ This became the Greater London Council in 1965.

²⁶ *London Gazette*, 6 February 1975, no 46485, p 1661.

Birthday Honours List in 1977.²⁷ In a profile by the *Illustrated London News* in 1983, Lord Chitnis referred to his ethnicity:

I don't think of myself as Indian, but it is difficult to think of myself as entirely English, if only because so many people tell me I am not. Being Catholic is a very considerable factor in my life. I feel consciously Catholic, more than I feel radical or English or Indian.²⁸

Into the 1990s

The 1990s saw more individuals from minority ethnic backgrounds appointed to the House of Lords.²⁹ These provided a further number of 'firsts' to be reported. For example, in April 1990, Shreela Flather joined the House of Lords as "Britain's first Asian woman Peer",³⁰ taking her seat on the Conservative benches. The same year, Lydia Dunn became the first Member of Chinese origin.³¹ Baroness Dunn later said that she was nominated for a peerage to give the people of Hong Kong, her birthplace, a voice in the British Parliament.³²

In 1996, John Taylor, a barrister, became Lord Taylor of Warwick. Following his introduction, he was described by the *Times* as "the first black Tory [...] to take a seat in the Lords".³³ The same year, Swraj Paul became a Labour peer. He later became the first Asian Deputy Speaker in the House of Lords.³⁴ In 1997, Raj Bagri was awarded a life peerage in the New Year's Honours List.³⁵ Lord Bagri was reportedly "the fifth Asian peer" and sat on the Conservative benches.³⁶ In 1997, peerages for Valerie Amos, Patricia Scotland and Navnit Dholakia were announced in Tony Blair's first full list of peerage nominations. Baroness Amos went on to become the first black female Cabinet minister in 2003. Baroness Scotland of Asthal became not only the first female Attorney General, but also the first holder of the post from a minority ethnic background.³⁷ Lord Dholakia became the Liberal Democrats' Deputy Leader in the House of Lords in 2004, a post he still holds.³⁸ The first Asian religious leader to sit in the House of Lords also took place in 1999. Michael Nazir-Ali took his seat as the Bishop of Rochester that year.³⁹ In 2006, John Sentamu became the first black Archbishop.⁴⁰

By the end of 1999, the proportion of Members from minority ethnic backgrounds had "doubled from roughly 1.5 percent to 3 percent" of the total membership of the House.⁴¹ This was a result of a

²⁷ *London Gazette*, 21 July 1977, no 47281, p 9451.

²⁸ Roger Berthoud, 'Encounters: Lord Chitnis's Three Elements', *Illustrated London News*, 26 November 1983, p 20.

²⁹ Emma Crewe, *Lords of Parliament: Manners, Rituals and Politics*, 2005, p 125.

³⁰ *Times* (£), 'First Among Equals?', 6 April 1990, p 21.

³¹ *Times* (£), 'Peeress quits Hong Kong for Britain', 16 June 1995, p 13.

³² [Letter from Baroness Dunn to Michael Pownall, Clerk of the Parliaments, regarding the Constitutional Reform and Governance Act 2010](#), 29 June 2010.

³³ *Times* (£), 'Lords Welcome Voice of Afro-Saxon', 31 October 1996, p 10.

³⁴ BBC News, '[UK Deputy Speaker is Indian-born](#)', 10 December 2008.

³⁵ *London Gazette*, 20 February 1997, no 54685, p 2133.

³⁶ *Times* (£), 'Peers, Politics and the Asian vote', 27 February 1997, p 17.

³⁷ *Guardian*, '[Nobody Was Safe From Me](#)', 20 December 2008.

³⁸ Liberal Democrats, '[Navnit Dholakia](#)', access 30 September 2019.

³⁹ BBC News, '[Asian Bishop Joins Lords](#)', 30 June 1999.

⁴⁰ BBC News, '[First Black Archbishop Enthroned](#)', 30 November 2005.

⁴¹ Emma Crewe, *Lords of Parliament: Manners, Rituals and Politics*, 2005, p 125.

number of further appointments. These included Baroness Uddin, the first female Muslim Member,⁴² and Lord Alli, who became the youngest life peer and the first openly gay Member of the House.⁴³ The proportion of minority ethnic Members also rose because of the reduction in the size of the House. The House of Lords Act 1999 saw over 650 hereditary Members leave.⁴⁴ The precise number of minority ethnic Members at this point, however, is still debatable. One source suggested that, in 1999, there were 21 black and Asian Members. This fell to 19 after two Asian hereditary peers left the House as part of the reform.⁴⁵ The Parekh Commission's report on *The Future of Multi-Ethnic Britain* stated that the "number of black and Asian life Peers tripled between 1997 and spring 2000, from six to 18". It noted "fourteen of them were Asian, four black".⁴⁶ Nevertheless, by 2007 Donald Shell could comment that "even though the proportion of Members of the Lords drawn from ethnic minorities has been lower than in the population as whole, the House has had at least as high a proportion as the Commons".⁴⁷

4. Religion and Faith in the Lords

For similar methodological reasons as ethnicity, it is difficult to provide a comprehensive picture of the representation of religious belief in the current House of Lords. Any such picture can be no more than partial. However, it is arguable that the House of Lords has long included Members from a range of religions and none. The participation of the bishops in public business dates back to the early feudal period when bishops were summoned to Parliament by virtue of their feudal status as royal tenants by barony.⁴⁸ Following the Act of Supremacy 1534, the numbers representing the church in the Lords diminished. Since 1847, the archbishops of Canterbury and York and 24 diocesan bishops from the Church of England have had seats in the Lords. Until disestablishment of the Church of Ireland in 1869, four Irish Bishops also sat in the House of Lords.⁴⁹

In terms of different faiths, the third Lord Stanley of Alderley was purported to be the first Muslim peer. On his death in 1903, the *Times* noted "he was probably the only instance on record of a British Peer who embraced the mahomedan faith and followed it devoutly".⁵⁰ Sir Nathaniel de Rothschild was "the first British Jew to be raised to the peerage".⁵¹ Lord Jakobovits was the first Chief Rabbi to become a peer when he took his seat in 1988.⁵² Lord Eames was formerly Archbishop of Armagh and Lord Soper was a former convenor of the Methodist Conference.⁵³ The dukes of Norfolk have historically been Roman Catholics. Successive dukes were unable to sit in the House of Lords until the passing of the Catholic Emancipation Act 1829.⁵⁴

⁴² BBC News, '[Harman's Office Thatcher U-turn](#)', 16 September 2009.

⁴³ BBC News, '[Profile: Lord Waheed Alli](#)', 29 November 2000.

⁴⁴ The total membership fell from 1,326 Members on 1 November 1999 to 670 Members on 1 December 1999.

⁴⁵ Emma Crewe, *Lords of Parliament: Manners, Rituals and Politics*, 2005, p 125.

⁴⁶ Commission on the Future of Multi-Ethnic Britain, *Future of Multi-Ethnic Britain: The Parekh Report*, 2000, p 233.

⁴⁷ Donald Shell, *The House of Lords*, 2007, p 7.

⁴⁸ House of Lords Library, '[House of Lords: Religious Representation](#)', 25 November 2011.

⁴⁹ EA Smith, *The House of Lords in British Politics and Society 1815–1911*, 1992, p 82.

⁵⁰ *Times* (£), 'Lord Stanley of Alderley', 11 December 1903, p 6.

⁵¹ Victor Gray and Melanie Aspey, 'Rothschild, Nathaniel Mayer de, first Baron Rothschild (1840–1915)', *Oxford Dictionary of National Biography*, 2004.

⁵² Royal Commission on the Reform of the House of Lords, '[A House for the Future](#)', January 2000, Cm 4534, para 15.3.

⁵³ *ibid.*

⁵⁴ Edward Porritt, *The Unreformed House of Commons*, 1963, p 139.

It may be assumed that Lord Sinha, on taking his seat in 1919, was the first peer of the Hindu faith. However, there can be no certainty. Following his death in 1928, there were difficulties in proving that his son was entitled to inherit the title. This was due to the lack of birth and marriage records, and disputes over the validity of polygamous marriage. This was not resolved until 1939 when the Committee for Privileges decided the claim in his son's favour. In 1935, the House of Lords debated whether non-Christian Members should be debarred from sitting in the House. Responding for the Government, Viscount Hailsham, the Lord Chancellor, stated:

[...] I have only to say that the question is not one which concerns His Majesty's Government, and that neither now nor at any time has there been any question as to the faith of Members of this House.⁵⁵

He noted that “there have in fact been persons of various religious faiths who have sat in your Lordships' House. There have been Christians and Jews, Mahomedans, Hindus and Atheists”.⁵⁶

The contemporary House of Lords maintains that diversity. In 2011, Lord Norton of Louth (Conservative) observed that “the House has Members drawn from a wide range of religions—not just the mainstream Christian churches but also Members who are Jewish, Muslim, Hindu, Buddhist and, in one case, Parsi Zoroastrian—as well as Members of none: there is a Humanist Group in the House”.⁵⁷ The House of Lords Appointments Commission has played a part in this representation. Among those appointed are Lord Singh of Wimbledon, a Sikh, Lord Rana, a Hindu, Baroness Afshar, a Muslim and Lord Sacks, who at the time was Chief Rabbi. However, these appointments were made on the basis of merit. HOLAC's criteria stipulate that appointments “will be made on individual merit and not on any other basis”.⁵⁸

5. How Appointments Are Made

Membership of the House follows the creation of a life peerage by the Queen on the recommendation of the prime minister. The exceptions to this route are the 92 hereditary peers⁵⁹ and the 26 bishops.⁶⁰ Therefore, through peerage creations, the prime minister is in charge of the regularity of appointments to the House. The prime minister also controls the numbers to be created and the proportion allocated to other political parties. In addition, since 2000, the House of Lords Appointments Commission (HOLAC) has provided the prime minister with nominations for non-party peerages. The prime minister can also nominate up to 10 individuals per parliament to the crossbenches. Initially, those eligible for appointment in this way were “distinguished public servants”.⁶¹ In 2014, David Cameron expanded the criteria to include those with a “proven track record of public service”.⁶²

⁵⁵ [HL Hansard, 12 December 1935, col 227.](#)

⁵⁶ *ibid.*

⁵⁷ Professor the Lord Norton of Louth, ‘[Stevenson Lecture: House of Lords Reform?](#)’, University of Glasgow, 25 January 2011.

⁵⁸ House of Lords Appointments Commission, ‘[Criteria Guiding the Assessment of Nominations for Non-Party Political Life Peers](#)’, accessed 30 September 2019.

⁵⁹ House of Lords Library, ‘[Hereditary By-elections: Results](#)’, 27 February 2019.

⁶⁰ House of Lords Library, ‘[House of Lords: Lords Spiritual](#)’, 4 September 2017.

⁶¹ [HC Hansard, 25 January 2005, col 10WS.](#)

⁶² [HC Hansard, 26 June 2014, col 37WS.](#)

6. Role of the Appointments Commission

To date, 71 appointments have been made by HOLAC. The first were announced in March 2001, with 15 nominations. The most recent HOLAC appointments came in 2018, following an almost three-year gap. HOLAC's website notes its wish that its appointments "add to the breadth of experience and expertise that already exists within the House of Lords". Such appointments should "also help ensure the House fully represents diversity within our country".⁶³

In 2018, Lord Kakkar, the then chair of HOLAC, told the House of Lords Constitution Committee that 19% of the commission's nominations to date had been people from minority ethnic backgrounds. This compared to 6% for the whole House.⁶⁴ Lord Kakkar also noted the relatively low numbers of HOLAC appointments in recent years. In that context, he spoke about the implications for diversity in the Lords:

Of course, the reality is that HOLAC has been restricted in the number of nominations it can make: in the last five years only seven crossbench independent nominations have been granted by two successive prime ministers. Those small numbers, bearing in mind that the first principle of all appointment to public office has to be merit, mean that there is very little capacity to make major inroads or to drive programmes of engagement across the country to attract more people to seek appointment to the House of Lords through the crossbench route.⁶⁵

6.1 A New Role?

In November 2018, the House of Commons Public Administration and Constitutional Affairs Committee (PACAC) published a report that looked at the size of the House of Lords.⁶⁶ This followed-up on work by the Lord Speaker's Committee on the Size of the House, which reported in October 2017.⁶⁷ The Lord Speaker's Committee, chaired by Lord Burns (Crossbench), made recommendations about how to reduce membership without needing legislation. Amongst these was capping the size of the House at 600 and that an appointments formula should be followed. Because reducing the number of bishops and hereditary peers would require legislation, the committee made no proposals in respect of either. However, it noted both groups would "make up a larger proportion of a smaller House".⁶⁸ As such, this would have broad implications for diversity. In particular with hereditary peers, the committee observed the Conservatives and Crossbench group "would have fewer spaces to allocate to life peers under any agreed system than they would if the by-elections ceased".⁶⁹

In its follow-up report, PACAC called on the prime minister to commit to the cap and formula. It also urged party leaders to increase the retirement rate. PACAC's report stressed the importance that

⁶³ [House of Lords Appointments Commission website](#), accessed 30 September 2019.

⁶⁴ House of Lords Constitution Committee, [Corrected Oral Evidence: House of Lords Appointments Commission](#), 28 November 2018, Q4.

⁶⁵ *ibid.*

⁶⁶ House of Commons Public Administration and Constitutional Affairs Committee, [A Smaller House of Lords: The Report of the Lord Speaker's Committee on the Size of the House](#), 19 November 2018, HC 662 of session 2017–19.

⁶⁷ Lord Speaker's Committee on the Size of the House, [Report of the Lord Speaker's Committee on the Size of the House](#), 31 October 2017, pp 11–12.

⁶⁸ *ibid.*, p 12, paras 21 and 23.

⁶⁹ *ibid.*, p 23, para 79.

“new [Lords] appointments better reflect the make-up of the UK, in areas such as gender, region, ethnicity and religion”.⁷⁰ In his evidence to the House of Lords Constitution Committee in November 2018, Lord Kakkar had told of the difficulties HOLAC had given the number of appointments available to it:

In reality, if one has only a very small number of appointments to make—potentially smaller in the few years until we get to steady state under the Burns formula—it seems unkind to go to lots of people and encourage them to make an application, which is a very demanding process, only to recognise that we may make no or a very small number of appointments in any given year. The reality is that the limited number who can come through the HOLAC route restricts the ability to achieve that objective of diversity. Where it has been possible to do something, I think that HOLAC has acted well and has made an important contribution to increasing diversity in the House.⁷¹

To improve the diversity of appointments, PACAC recommended an enhanced role for the House of Lords Appointments Commission. It suggested HOLAC play a “monitoring and reporting [role] on the diversity of nominees and peers for all groups”. The Burns committee had also suggested a bigger role for HOLAC but not on diversity issues.⁷² PACAC suggested that HOLAC:

[...] should publish recommendations identifying which groups or communities require better representation, which should be aimed particularly at the political parties responsible for the majority of nominations.⁷³

The Government responded to PACAC in January 2019. Addressing this recommendation, the Government said:

The committee raises important concerns about transparency and the lack of diversity in the House. The Government will work with the independent House of Lords Appointments Commission to consider its future role and functions, in the light of both the recommendations made in the committee’s report and those contained in the report by the Lord Speaker’s Committee.⁷⁴

⁷⁰ House of Commons Public Administration and Constitutional Affairs Committee, [A Smaller House of Lords: The Report of the Lord Speaker’s Committee on the Size of the House](#), 19 November 2018, HC 662 of session 2017–19, para 40.

⁷¹ House of Lords Constitution Committee, [Corrected Oral Evidence: House of Lords Appointments Commission](#), 28 November 2018, Q4.

⁷² Lord Speaker’s Committee on the Size of the House, [Report of the Lord Speaker’s Committee on the Size of the House](#), 31 October 2017, p 23, paras 80–82.

⁷³ House of Commons Public Administration and Constitutional Affairs Committee, [A Smaller House of Lords: The Report of the Lord Speaker’s Committee on the Size of the House](#), 19 November 2018, HC 662 of session 2017–19, para 40.

⁷⁴ House of Commons Public Administration and Constitutional Affairs Committee, [Government Response to the Committee’s Thirteenth Report: A Smaller House of Lords: The Report of the Lord Speaker’s Committee on the Size of the House](#), 5 March 2019, HC 2005 of session 2017–19, p 4.

7. Diversity and Representation in the Lords

The previous sections have provided information about the membership of the House of Lords in relation to Members from minority ethnic groups, and those with religious affiliations. This perhaps though only reflects one interpretation of representation, which academic Dr Alexandra Kelso has called microcosmic. This is “concerned with the representativeness of an institution in relation to the population or electorate”.⁷⁵ Adherents of microcosmic representation, she notes, would argue “that the decision-making capabilities of a legislature are directly affected by the extent to which it is a reflection of the wider population”. She observes that “this kind of ‘politics of presence’ prioritises identity as the basis of representation, coupled with the argument that identities such as gender, race and ethnicity should enjoy enhanced inclusion inside representative institutions”.⁷⁶

Professors Hugh Bochel and Andrew Defty interviewed Members of the House of Lords for a 2012 paper on representation. The paper discusses several different conceptions of the term. Firstly, it considers symbolic representation. This places importance of having Members appointed from previously underrepresented groups such as women, minority ethnic groups, religious groups or disabled people. About this, the authors note “there was relatively little discussion by Peers of symbolic representation” or the importance of “presence”. They add:

Although many female Peers, a number of Peers from ethnic minorities, and a number of Peers with disabilities were interviewed, few spoke about their symbolic importance, although several did discuss how they ‘acted for’ these groups. However, when the idea was raised there appeared to be little opposition to the politics of presence, and while some Peers thought their role went some way beyond symbolism, they were happy to be perceived in that way. For example, one disabled Peer, who is active in the Chamber in relation to disability issues, conceded that as a woman and somebody who used a wheelchair, she was sometimes seen “as a visible presence rather than as a spokesperson”.⁷⁷

Secondly, the paper looks at descriptive representation— aspiring to numerically reflect the diversity of the population in the House. Bochel and Defty found that “several Peers stressed that the House is now more diverse than in the past, and to some extent more descriptively representative than the House of Commons”. However, the authors felt that “comparing the proportion of women and ethnic minorities in the two Houses rather masks the fact that in descriptive terms, when compared to the population as a whole, both Chambers still fall considerably short”.⁷⁸ Across further aspects of representation, the authors argue the House is also unrepresentative in terms of educational and professional backgrounds.

A more complex conception is the third the paper considers. Substantive representation focuses on how representatives act in practice. Bochel and Defty argue that schemes for the reform of the House of Lords have tended to approach the issue from a symbolic or descriptive aspect, in particular the recommendations of the Royal Commission on House of Lords Reform with regard to

⁷⁵ Alexandra Kelso, ‘[Reforming the House of Lords: Navigating Representation, Democracy and Legitimacy at Westminster](#)’, *Parliamentary Affairs*, 2006, vol 59 no 4, p 564.

⁷⁶ *ibid.*

⁷⁷ Hugh Bochel and Andrew Defty, ‘[“A More Representative Chamber”: Representation and the House of Lords](#)’, *Journal of Legislative Studies*, 2012, vol 18 no 1, pp 82–97.

⁷⁸ *ibid.*

representation of a wider range of faiths.⁷⁹ The implication, they claim, is that such “Peers will act on behalf of those they represent” and:

Although proposals for an appointed element in the House stop short of stating that Peers should be required to act on behalf of any particular groups, it is often implied that the presence of a diverse range of Peers should enable people to feel they have a voice in the Chamber. However, if it is the case that descriptive representation may lead to substantive representation, the apparently limited nature of descriptive representation in the House of Lords may also limit the extent to which Peers ‘act for’ a wide range of groups.⁸⁰

However, the authors found that this line of thinking was difficult to prove:

[...] while many Peers claim to provide substantive representation for a range of different interests, there is very little evidence about how Peers act to provide substantive representation, and it is therefore difficult to make judgements about the extent to which those interests are actually represented. This is particularly striking when one considers that whilst Peers claimed to represent a diverse range of interests, party affiliation remains the most significant indicator of voting behaviour in the House. It is also not clear who is being represented in this way, and perhaps more importantly who is not.⁸¹

A related point concerns the assumption that representation of a particular viewpoint, or in this case the interests of particular groups, is more likely to be advocated by an individual from that group. Mark Harper, the then Minister of State at Cabinet Office, alluded to this point in an answer to a question at an evidence session of the Joint Committee on the Draft House of Lords Reform Bill in October 2011. Responding to a question about the Government’s proposals for representation of minority groups in an elected House, Mr Harper argued:

[...] there is diversity in terms of the things that you mentioned about gender, ethnicity and disability. But I also take the view that we are interested in the views and beliefs that people have when they get elected, which do not necessarily map to any of those criteria.⁸²

A consequence of focusing on symbolic or descriptive conceptions of representation is that it could exclude the work of Members who are not necessarily drawn from that group.

⁷⁹ Royal Commission on the Reform of the House of Lords, *A House for the Future*, January 2000, Cm 4534.

⁸⁰ Hugh Bochel and Andrew Defty, “[A More Representative Chamber’: Representation and the House of Lords](#)”, *Journal of Legislative Studies*, 2012, 18 (1), pp 82–97.

⁸¹ *ibid.*

⁸² Joint Committee on the Draft House of Lords Reform Bill, *Oral Evidence: Mark Harper*, 10 October 2011, Q27.