



## **Governance and Administration of the House of Lords**

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This Library briefing sets out how the House of Lords is structured, governed and managed, including joint working with the House of Commons. It describes:

- what the usual channels are and who is part of them;
- the responsibilities of the different office holders in the House;
- the role of the domestic committees and what they do; and
- how the House administration works and who does what.

It also provides a brief history of changes to the governance and administration of the House of Lords.

This briefing also covers:

- the principal legislation related to the governance and administration of the House;
- the key reviews that have taken place about how the House is run; and
- how the House is funded.

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## **I. Governance and administration of the House of Lords**

### **I.1 Usual channels**

The usual channels consist of the Leaders and Whips of the three main political parties. For certain purposes the usual channels include the Convenor of the Crossbench Peers. The usual channels are primarily responsible for making decisions about the arrangement of parliamentary business. Through their membership of the House of Lords Commission, the House of Lords Services Committee and the House of Lords Finance Committee ([see section 1.3 of this briefing](#)), the usual channels also play a key role in decisions about the governance and administration of the House, including on facilities and services for members. The usual channels handle the distribution of individual desks and rooms to members in their parties or groups.

### **I.2 Office holders**

#### ***Lord Speaker***

The Lord Speaker presides over daily business in the House of Lords chamber and is an ambassador for the work of the House. They also chair the main domestic committee of the House: the House of Lords Commission ([see section 1.3 of this briefing](#)). The office of Lord Speaker was created following the Constitutional Reform Act 2005 when the historical roles of the Lord Chancellor, including the speakership of the House of Lords, were re-distributed and reformed.<sup>1</sup>

The Lord Speaker is elected for a period of five years, renewable once, under standing order 18. Lord McFall of Alcluith is the current Lord Speaker. He was elected in April 2021 and took office in May 2021.<sup>2</sup> The result of the election is subject to the approval of the Queen, notified to the House by the Lord Great Chamberlain. Upon election, the successful candidate is required to lay aside outside financial interests falling into specific categories, including remunerated directorships and other employment, as a salaried officeholder. They also become unaffiliated from any party or group within the House and are expected not to vote.

In a self-regulating House, the Lord Speaker has no power to call members to order, to decide who speaks next, or to select amendments.<sup>3</sup> However,

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<sup>1</sup> For further background information, see: *Speakership of the House of Lords Committee, The Speakership of the House of Lords*, 19 December 2005, HL Paper 92 of session 2005–06; and *The Speakership of the House of Lords*, 27 November 2003, HL Paper 199 of session 2002–03.

<sup>2</sup> The first three Lord Speakers were: Baroness Hayman (2006–11), Baroness D’Souza (2011–16) and Lord Fowler (2016–21).

<sup>3</sup> In contrast to the role of the Speaker of the House of Commons.

the Lord Speaker, or their deputy, does “collect the voices” and calls for divisions when necessary. In addition to the presiding officer role, the Lord Speaker has ceremonial duties within the House: for example, at the state opening of Parliament (when they are in the royal procession), and when visiting heads of state or government address members of the two Houses. They also have an ambassadorial role receiving distinguished overseas visitors, making their own visit to other parliaments and participating in inter-parliamentary speakers’ conferences. The Lord Speaker conducts outreach activities to engage the public in the work of the Lords.

On the administrative side, in addition to chairing the House of Lords Commission, the Lord Speaker has formal responsibility for the security of the Lords part of the parliamentary estate and is one of the three ‘key holders’ of Westminster Hall (with the Lord Great Chamberlain and the Speaker of the House of Commons).

### ***Senior Deputy Speaker***

The Senior Deputy Speaker<sup>4</sup> is a salaried officeholder of the House of Lords who deputises for the Lord Speaker in all their duties and is empowered, for example, to recall the House during a period of adjournment in the absence of the Lord Speaker.<sup>5</sup> The Senior Deputy Speaker also presides over sittings in the House. The Senior Deputy Speaker is appointed formally as the Chairman of Committees but is known as the Senior Deputy Speaker.<sup>6</sup>

At the beginning of every session, and whenever a vacancy occurs, a member is appointed by the House to fill the salaried office of Chairman of Committees (the Senior Deputy Speaker) under standing order 60.<sup>7</sup> Like the Lord Speaker, the Senior Deputy Speaker is required to lay aside outside

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<sup>4</sup> The creation of this post was agreed by the House at the beginning of the 2016–17 session, following the recommendations of the Leader’s Group on Governance (see section 2.2 of this briefing)

<sup>5</sup> The position is in some ways analogous to the Chairman of Ways and Means in the House of Commons.

<sup>6</sup> This is because the title of Chairman of Committees, which was the forerunner to this post, appears in several places in legislation.

<sup>7</sup> The position of Chairman of Committees existed from the early 18th century in a semi-official capacity, it having long been accepted that as a general rule or by convention there should be one member who, if present, took the chair in all committees of the whole House and of select committees (mainly private bill committees). The position first received official sanction in 1800 when the House adopted resolutions defining its basic duties. Thereafter the Chairman of Committees was appointed on a sessional basis and, once appointed, automatically took the chair in all committees unless the House decided otherwise. Until 2005 the Chairman of Committees chaired the House Committee and was responsible for the security of the Lords part of the parliamentary estate. Both of these functions were transferred to the Lord Speaker. For further background, see: ‘The Origin of the Office of Chairman of Committees in the House of Lords’ by John C Sainty, House of Lords Record Office Memorandum No. 52 (1974); and ‘New Light on the Office of the Chairman of Committees’ by John C Sainty, House of Lords Record Office Memorandum No 79 (1990).

financial interests and any party or group affiliation on appointment and for the duration of their time in office.

Lord Gardiner of Kimble is the current Senior Deputy Speaker and took office in May 2021.<sup>8</sup> Nominations for the office of Senior Deputy Speaker are agreed by the usual channels with the Convenor of the Crossbench Peers.<sup>9</sup>

The Senior Deputy Speaker is the chair *ex officio* of all committees unless the House otherwise directs. In practice this means that they usually chair the following select committees:

- Liaison Committee
- Procedure and Privileges Committee
- Committee of Selection
- Hybrid Instruments Committee
- Standing Orders (Private Bills) Committee
- Unopposed private bill committees

In the House the Senior Deputy Speaker speaks on, and answers oral and written questions concerning, the administration of the House and the work of the House of Lords Commission (of which they are the Deputy Chair) and of the committees they chair. All business on matters relating to the Services and Finance Committees are tabled to the Senior Deputy Speaker who may delegate responsibility for answering written questions or debates to the relevant chairperson ([see section 1.3 of this briefing](#)).

In addition to their duties in the House, the Senior Deputy Speaker exercises a general supervision and control over private bills, personal bills, Scottish provisional order confirmation bills and hybrid instruments. This includes naming members of select and joint committees appointed to consider such matters,<sup>10</sup> including the chair of any select committee on a private bill they appoint.

Both the Lord Speaker and Senior Deputy Speaker are assisted with their House duties by a panel of unsalaried deputy speakers, who oversee proceedings in the chamber on a rota basis. These members do not, however, assist the Lord Speaker or Senior Deputy Speaker with their wider responsibilities.

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<sup>8</sup> The first Senior Deputy Speaker was Lord McFall of Alcluith (2016–21).

<sup>9</sup> On 27 April 2021 the usual channels and the Convenor proposed that, in future, the Senior Deputy Speaker should be elected by the House.

<sup>10</sup> Unless they are of the opinion that any such committee should be selected and proposed to the House by the Committee of Selection or unless at least two members of that committee request a meeting for that purpose.

### **1.3 Domestic committees**

Members of the House serve on several committees of the House of Lords concerned with the governance and administration of the House. The House of Lords Commission is the main domestic committee of the House. Two other domestic committees support it, the Services Committee and Finance Committee. Members also serve on the Audit Committee, the Lord Speaker's Advisory Panel on Works of Art, the bicameral Consultative Panel on Parliamentary Security and the Liaison Committee.<sup>11</sup>

This briefing does not consider the other domestic committees referred to in section 1.3 as they concern the proceedings of the House rather than its governance. They are:

- Procedure and Privileges Committee
- Committee of Selection
- Conduct Committee

#### ***House of Lords Commission***

The House of Lords Commission is the main domestic committee of the House.<sup>12</sup> The commission:

- Provides high-level strategic and political direction for the House of Lords Administration on behalf of the House.
- Agrees the annual estimate.
- Supervises the arrangements relating to financial support for members.
- Works with the management board to develop, set and approve the strategic business plan, the annual business and financial plans for the administration.
- Monitors the performance of the administration against agreed targets.

The commission's membership consists of:

- the Lord Speaker (Chair);
- the Senior Deputy Speaker (Deputy Chair);
- the leaders of the Conservative, Labour, and Liberal Democrat parties;

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<sup>11</sup> An organisation chart is available in Appendix I of this briefing.

<sup>12</sup> In the House of Commons, the equivalent body is the [House of Commons Commission](#). The latter is a statutory body, established under the [House of Commons \(Administration\) Act 1978](#), which is chaired by the Speaker. The House of Commons Commission is supported by the [Administration Committee](#) and the [Finance Committee](#).

- the Convenor of the Crossbench Peers;
- the chairs of the Services and Finance committees;
- two other backbench members from the groups not holding the chairmanship of either the Services Committee or Finance Committee; and
- two non-voting external members, who are appointed through fair and open competition, one of whom is also the chair of the Audit Committee.

The commission has also agreed that two officials (the Clerk of the Parliaments and the Chief Operating Officer<sup>13</sup>) should become non-voting members of the commission, subject to the House's approval.<sup>14</sup>

It usually meets at least monthly when the House is sitting and may also meet jointly with the House of Commons Commission from time to time. Further details of the work of the House of Lords Commission, including members, minutes and reports, are published on the UK Parliament website.<sup>15</sup>

The commission has agreed a list of reserved matters, for its consideration only, and delegations to the Services and Finance Committees, as well as the terms of reference for the Audit Committee.<sup>16</sup>

### **Services Committee**

The Services Committee supports the House of Lords Commission by:

- Agreeing day-to-day policy on member-facing services.
- Providing advice on strategic policy decisions when sought by the commission.
- Overseeing the delivery and implementation of both.

The Committee of Selection nominates the chair. The committee has 10 members, including:

- a frontbench or senior member from each of the Conservative, Labour and Liberal Democrat parties;
- the Convenor of the Crossbench Peers;

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<sup>13</sup> The Chief Operating Officer is a new role. The first appointee will join the administration on 1 January 2022.

<sup>14</sup> See: House of Lords Commission minutes, 10 February 2021.

<sup>15</sup> UK Parliament website, '[House of Lords: House of Lords Commission](#)', accessed 17 November 2021.

<sup>16</sup> UK Parliament website, '[House of Lords: House of Lords Commission](#)', accessed 30 November 2021.

- two backbenchers from each of the Conservative and Labour groups; and
- one backbencher each from the Liberal Democrat group and Crossbench Peers.

The committee's chair may answer written questions and debates on Services Committee matters if the Senior Deputy Speaker delegates so. Further details of the work of the Services Committee, including members, agendas, papers, decisions documents and minutes, are published on the UK Parliament website.<sup>17</sup>

### **Finance Committee**

The Finance Committee supports the House of Lords Commission by:

- Considering expenditure on services provided from the estimate for the House of Lords.
- Reporting to the commission on the forecast outturn, estimate and financial plan submitted by the management board.
- Monitoring the financial performance of the House administration.
- Reporting to the commission on the financial implications of significant proposals.

The Committee of Selection nominates the chair.

The chair presents any committee reports to the House and replies to debates on those reports. The committee has 10 members, including:

- a frontbench or senior member from each of the Conservative, Labour and Liberal Democrat parties;
- two backbenchers from each of the Conservative, Labour and Crossbench groups; and
- one backbencher from the Liberal Democrat group.

The chair may answer written questions and debates on Finance Committee matters if the Senior Deputy Speaker delegates so. Further details of the work of the Finance Committee, including members, agendas, papers, decisions documents and minutes, are published on the UK Parliament website.<sup>18</sup>

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<sup>17</sup> UK Parliament website, '[House of Lords: Services Committee](#)', accessed 17 November 2021.

<sup>18</sup> UK Parliament website, '[House of Lords: Finance Committee](#)', accessed 17 November 2021.

## **Audit Committee**

The Audit Committee was established in 2002 and is appointed by the House of Lords Commission,<sup>19</sup> which is responsible for its membership and terms of reference. Its membership includes five members of the House, and two external members.<sup>20</sup> One of the external members acts as the chair and the chair is also an *ex officio* member of the House of Lords Commission.

The Audit Committee:

- Considers internal and external audit reports and other material, and the management responses to these.
- Agrees the annual internal audit work programme and monitors progress against the audit plan.
- Provides advice to the Clerk of the Parliaments in exercising their responsibilities as Accounting Officer ([see section 1.4 of this briefing](#)).
- Evaluates the adequacy of the risk management system and the suitability of the control arrangements reported to it; and advises the Accounting Officer and the management board accordingly,
- Encourages value for money, good financial practice, appropriate internal controls, and effective governance throughout the administration of the House.
- Reviews the annual financial statements and accounts.
- Makes an annual report to the House, to be submitted, in the first instance, to the commission and to be published with the House of Lords' annual report and accounts;
- Works with the House of Commons Administration Estimate Audit and Risk Assurance Committee to monitor areas of joint interest of both Houses.
- Reviews regularly the effectiveness of the Audit Committee.

The committee usually meets six times a year, including two joint meetings with the House of Commons Administration Estimate Audit and Risk Assurance Committee,<sup>21</sup> and reports annually to the House. The members hold no other office in the House and, except for the chair, do not sit on any other domestic committee.<sup>22</sup> Further details of the work of the Audit Committee, including members, agendas and minutes, are published on the

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<sup>19</sup> As a body analogous to a select committee.

<sup>20</sup> The two external members are appointed to the Audit Committee through fair and open competition.

<sup>21</sup> UK Parliament website, '[House of Commons: Administration Estimate Audit and Risk Assurance Committee](#)', accessed 17 November 2021.

<sup>22</sup> House of Lords Offices Committee, [Fifth Report](#), 16 May 2002, HL Paper 105 of session 2001–02.

UK Parliament website.<sup>23</sup>

### ***Lord Speaker's Advisory Panel on Works of Art***

The Advisory Panel on Works of Art is appointed by the Lord Speaker to advise them on matters relating to works of art in the House of Lords, including the House's collection of paintings and other artworks. Following the report of the Leader's Group on Governance in the House of Lords ([see section 2.2 of this briefing](#)), the panel was established to replace the House of Lords Works of Art Committee. The 12 members of the Advisory Panel are appointed by the Lord Speaker, including the chair. Further details of the work of the Advisory Panel are published on the UK Parliament website.<sup>24</sup>

### ***Consultative Panel on Parliamentary Security***

The Consultative Panel on Parliamentary Security was established to replace the Joint Committee on Security at the beginning of the 2015 Parliament. The Consultative Panel is an informal body, which supports the Speaker of the House of Commons and the Lord Speaker in the discharge of their political responsibility for security. The Consultative Panel includes members of both Houses and the Speaker and the Lord Speaker appoint the members for their respective Houses. The Chairman of Ways and Means in the House of Commons chairs the Consultative Panel.

The Consultative Panel also receives regular briefings from the Director of Security for Parliament to maintain a thorough, up-to-date understanding of the security of Parliament; provides a forum in which the views of members of both Houses can be given and discussed; provides advocacy to other members for any necessary changes in security arrangements; and ensures better awareness by members of security management and governance arrangements.

### ***Liaison Committee***

While not one of the main domestic committees concerned with the governance of the House, the Liaison Committee is appointed to advise the House on the resources required for select committee work. It also allocates resources between committees, among other roles. The Senior Deputy Speaker chairs the committee. Further details of the work of the Liaison Committee are published on the UK Parliament website.<sup>25</sup>

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<sup>23</sup> UK Parliament website, '[House of Lords: Audit Committee](#)', accessed on 17 November 2021.

<sup>24</sup> UK Parliament website, '[Lord Speaker's Advisory Panel on Works of Art](#)', accessed 17 November 2021.

<sup>25</sup> UK Parliament website, '[House of Lords: Liaison Committee](#)', accessed 17 November 2021.

## 1.4 House administration

### ***Clerk of the Parliaments***

The Clerk of the Parliaments is appointed by the Crown by letters patent under the Great Seal, and they can be removed from office only by the Sovereign upon an Address of the House of Lords for that purpose.<sup>26</sup>

The Clerk of the Parliaments provides the principal source of procedural and constitutional advice to the House, but also fulfils several important corporate roles:

- Head of the House of Lords Administration (in effect the House's 'Chief Executive'; see page 12 of this briefing).
- Chair of the Management Board (see page 10 of this briefing).
- Accounting Officer, *ex officio*, with responsibility for preparing the House of Lords' Resource Accounts and ensuring the propriety and regularity of the public finances.
- Corporate Officer of the House of Lords under the Parliamentary Corporate Bodies Act 1992. As such they are empowered to acquire, hold, manage and dispose of land and other property for any purpose of the House, and to enter into contracts for that purpose.<sup>27</sup>
- Employer of the staff of the administration under the Clerk of the Parliaments Act 1824.
- Responsible Person under the Regulatory Reform (Fire Safety Order) Order 2005. As such, they have ultimate responsibility for fire safety management on the Lords' part of the parliamentary estate.
- Responsibilities under the Freedom of Information Act 2000.
- Data Controller for the administration under the Data Protection Act 2018.

The Clerk of the Parliaments attends meetings of the House of Lords Commission and the other domestic committees.

Simon Burton is the 65th Clerk of the Parliaments and took office on

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<sup>26</sup> The position originated towards the end of the 13th century in the reign of Edward I. The plural term 'Clerk of the Parliaments' came into existence in Henry VIII's reign and signifies that the Clerk of the Parliaments serves from one Parliament to the next. The Clerk of the House of Commons emerged as a distinct position during the 14th century and incumbents are still formally known as the 'Under-clerk of the Parliaments'. For more background, see: Erskine May, *Parliamentary Practice*, 2019, 25th ed, para 6.32; and Maurice F Bond, 'The Office of Clerk of the Parliaments', *Parliamentary Affairs*, 1958, vol 12 no 3, pp 297–310.

<sup>27</sup> In this capacity, the Clerk of the Parliaments is the owner of the Parliamentary Archives.

2 April 2021. He took his oath of office on 13 April 2021.<sup>28</sup>

### **House of Lords Management Board**

The management board makes decisions about the management and delivery of services in the House of Lords within the strategy agreed by the House of Lords Commission.<sup>29</sup> The management board supports and advises the House of Lords Commission. Together they provide the corporate leadership for the House of Lords. The management board:

- prepares the strategic plan, business plans, financial plans, annual estimates and annual reports for approval by the commission.
- Manages the resources agreed by the commission.
- Supports the Clerk of the Parliaments in the discharge of their functions as Accounting Officer and employer of House of Lords staff.
- Assesses and manages risk—board members have responsibility for managing and responding to each corporate risk—maintaining a system of effective controls.
- Monitors and assesses performance.

The management board is responsible for managing change in the House of Lords to increase value for money, improve performance and reduce cost so that the House operates and delivers services more efficiently and effectively.

The other management board members include the directors of key functions in the House of Lords and external members. The current members of the Board are as follows:

- Clerk of the Parliaments (Chair)
- Clerk Assistant (Parliamentary Services)<sup>30</sup>
- Reading Clerk (Corporate Services)
- Finance Director (Financial Resources)
- Director of Human Resources (Human Resources)
- Director of Facilities (Support Services)
- Chief Digital and Information Officer (Digital Services)

<sup>28</sup> [HL Hansard, 13 April 2021, cols 1146–7.](#)

<sup>29</sup> In the House of Commons, the equivalent body is the [Executive Board](#). This is a sub-committee of the House of Commons Commission, which is chaired by the Clerk of the House of Commons.

<sup>30</sup> The Clerk Assistant is appointed by the Lord Speaker, subject to the approbation of the House on their appointments being notified and, when appointed, they cannot be suspended or removed from their offices without an order of the House. For further background, see: Erskine May, [Parliamentary Practice](#), 2019, 25th ed, para 6.33.

- Two external members<sup>31</sup>

A **Chief Operating Officer** will join the administration on 1 January 2022 and will sit on the board with responsibility for a range of corporate services.

The **Director of Security for Parliament**, also attends management board meetings.

The board meets regularly during the year and also meets jointly with the House of Commons Executive Board from time to time. Further details of the Management Board's work, including minutes, agendas, and attendance, are published on the UK Parliament website.<sup>32</sup>

### ***Management sub-boards and groups***

The management board has delegated some responsibility to several sub-boards and groups, the majority of which are bicameral. The boards and groups are:

- The **Information Authority** (bicameral), which ensures that increased benefits of parliamentary information are realised while containing the risk of inappropriate access to that information.
- The **Safeguarding Board** (bicameral), which provides oversight of all safeguarding matters and is responsible for reviewing and implementing Parliament's Safeguarding Policy.
- The **Joint Investment Board** (bicameral), which is responsible for translating the high-level investment objectives set by the two House Boards into a Medium-Term Investment Plan, for in-year adjustments to programme and project funding allocations as necessary. It monitors investment portfolio risk registers and reviews project level risks escalated for resolution from the senior responsible officer (SRO) and/or project board. It provides annual assurance to the Accounting Officers on the effectiveness of, and compliance with, the governance, risk management and internal control arrangements within programmes and projects across the House administrations.
- The **Digital Strategy Board** (bicameral), which provides high-level oversight of Parliament's Digital Strategy and monitors progress towards achieving the strategy against performance measures, benefits and outcomes.
- The **Business Resilience Group** (bicameral), which directs and

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<sup>31</sup> The external members are appointed to the management board through fair and open competition.

<sup>32</sup> UK Parliament website, '[House of Lords: Management Board](#)', accessed on 17 November 2021.

reviews business resilience policy, strategy and implementation across both Houses and provides joint assurance to the clerks of both Houses in this area.

- The **Parliamentary Safety Assurance Board** (bicameral), which provides leadership and proactive strategic direction in relation to the management of safety, fire and food safety risks for both Houses.
- The **Business Planning Group** (House of Lords), which advises the management board on issues relating to business planning, risk management and corporate governance.
- The **Human Resources Group** (House of Lords), which provides insight and input into the development of HR policy and practice. It oversees the implementation of the administration's People Strategy, Human Resources Office Business Plan, key people-related initiatives and policy changes, and reports to the management board as appropriate.

### **Administration**

The House of Lords Administration's core task is to support and strengthen the work of the House of Lords.<sup>33</sup> To do this the administration employs approximately 670 staff across a number of departments and offices, which are described below. The staff of the administration:

- are employed by the Clerk of the Parliaments;
- are not civil servants;
- serve the House rather than the Government; and
- are politically impartial.

### **Clerk of the Parliaments' Office**

The Office supports the Clerk of the Parliaments in carrying out their duties as head of the administration (including as chief procedural adviser, Chair of the Management Board, Accounting Officer, Corporate Officer and Data Controller). The office also supports the Lord Speaker, Senior Deputy Speaker, Convenor of the Crossbench Peers, Clerk Assistant and Reading Clerk.

The office contains a number of different teams, which provide the following services:

- Private office support for the Clerk of the Parliaments.
- Private office support for the Lord Speaker.

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<sup>33</sup> In the House of Commons, the equivalent body is the House of Commons Service.

- Private office support for the Senior Deputy Speaker.
- Private office support for the Convenor of the Crossbench Peers.
- Administrative support for the management board and some of its sub-groups, the commission, Finance Committee, Services Committee and Audit Committee.
- Administrative and procedural support for the panel of deputy speakers and Table Clerks.
- Business improvement and change.
- Information compliance.
- Internal audit.
- International relations.
- Restoration and renewal.<sup>34</sup>
- Risk management.
- Strategy, business planning and other corporate functions.

### **Parliamentary Services**

Parliamentary Services is a grouping of six offices that support the chamber and select committee work of the House. The Clerk Assistant oversees their work. These offices are the:

- **Committee Office**, which supports the select committees of the House with procedural and legal advice and the administrative support necessary to fulfil the committees' orders of reference. Apart from the Liaison Committee and the Works of Art Advisory Panel, it does not support the domestic committees or those concerned solely with legislation and procedure.
- **Journal Office**, which comprises the Procedural Centre, the Registry, the Table Office, the printing and publishing functions and the Registrar of Interests and members' conduct functions. The Procedural Centre and Registry oversee and update procedural training, information and briefs and support the Procedure and Privileges Committee, they maintain records of the membership and business of the House and compile the Journals of the House (the authoritative record of proceedings). The Table Office advises members on the tabling of parliamentary business and produces the House of Lords Business document, including the minutes of proceedings. The printing and publishing functions are responsible for producing, publishing and providing documents required by members of the House to discharge their parliamentary functions. The Registrar

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<sup>34</sup> This is an in-house team so does not form part of the R&R programme.

and conduct functions advise on the Code of Conduct of the House, support the Conduct Committee and the Commissioners for Standards.

- **Legislation Office**, which supports the consideration and passage of primary public, hybrid and private legislation, as well as secondary legislation, through the House; authorises, on behalf of the Clerk of the Parliaments, the publication of bills and amendments, Acts of Parliament and Church of England Measures and the transmission of official messages to the House of Commons; and supports the work of the Delegated Powers and Regulatory Reform Committee, the Secondary Legislation Scrutiny Committee, the Joint Committee on Statutory Instruments and the Ecclesiastical Committee.
- **Official Report (Hansard)**, which provides overnight a substantially verbatim record of proceedings in the chamber and grand committee as well as written answers and written ministerial statements; transcripts of select committee evidence sessions are also produced.
- **Library**, which provides impartial, authoritative, timely information and research services in support of the House.
- **Black Rod's Department**, which is led by the Lady Usher of the Black Rod,<sup>35</sup> is responsible for:
  - Controlling access to the chamber and the precincts of the House and its committees (including booking in members' guests to the galleries and 'below bar') and maintaining order within them.
  - Overseeing business resilience, incident management and continuity arrangements for the House.
  - Organising all ceremonial occasions in the House and state ceremonial events within the Palace of Westminster.
  - The daily administration of the Queen's residual estate at Westminster.

### **Department of Facilities**

The department includes two offices. These are the:

- **Property and Office Services (POS)**, which administers the provision of accommodation (including the booking and set up of

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<sup>35</sup> The Gentleman, or Lady, Usher of the Black Rod is appointed by the Crown by letters patent under the Garter Seal. The position originated in the mid-14th century. For further historical background, see: Erskine May, *Parliamentary Practice*, 2019, 25th ed, para 6.34; Maurice Bond and David Beamish, *The Gentleman Usher of the Black Rod*, House of Lords Information Office, 1976; and *Select Committee on the Office of the Gentleman Usher of the Black Rod*, 1906, HL Paper 140.

committee and meeting rooms) and office services (mail, housekeeping and cleaning, office supplies and stationery, photocopier and printer supplies) to staff and members. POS provides reception services in House of Lords' buildings and acts as the key stakeholder for maintenance, furnishings, repair works, estates and conservation projects, in conjunction with the bicameral offices within the In-House Services and Estates Team. POS also manages Health and Safety and Fire Safety policy compliance and awareness across the House of Lords estate and provides strategic input into the property requirements for the delivery of the Restoration and Renewal Programme.

- **Catering and Retail Services (CRS)**, which is responsible for the provision of catering services (including restaurants, cafés and bars) to members and their guests, and to staff, and a gift shop for members, staff and guests. It also provides a banqueting and events service to members and third party organisations.

### ***Human Resources Office***

The office provides a personnel service for the administration's staff (ie not members' staff). Its services include:

- HR operations (recruitment, on-boarding, payroll changes).
- HR business partners (workforce planning and development, first line engagement with offices).
- Inclusion and diversity (implementing the administration's inclusion and diversity strategy).
- HR systems, information and pensions (current and new HR system development, HR-related data provision and analysis and pension scheme management).
- Employment policy, pay and reward (development of new policies, annual pay awards).
- Learning and organisational development (staff and organisational development).

### ***Finance Department***

The department is responsible for providing accounting and financial services to the House, including:

- Financial planning and management.
- Financial reporting.
- Resource and cash management.
- Payments to members, suppliers and staff.
- Accounting for income, including receipts from members, staff and the public.

The department includes the Parliamentary Procurement and Commercial Service, a shared service (see page 18 of this briefing).

### **Communications**

Communications is responsible for the development and delivery of the House of Lords communications and engagement strategy, improving understanding of the role of the House and demonstrating its impact and the value it adds as the UK Parliament's second chamber.

Five teams work across different communications areas to reach key external and internal audiences:

- Marketing and digital communications
- Press and media
- Engagement
- Public enquiry service
- Internal communications (to Members and staff)

### **Shared services, joint departments and statutory bodies**

Several shared services are provided by one House on behalf of both, a joint department provides digital services, and a statutory body oversees the restoration and renewal of the Palace of Westminster. These are described below. The *Strategy for the House of Lords Administration 2019–2025* notes the ambition to “work in partnership with the House of Commons and the bicameral services to accomplish our shared objectives”.<sup>36</sup> In particular, the strategy references collaboration on sustainability; security; outreach and participation; and health and safety.

### **In-House Services and Estates**

The Palace of Westminster is a royal palace and is under the joint stewardship of the House of Lords and the House of Commons. Responsibility for the long-term preservation and development of the buildings and services that constitute the parliamentary estate is a shared service, hosted by the House of Commons and provided by the In-House Services and Estates (IHSE) team (led by the Managing Director of In-House Services and Estates). Expenditure on the palace and the parliamentary estate is split between the Lords and Commons on a 40:60 ratio, or solely allocated to either House where appropriate. IHSE also incorporates the Parliamentary Maintenance team, which is responsible for carrying out planned and reactive maintenance projects on the parliamentary estate, and the Environmental Sustainability team, which ensures compliance with all

<sup>36</sup> House of Lords, [Administration Strategy 2019–2025](#), accessed 17 November 2021.

relevant legislation and works to reduce Parliament's environmental impact and improve its environmental performance.

IHSE also works closely with the Parliamentary Works Sponsor Body (see page 19 of this briefing).

### **Parliamentary Digital Service**

The Parliamentary Digital Service (PDS) is responsible for the management of all online and ICT services.

PDS was created on 1 April 2015 and is a joint department of both Houses under the Parliament (Joint Departments) Act 2007 (see [section 2.1 of this briefing](#)).<sup>37</sup> Each House pays for its own ICT hardware and House-specific software, and the costs of PDS itself are split between the Lords and Commons on a 30:70 ratio. Joint ICT development project costs are shared on a basis agreed project by project.

The Chief Digital and Information Officer, who reports to the clerks of both Houses, provides strategic direction to PDS. The Managing Director of PDS leads a team of around 450 people with overall responsibility for the day-to-day operations of the Digital Service.

### **Parliamentary Security Department**

The Parliamentary Security Department (PSD) is responsible for physical, operational and personnel security for both Houses of Parliament. Its purpose is to keep Parliament safe and open for business.

PSD was created on 29 January 2016.<sup>38</sup> It is a bicameral, shared service hosted by the House of Commons. Costs are split between the Lords and Commons on a 30:70 ratio.

PSD is led by the Director of Security for Parliament (DSP). The DSP is subject to the overall political direction of, and accountable to, the Speakers of the two Houses, and is line-managed by the Director General of the House of Commons and the Clerk of the Parliaments. The DSP reports regularly to member bodies in both Houses, including the Consultative Panel on Parliamentary Security, and the commissions of both Houses.

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<sup>37</sup> Originally known as the Parliamentary Information and Communication Technology (PICT) Department, which was established under the Parliament (Joint Departments) Act 2007 in 2008. For further background, see: House of Lords House Committee, [Establishment of PICT](#), 6 December 2007, HL Paper 20 of session 2007–08. In 2015, PICT merged with the Web and Intranet Services team to form PDS.

<sup>38</sup> Security having previously been the responsibility of Black Rod in the House of Lords and the Serjeant at Arms in the House of Commons.

The DSP has a right of attendance at the House of Lords Management Board. They are also responsible for the management of the Commons and Lords security budgets, including the Special Services Agreement with the Metropolitan Police Service (MPS) ('the Police Contract').

### ***Parliamentary Procurement and Commercial Service***

The Parliamentary Procurement and Commercial Service is a shared service, hosted within the House of Lords, which provides a unified procurement and contract management support service for both Houses. The relevant costs are split between the Lords and Commons on a 30:70 ratio.

### ***Parliamentary Archives***

The Parliamentary Archives is a shared service, hosted within the House of Lords but jointly funded by both Houses, which provides information management and archives services to everyone to engage with the work and history of Parliament through its records. It does this by:

- Supporting Parliament to manage, secure and use its information effectively.
- Collecting, managing, and preserving relevant digital and physical records of Parliament.
- Enabling members, staff and the public to discover and consult Parliament's records in its public search room and online, including providing copies and answering enquiries.
- Promoting and inspiring engagement with the archives, history and work of Parliament through exhibitions and outreach activities at Westminster, in the regions and overseas.

Costs are split between the Lords and Commons on a 60:40 ratio.

### ***Independent Complaints and Grievance Scheme team***

The Independent Complaints and Grievance Scheme (ICGS) was established by a resolution of the House of Commons on 19 July 2018, to handle queries and complaints from current and former members of the parliamentary community about alleged bullying, harassment and sexual misconduct. In June 2019, the boards of both Houses approved the creation of a bicameral ICGS team, and a director was appointed in December 2019. In organisational terms, the team sits outside the office/team structure and neither House administration can influence the day-to-day working of the scheme or the investigation of individual complaints. The Director is accountable for driving the operation of the scheme, with overall accountability resting with the clerks of both Houses, supported by their respective Clerk Assistants.

The team adheres to the House of Lords governance processes for assurance, delegation and business and financial planning and challenge. The House of Commons is invited to participate in these processes. The ICGS staff are drawn from both Houses and remain on the terms of their employing House. The ICGS team prepare an annual report for approval by the Clerk Assistants of each House. For budgetary purposes, costs are shared between both Houses, split 70:30 between the House of Commons and the House of Lords.

### ***Parliamentary Works Sponsor Body***

Following a resolution of both Houses on 31 January and 6 February 2018,<sup>39</sup> a shadow Sponsor Body was established in September 2018, which became a statutory body, separate from Parliament, on 8 April 2020, when the Parliamentary Buildings (Restoration and Renewal) Act 2019 entered into force (see [section 2.1 of this briefing](#)). The Sponsor Body is responsible for overseeing the works to restore the Palace of Westminster and has established a Delivery Authority to deliver the works. Collectively, they are known as the Restoration and Renewal Programme.

The Sponsor Body's board consists of eight parliamentarians, including four members of both Houses appointed by their respective Houses, and five external members, including the chair, who are appointed by both Houses.<sup>40</sup> One of the members of the House of Lords on the board acts as the Sponsor Body's spokesperson in the House of Lords, including participating in debates, making written statements and answering any written or oral questions, regarding the work of the Sponsor Body and the programme more generally.<sup>41</sup> The clerks of both Houses, or their representatives, may attend and participate in meetings of the Sponsor Body.

The commissions of both Houses have several ongoing roles regarding the works, including agreeing changes to the scope of the programme, agreeing the programme's overall expenditure limit, appointing the Sponsor Body chair, and consenting to the appointment of the Delivery Authority chair.

The Sponsor Body is funded through a separate estimate, which is considered by the Parliamentary Works Estimates Commission before it is laid before the House of Commons for approval. The Estimates Commission includes two members from both Houses nominated by their respective

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<sup>39</sup> See: [HC Hansard, 31 January 2018, cols 878–939](#), and [HL Hansard, 6 February 2018, cols 1916–2000](#). For further background, see: Joint Committee on the Palace of Westminster, [Restoration and Renewal of the Palace of Westminster](#), 8 September 2016, HL Paper 41 of session 2016–17.

<sup>40</sup> UK Parliament website, '[Houses of Parliament Restoration and Renewal](#)', accessed on 17 November 2021.

<sup>41</sup> House of Lords Procedure Committee, [Appointment of Parliamentary Works Sponsor Body Spokesperson and Sponsor Body Members](#), 2 March 2020, HL Paper 29 of session 2019–21. The Sponsor Body's spokesperson in the House of Lords is currently Lord Best.

House commissions and appointed by their respective Houses.<sup>42</sup> The Senior Deputy Speaker is one of the Lords members, who also acts as the Estimates Commission's spokesperson in the House, including making any written statements and answering any written questions concerning the work of the Estimates Commission.<sup>43</sup>

Both Houses administrations and the Sponsor Body are committed to working closely together to ensure the successful delivery of the programme. To this end, the Corporate Officers of both Houses and the chief executive of the Sponsor Body entered into a Parliamentary Relationship Agreement in April 2020, which sets out this working relationship and the responsibilities of each party.<sup>44</sup> This includes the creation of a Parliamentary Relationship Group, including the clerks of both Houses and the Sponsor Body chief executive as members, or their representatives, which is responsible for resolving any issues which arise regarding the relationship.

### **Other shared services**

The House of Commons provides several other shared services. These are the:

- **Broadcasting Unit**, which oversees the televising of the proceedings of both Houses.
- **Enterprise Portfolio Management Office**, which provides central support for professional programme and project management activity in Parliament.
- **Heritage Collections team**, which is responsible for conserving, developing and displaying the works of art collections of both Houses.
- **Health and Wellbeing Service**, which supports Parliament in developing a healthy working environment, including the provision of occupational health services.
- **Participation team**, which seeks to open up Parliament to the public and increase engagement with its work, including tours and support for schools and young people.
- **Parliamentary Office of Science and Technology (POST)**, which provides publications and advice on all matters regarding science and technology for both Houses, including to select committees. Three House of Lords members sit on the

<sup>42</sup> UK Parliament website, '[Parliamentary Works Estimates Commission](#)', accessed on 17 November 2021.

<sup>43</sup> House of Lords Procedure Committee, [Parliamentary Works Estimates Commission](#), 25 March 2020, HL Paper 46 of session 2019–21. The Estimates Commission spokesperson is not eligible to respond to oral questions.

<sup>44</sup> Sponsor Body, [Parliamentary Relationship Agreement](#), accessed 17 November 2021.

- POST board.
- **Safety team**, which advises on safety and ensures Parliament is managing its safety risks effectively.
  - **Resilience and Emergency Planning team**, which works to make Parliament more resilient to any disruptions and ensure business can return to normal as quickly as possible.

## **2. Changes to the governance and administration of the House of Lords**

### **2.1 Legislation**

#### ***Clerk of the Parliaments Act 1824***

The act sets out that the Clerk of the Parliaments shall be appointed by the Crown and shall be removable by the Crown upon an address of the House of Lords for that purpose. It also sets out how the other Table Clerks shall be appointed and the Clerk of the Parliaments' role as employer of the other staff of the House.<sup>45</sup>

#### ***Parliamentary Corporate Bodies Act 1992***

The act designates the Clerk of the House of Commons and the Clerk of the Parliaments as Corporate Officers, making them responsible for signing contracts and holding property on behalf of their respective Houses.<sup>46</sup>

#### ***Parliament (Joint Departments) Act 2007***

The act provides the Corporate Officers of both Houses with the power to establish joint departments, subject to the approval of the House of Commons Commission and the House of Lords on the recommendation of the House of Lords Commission.<sup>47</sup> The act was passed to allow the formal establishment of PICT<sup>48</sup> as a joint department but also allows the establishment of other joint departments without further legislation. The act provides that the Corporate Officers' functions in connection with joint departments are exercisable by them only jointly, including the appointment of staff.

#### ***Parliamentary Buildings (Restoration and Renewal) Act 2019***

The act establishes the Parliamentary Works Sponsor Body as a body corporate to oversee the parliamentary building works, consisting of up to

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<sup>45</sup> [Clerk of the Parliaments Act 1824](#).

<sup>46</sup> [Parliamentary Corporate Bodies Act 1992](#).

<sup>47</sup> [Parliament \(Joint Departments\) Act 2007](#).

<sup>48</sup> PICT was subsumed within the Parliamentary Digital Service in 2015.

eight parliamentarians and five external members.<sup>49</sup> The act also requires the Sponsor Body to establish a Delivery Authority to deliver the works and establishes a separate Parliamentary Works Estimates Commission to consider and lay the Sponsor Body's annual estimates.

Under the act, the commissions of both Houses have several ongoing roles regarding the works, and the clerks of both Houses, or their representatives, may attend and participate in meetings of the Sponsor Body. The Clerks of both Houses are also required, in their capacity as the Corporate Officers, to enter into a parliamentary relationship agreement with the Sponsor Body (see [section 2.4 of this briefing](#)).

## 2.2 Reviews

### *Pre-1991–92*

The House of Lords' Offices Committee was established shortly after the Clerk of the Parliaments Act 1824.<sup>50</sup> From the end of the 19th century, the committee was appointed at the beginning of each session to supervise appointments and conditions of employment in the two "offices" of the Clerk of the Parliaments and Black Rod.<sup>51</sup> It subsequently acquired a wide range of responsibilities. Before the 1991–92 reforms the committee had up to 60 members or more and latterly appointed seven sub-committees on: the Library; Refreshments; Works of Art; Computers; Staff of the House; Finance; and Administration.

Until 25 April 1965, the entire Palace of Westminster, as a royal palace, had been under the immediate control of the Crown, on whose behalf the Lord Great Chamberlain acted. Thereafter the Queen made over to each House the control, use and occupation of the part of the Palace which it occupied, but responsibility for the Royal Apartments of the Palace, including the Robing Room and the Royal Gallery, remained with the Lord Great Chamberlain, as did certain ceremonial functions. Responsibility for the Lords was vested in the Lord Chancellor on behalf of the House, in his role as Speaker. In turn he delegated his authority in this regard to the Offices Committee, with Black Rod acting as its agent. Under these arrangements the Minister of Public Building and Works remained responsible to Parliament for the maintenance of fabric of the Palace, as well as the provision of "furnishing, fuel and light". The minister also continued to be responsible for the management of Westminster Hall and the Crypt Chapel, the control of which was vested jointly in the Lord Great Chamberlain and in the two Speakers, on behalf of both Houses.<sup>52</sup>

<sup>49</sup> [Parliamentary Buildings \(Restoration and Renewal\) Act 2019](#).

<sup>50</sup> Until 1889 it was called the Select Committee on the Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod.

<sup>51</sup> At that stage the only two offices in the House Administration.

<sup>52</sup> [HL Hansard, 23 March 1965, cols 524–9](#).

In 1992, both Houses assumed control of all parliamentary expenditure, as well as responsibility for the maintenance of the fabric of the palace, which had become the responsibility of the Property Services Agency (a government agency). Black Rod assumed responsibility for the latter function in the House of Lords before it was transferred to the Director of Facilities in 2009 (see page 27 of this briefing).

### **1991–92 reforms**

The domestic committee structure in the House of Lords was reconfigured in 1991–92 in the wake of changes to the House of Commons' administration following the Ibbs Review.<sup>53</sup> Responsibility for the delivery of services and general administration remained with the Offices Committee, but its seven sub-committees were reduced to four—Finance and Staff, Administration and Works, Library and Computers, and Refreshment—and an Advisory Panel on Works of Art was also established. The sub-committees were given delegated responsibility for decision-making, though they could not report directly to the House and lacked formal terms of reference. In practice, the changes meant that the Offices Committee became a 'post-box', receiving reports from the sub-committees and then reporting them to the House when considered necessary. At this stage the committee had reduced to 28 members and it met infrequently with very short meetings. There was much overlap between the members of the committee and the sub-committees, as well as the items of business they considered and deliberated upon. During the same period changes were also made to the financial management arrangements in the House of Lords, following similar changes in the House of Commons.

### **2000–02 reforms**

On 21 June 2000 the House considered a report by the Offices Committee, which included a recommendation to appoint a management consultant, Michael Braithwaite, to undertake a review of the House of Lords.<sup>54</sup> The report recommended that the review should cover the administration's management framework as well as the structure for taking decisions about the services of the House and other domestic matters following the 1991–92 reforms.<sup>55</sup> After a short debate, during which some members opposed the appointment of a management consultant, the then Chairman of Committees withdrew the motion to approve the report.<sup>56</sup>

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<sup>53</sup> House of Commons Commission, *Report on House of Commons Services*, HC 38 of session 1990–91.

<sup>54</sup> Mr Braithwaite had undertaken a review of the House of Commons Administration in 1999. See: House of Commons Commission, [Review of Management and Services](#), 26 July 1999, HC 745 of session 1998–99.

<sup>55</sup> House of Lords Offices Committee, [Fifth Report](#), 25 May 2000, HL Paper 70 of session 1999–2000.

<sup>56</sup> [HL Hansard, 21 June 2000, cols 256–65.](#)

On 19 July 2000 the Offices Committee made a revised but similar recommendation in another report, which proposed that a steering group of members would be convened to supervise the review.<sup>57</sup> The House debated the report on 27 July 2000; and although it was agreed that a review would be undertaken, the House deleted the reference to Mr Braithwaite conducting it.<sup>58</sup>

A steering group was duly established in September 2000, chaired by Lord Grenfell, which reported to the Chairman of Committees, Lord MacKay of Ardbrecknish, on 5 March 2001.<sup>59</sup> It decided not to appoint a consultant and recommended the absorption of the responsibilities of the Finance and Staff and Administration and Works sub-committees into a “slimmed down” Offices Committee, which would meet more regularly and operate in a more transparent manner. It also recommended the appointment of a full-time professionally qualified Principal Financial Officer to be explicitly responsible for financial management and reporting to the Clerk of the Parliaments as Accounting Officer.

A working group was announced on 1 November 2001 to develop the steering group’s work further. Lord Tordoff (who had succeeded Lord MacKay as Chairman of Committees) chaired the group. It reported to the Offices Committee on 12 February 2002.<sup>60</sup>

The Offices Committee republished its report on 16 May 2002. It recommended, among other things:

- The **establishment of a House Committee** in place of the Offices Committee, to meet once a month to provide leadership and strategic planning for the administration, domestic committees, and staff. The committee would have a membership of eleven, including the Chairman of Committees (as the chair), the Leaders of the three major parties (with the chief whips acting as alternates), the Convenor of the Crossbench Peers (or a nominated alternate) and six backbench members (two each from the Labour and Conservative parties, and one each from the Liberal Democrats and the Crossbench Peers), with the backbench members appointed for a whole Parliament to act as the principal representatives of the membership of the House as

<sup>57</sup> House of Lords Offices Committee, [Sixth Report](#), 24 July 2000, HL Paper 97 of session 1999–2000.

<sup>58</sup> [HL Hansard, 27 July 2000, cols 604–35](#).

<sup>59</sup> [Report by the Steering Group on Management and Services in the House of Lords](#), 24 July 2001, HL Paper 22 of session 2001–02. The other members of the group were Lord Levene of Portsoken, Lord Newton of Braintree and Lord Oakeshott of Seagrove Bay.

<sup>60</sup> House of Lords Offices Committee, [Fourth Report](#), 15 February 2002, HL Paper 79 of session 2001–02. The other members of the group were Lord Grenfell, Lord Hunt of Wirral, Lord Sharman and Viscount Tenby.

a whole.<sup>61</sup> It suggested that the House Committee would make routine reports to the House for information, with occasional reports for agreement.

- The **establishment of a management board** to bring the various functions of the administration together and to develop a sense of corporate identity, chaired by the Clerk of the Parliaments. The board would advise the House Committee and assist it in preparing the strategic plan, before formulating a business plan for its implementation. Decisions on staff numbers and grading would be formally delegated to the board.
- The **establishment of an Audit Committee**, whose membership would not overlap with the House Committee or the domestic committees, chaired by a member and including two external members.
- The **reconstitution of the Offices Committee's sub-committees**, including the Advisory Panel on Works of Art, as four free-standing select committees with minimal overlaps in membership. The committees would act as 'user groups' to canvass the views of members in a transparent manner to allow them more opportunity to influence decision-making. They would have the ability to make policy recommendations and executive decisions within defined financial thresholds and would report directly to the House. The Finance and Staff sub-committee would be abolished, and its main responsibilities transferred to the House Committee, while the Library and Computers sub-committee would be renamed as the Information Committee, alongside a reconstituted Administration and Works Committee and Refreshment Committee.
- A **strengthened Office of the Clerk of the Parliaments**, with a requisite increase in resources to support the new arrangements. Support was also expressed for the appointment of a full-time Principal Financial Officer.<sup>62</sup>

It was expected that the establishment of the House Committee would allow the House of Lords to better assert itself in relation to the House of Commons about matters such as accommodation, as well as increasing its capability to formulate strategies relating to the provision of joint services.

The working group also remarked that, owing to the uncertainty occasioned

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<sup>61</sup> The steering group recommended only four back-bench members, but this was increased to six when the Offices Committee agreed an amendment to this effect proposed by Lord Strathclyde when the report was agreed. The total membership increased to 12 in 2006 following the creation of the Lord Speaker, who became chair of the then House Committee.

<sup>62</sup> House of Lords Offices Committee, [Fifth Report](#), 16 May 2002, HL Paper 105 of session 2001–02.

by possible Lords reform,<sup>63</sup> a full external review of management structures should be commissioned within a reasonable period from the time any reforms came into effect. The House debated and agreed the report on 10 June 2002,<sup>64</sup> and most of the recommended changes took effect at the beginning of the 2002–03 session.

### ***Tordoff/Hunt Report on Internal Governance (2007)***

On 12 June 2007 the House Committee considered the internal governance of the House of Lords on the basis of a paper by the then Clerk of the .Parliaments and an external review of the management board, which had been conducted by Sir John Parker.<sup>65</sup> Two members of the House Committee, Lord Hunt of Wirral and Lord Tordoff, were asked to prepare a paper on the internal governance in the House of Lords in the light of the Parker Review and the Tebbit Review in the House of Commons.<sup>66</sup>

The House Committee agreed the report in November 2007. The report concluded that the governance arrangements put in place in between 2000 and 2002 needed only incremental change. It recommended:

- **Changes to the terms of reference of the House Committee** to better reflect its non-executive role with respect to the management board, its function in setting strategic direction, and its role in supervising arrangements relating to members' expenses.
- **Changes to the terms of reference of domestic committees** to clarify their need to operate within the strategic framework set by the House Committee.
- **Better communication among the committees and between the committees and members**, as well as consideration as to how to improve their respective working practices.

One recommendation was not implemented. This was about reducing the number of backbench members on the House Committee from six members to four.

A House Committee report set out the proposed changes to the domestic committees' terms of reference.<sup>67</sup> The House agreed the report without

<sup>63</sup> Which did not come to pass.

<sup>64</sup> [HL Hansard, 10 June 2002, cols 12–16.](#)

<sup>65</sup> House of Lords Administration, [Review of the Management Board of the House of Lords](#), April 2007.

<sup>66</sup> House of Commons Commission, [Review of Management and Services of the House of Commons](#), 25 June 2007, HC 685 of session 2006–07.

<sup>67</sup> House of Lords House Committee, [Domestic Committees' Terms of Reference](#), 29 November 2007, HL Paper 13 of session 2007–08.

debate on 5 December 2007.<sup>68</sup>

### ***Senior Management Restructure (2008)***

A House Committee report published on 14 March 2008 considered proposals for the appointment of a new post of Director of Facilities, to allow the post of Black Rod to focus on the traditional aspects of the role.<sup>69</sup>

The report recommended, among other things, that the new director would have responsibility for works, accommodation, facilities and services, and would also become the management board member responsible for the then Refreshment Department.<sup>70</sup> The House agreed these recommendations on 31 March 2008, which took effect in May 2009.<sup>71</sup>

### ***Thomas/Makower Review (2011)***

Mike Thomas, a management consultant, and Andrew Makower, then Principal Clerk of Select Committees, conducted a ‘light touch’ review of “the structure of the House of Lords Administration and the operation of the management board”, which concluded in March 2011.<sup>72</sup> The report made recommendations for streamlining the administration so as to improve the service provided to members and reduce bureaucracy. The following recommendations were accepted and implemented:

- **The administration of the House of Lords to become known as the ‘House of Lords Administration’.**
- **The merger of the Delegated Legislation Office with the Public and Private Bill Office into a new Legislation Office headed by a ‘Clerk of Legislation’** (previously the head of the Public and Private Bill Office).
- **The transfer of the supply functions of the Printed Paper Office (office supplies, including photocopiers and pre-paid envelopes) to the Department of Facilities.** The remainder of the office, alongside the Table Office, was brought within the Journal Office.
- **That, on a trial basis, an external member of the Audit Committee should attend management board meetings.**
- **The adoption of formal service level agreements with the House of Commons in respect of the Parliamentary**

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<sup>68</sup> [HL Hansard, 5 December 2007, col 1702.](#)

<sup>69</sup> House of Lords House Committee, [Senior Management Restructure](#), 14 March 2008, HL Paper 78 of session 2007–08.

<sup>70</sup> This is now known as Catering and Retail Services.

<sup>71</sup> [HL Hansard, 31 March 2008, cols 725–8.](#)

<sup>72</sup> House of Lords Administration, [Report of a Review of the Structure of the House of Lords Administration and the Operation of the Management Board](#), 11 March 2011.

### **Estates Directorate, and with Parliamentary ICT Service.<sup>73</sup>**

The report also made recommendations that were not implemented at the time (but have been implemented subsequently). These were:

- **The appointment of a professionally qualified finance director or head of corporate services.**
- **Using the new performance measurement system to enable the management board to track implementation of its priorities and to improve its oversight of major programmes and projects.**
- **The appointment of a senior member of staff with a wide brief to run the Clerk of the Parliaments' Office and support the Clerk of the Parliaments, along similar lines to the equivalent arrangements in the House of Commons.**

### ***Leader's Group on Governance (2015–16)***

In March 2015 the then Leader of the House, Baroness Stowell of Beeston, set up a group to consider what arrangements were necessary to ensure that domestic committee decision-making was effective, transparent and accountable. In particular, the group was asked to:

[E]xamine domestic committee decision-making structures, including which decisions go to which committee, or are referred between committees, and which decisions are remitted to the House; and consider what arrangements are necessary to uphold the interest of the House of Lords as an equal partner when making decisions alongside, or sharing services with, the House of Commons.<sup>74</sup>

The report of the Leader's Group on Governance, which was chaired by Baroness Shephard of Northwold, was published in January 2016.<sup>75</sup> In its recommendations, the group's stated aim was to achieve clarity of remits for the domestic committees, and clarity of roles for committee members.

The group proposed a smaller number of committees with clear demarcations of responsibility and a clear hierarchy. Its vision was for a small cadre of members with the time, interest and expertise necessary to engage with domestic committee matters on behalf of the House, in partnership

<sup>73</sup> Which are now known as In-House Services and Estates and the Parliamentary Digital Service, respectively.

<sup>74</sup> House of Lords, '[Written Statement: Leader's Group on Governance](#)', 23 March 2015, HLWS425

<sup>75</sup> Leader's Group on Governance, '[Governance of Domestic Committees in the House of Lords](#)', 13 January 2016, HL Paper 81 of session 2015–16.

with the staff. To give effect to this vision it recommended:

- **A senior committee to set the strategy of the House** and the Administration and to monitor the performance of the administration against agreed targets. It also recommended that the membership of the senior committee should include two external non-executive members.
- **Two supporting committees**, one dealing with all aspects of services for members, to be called the 'Services Committee', and a Finance Committee, each with clearly defined terms of reference agreed by the senior committee.
- **Appropriate delegations** from the senior committee to the Services Committee; and from the Services Committee to its chair and to the management board.
- **Two new posts**: a chair for each of the Services Committee and the Finance Committee, and a new role entitled Senior Deputy Speaker, to replace the Chairman of Committees.
- **The reconfiguration of the Works of Art Committee as an advisory panel**, reporting to the Lord Speaker.
- Reforms to the membership of the domestic committees, including nomination criteria, length of service and induction arrangements.
- The **planning for routine and effective communication** with the House as a matter of utmost importance; and to ensure that the format of all the meetings of the senior committee encouraged a sense of shared purpose and partnership.
- That the **new Senior Deputy Speaker and new chairs of the Services Committee and the Finance Committee should be nominated by party groups**, following a process of selection; have job descriptions and agreed terms of office; and work closely with the Lord Speaker to ensure the effective governance of the House.
- **Regular joint meetings between the senior committee and the management board**, and the agreement of a detailed memorandum of understanding between the senior committee and the management board to specify what matters are delegated to the management board, and what matters require endorsement from the senior committee.
- That the **new domestic committees explore the appetite among their Commons counterparts for regular joint meetings** at which issues of common concern could be discussed and decided.

The then Leader of the House subsequently led discussions on the implementation of the group's recommendations, and a debate took place

on 9 May 2016.<sup>76</sup> Following the debate the then House Committee published a report regarding the implementation of the Leader's Group recommendations on 6 July 2016,<sup>77</sup> which set out the following:

- The terms of reference and membership of the senior committee, which was to become known as the 'House of Lords Commission', including the role and powers of the external members.
- The terms of reference and membership of the Services Committee and Finance Committee.
- That the Services Committee and Finance Committee would be responsible for agreeing their working practices, taking their lead from the commission, including how they would communicate with the House and members, and work with the House of Commons.
- That the commission would be responsible for agreeing delegations to the Services Committee, Finance Committee and the management board.
- That the Audit Committee should not be formally appointed as a sub-committee of the commission (as proposed by the Leader's Group report) in order to allow for one of the committee's external members to be appointed as chair of the committee and, in turn, to serve on the commission, rather than on the Finance Committee, as also recommended by the group.<sup>78</sup>
- The role of the new Lord Speaker's Advisory Panel on Works of Art.
- The new position of the Senior Deputy Speaker.

The governance changes were agreed by the House on 21 July 2016,<sup>79</sup> and took effect on 1 September 2016, at the same time as the new Lord Speaker and Senior Deputy Speaker assumed office.

### ***Professionalisation of Finance and Human Resources director posts (2017)***

As recommended in previous reviews, in 2017 the management board decided to recruit staff with professional qualifications to fill the positions of Finance Director and Director of Human Resources. This has been the case since 2017.

<sup>76</sup> [HL Hansard, 9 May 2016, col 1573.](#)

<sup>77</sup> House Committee, [Implementing the Recommendations of the Leader's Group on Governance](#), 6 July 2016, HL Paper 19 of session 2016–17.

<sup>78</sup> The reports states that the reason for these changes was to raise the profile of the audit function and reflect governance best practice.

<sup>79</sup> [HL Hansard, 21 July 2016, cols 737–46.](#)

### ***Changes to the role of the Privileges and Conduct Committee (2019)***

In April 2019, changes were made to the operation of the Privileges and Conduct Committee, which was renamed the Conduct Committee and its membership expanded to include lay members. At the same time, chairmanship of the committee passed from the Senior Deputy Speaker to Lord Mance. The four lay members of the committee have full voting rights and were incorporated to “bring more independence and a valuable external perspective to the committee’s work”.<sup>80</sup>

### ***Ellenbogen Report (2019)***

In July 2019, Naomi Ellenbogen QC published her report, *An Independent Inquiry into Bullying and Harassment in the House of Lords* (‘the Ellenbogen report’).<sup>81</sup> Whilst the focus of the report was the conduct of members and staff, it made several recommendations regarding the governance of the House. These included the appointment of a director general to lead the administration in place of the role of Clerk of the Parliaments and a ‘steering group for change’.

In July 2019, the House of Lords Commission agreed to establish the Steering Group for Change, to advise on the implementation of the recommendations of the Ellenbogen report and to provide a forum for open discussion between members, staff and others. The Steering Group began its work in January 2020 and reported on the progress in implementing the recommendations of the Ellenbogen report, and other workplace culture initiatives, to the commission on 25 June 2021. The commission agreed that the Steering Group’s terms of reference should be extended until at least the end of July 2022.<sup>82</sup>

### ***External management review (2021)***

In July 2020 the House of Lords Commission appointed Keith Leslie to conduct an External Management Review (EMR) to consider two of the Ellenbogen report’s recommendations—the appointment of a director general to whom all staff would report and that only individuals with significant external experience should be appointed to the three most senior clerk roles in the House—as well as potential wider improvements to the overall effectiveness of the administration. The EMR was published by the commission on 27 January 2021.<sup>83</sup>

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<sup>80</sup> Committee for Privileges and Conduct, [Independent Complaints and Grievance Scheme: Changes to the Code of Conduct](#), 3 April 2019, HL Paper 335 of session 2017–19.

<sup>81</sup> House of Lords Commission, [An Independent Inquiry into Bullying and Harassment in the House of Lords](#), July 2019.

<sup>82</sup> See: [House of Lords Commission minutes](#), 25 June 2021.

<sup>83</sup> House of Lords Commission, [House of Lords External Management Review](#), January 2021.

The EMR made several wide-ranging recommendations about improving the administration's organisational effectiveness with respect to governance, management, and people development, alongside recommendations regarding their implementation. The key recommendations were:

### Governance

- The **Clerk of the Parliaments should remain at the head of the administration as Chief Executive and Accounting Officer**, as well as being the principal procedural and constitutional adviser to the House (therefore rejecting the Ellenbogen report recommendation).
- **Ultimately, the commission should be placed on a statutory footing as the governing 'board' of the House of Lords, to which the Clerk of the Parliaments and management are accountable.**
- **In the meantime, pending legislation, a 'contract' or memorandum of understanding should be agreed between the Clerk of the Parliaments and the commission to operate according to the new governance structures.**
- **The relationships between the commission, its committees and management should be clarified**, including the agreement of specific roles and delegations.
- **The Clerk of the Parliaments and Chief Operating Officer should become non-voting members of the commission.**
- **The management board should be reconstituted as the House of Lords Executive** ie, a senior leadership team and not a board.
- **The commission should have an enhanced role in providing greater oversight and strategic direction to the administration**, including holding management to account and directing implementation of the EMR's recommendations. Recognising that the commission does not have the time or capacity to engage in the detail of organisation and management, it should **establish an Oversight Panel chaired by the Senior Deputy Speaker to focus on this area.**<sup>84</sup>
- **Appoint a free-standing commission secretary and secretariat to support the work of the commission and**

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<sup>84</sup> The EMR suggested that the other members of the Oversight Panel should include the following commission members: the chairs of the Finance, Services and Audit Committees, the Clerk of the Parliaments and Chief Operating Officer, and two to four co-opted backbench members of the House with relevant organisational experience. The EMR also suggested that the commission may, in time, wish to reconstitute the panel as a formal sub-committee.

**the Oversight Panel**, particularly in its strategic and oversight role.

- Extend the model provided by the Steering Group for Change by **establishing a Steering Group for Improvement**, to encourage constructive conversations among members and staff to improve performance and learn from experience.

## Management

- **Increase the independence of appointments to senior roles**, including senior clerks (but the EMR rejected the Ellenbogen report's recommendation that only individuals with significant external experience should be appointed to the most senior clerk roles).
- **Put in place comprehensive and compulsory management and leadership training and support.**
- **Decentralise decision-making and introduce a new Scheme of Delegation** which sets out the delegation of responsibilities from the Clerk of the Parliaments to management board members, Heads of Office and sub-groups.
- **Ask management board members to lead on engagement with members and the commission, within their area of professional expertise.**
- **Improve management board communications to staff**, including attendance at all management board meetings by a Communications and Information Director role.
- **Require service level agreements with all providers of shared services.**
- **Embed project management discipline and consistent governance, including learning from outside expertise, and create a specific role which acts as the 'single voice of the House of Lords' in the administration's engagement with the Restoration and Renewal Programme.**

## People development

- **Accelerate work on values and behaviours.**
- **Make structural changes, and provide tools and support, to improve people management.**
- **Create a legal entity to become the formal employer or staff and contracting body** (moving away from the Clerk of the Parliaments as the statutory employer).
- **Make the Human Resources Director responsible for the development of all staff**, including clerks who are currently managed by the Clerk of the Parliaments.

- **Reassess the posts for which procedural expertise is necessary and the routes by which employees can move in and out of procedural roles.**
- **Rename the Human Resources Director, 'Human Resources and Diversity Director'** to increase focus on diversity issues.
- **Standardise management approaches and employment terms between different offices and remove barriers to the movement of employees between the Lords and the Commons and PDS.**

### Senior leadership structure

- **Create a new senior position of Chief Operating Officer (COO) and Deputy Chief Executive, reporting to the Clerk of the Parliaments, to increase capacity in, and provide leadership of, the non-procedural areas of the House, including overseeing major change initiatives and programmes.**
- **Expand the existing role of the Clerk Assistant so they act as the Clerk of the Parliament's deputy solely on procedural and constitutional issues, with the Reading Clerk (in an adjusted role) reporting to them.**
- **Expand the existing Finance and Human Resources Director roles by adding many of the corporate services roles currently exercised by the Reading Clerk.**
- **Create a Major Projects Director, reporting to the COO to fill a capability gap in this area.**
- **After the COO has been appointed, restructure the roles reporting to the five principal leadership positions to enable clear delegation and decentralisation of decision-making.**

### Implementation

- **Set clear priorities and responsibilities for implementation of the EMR recommendations,** recognising the critical role of the people appointed to the new leadership positions.
- **Manage the organisational change as a portfolio of projects and initiatives across the administration,** against a defined timetable and with a dedicated and experienced programme director and implementation team, supported by the Oversight Panel.
- **Budget for staffing and other costs to allow for the appointment of the COO, the commission secretariat**

**and a temporary implementation team**, together with the business cases and any other support needed to establish the new roles.

Following the publication of the EMR, the commission considered the implementation of its recommendations in stages. The Lords Management Board also considered some EMR recommendations in parallel.

On 10 February 2021, the commission agreed to:

- Recruit a COO.
- Appoint an implementation lead for the review (what the EMR referred to as the ‘programme director’) and a free-standing commission secretariat.
- Appoint the Clerk of the Parliaments and COO as non-voting members of the commission. subject to approval by the House.<sup>85</sup>

On 19 July 2021, the commission agreed, in principle, to establish a group of commission members and senior officials, convened by the Senior Deputy Speaker, to consider the implementation of the EMR recommendations, among other matters referred to the group by the commission (broadly what the EMR referred to as the ‘Oversight Panel’). The establishment of this group was intended to enhance the commission’s capacity to provide high-level strategic and political direction for the administration. The commission also agreed to keep the development of the group under review.<sup>86</sup>

On 14 September 2021, the commission agreed that the Lord Speaker and Clerk of the Parliaments, as chairs of the commission and the management board respectively, should begin work on a governance framework to clarify their relationship (what the EMR referred to as the ‘memorandum of understanding’). The commission also agreed that work should be conducted on what would be required to place the commission on a statutory footing, for the commission’s information.<sup>87</sup>

### **3. Budget of the House of Lords**

The House of Lords, in common with government departments, derives its funding from the House of Commons (‘supply’) within a formal system of financial control administered by the Treasury. The House’s use of resources is thus subject to formal oversight by the Treasury and the House of Commons, though as a chamber of Parliament with common dependencies

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<sup>85</sup> See: [House of Lords Commission minutes](#), 10 February 2021.

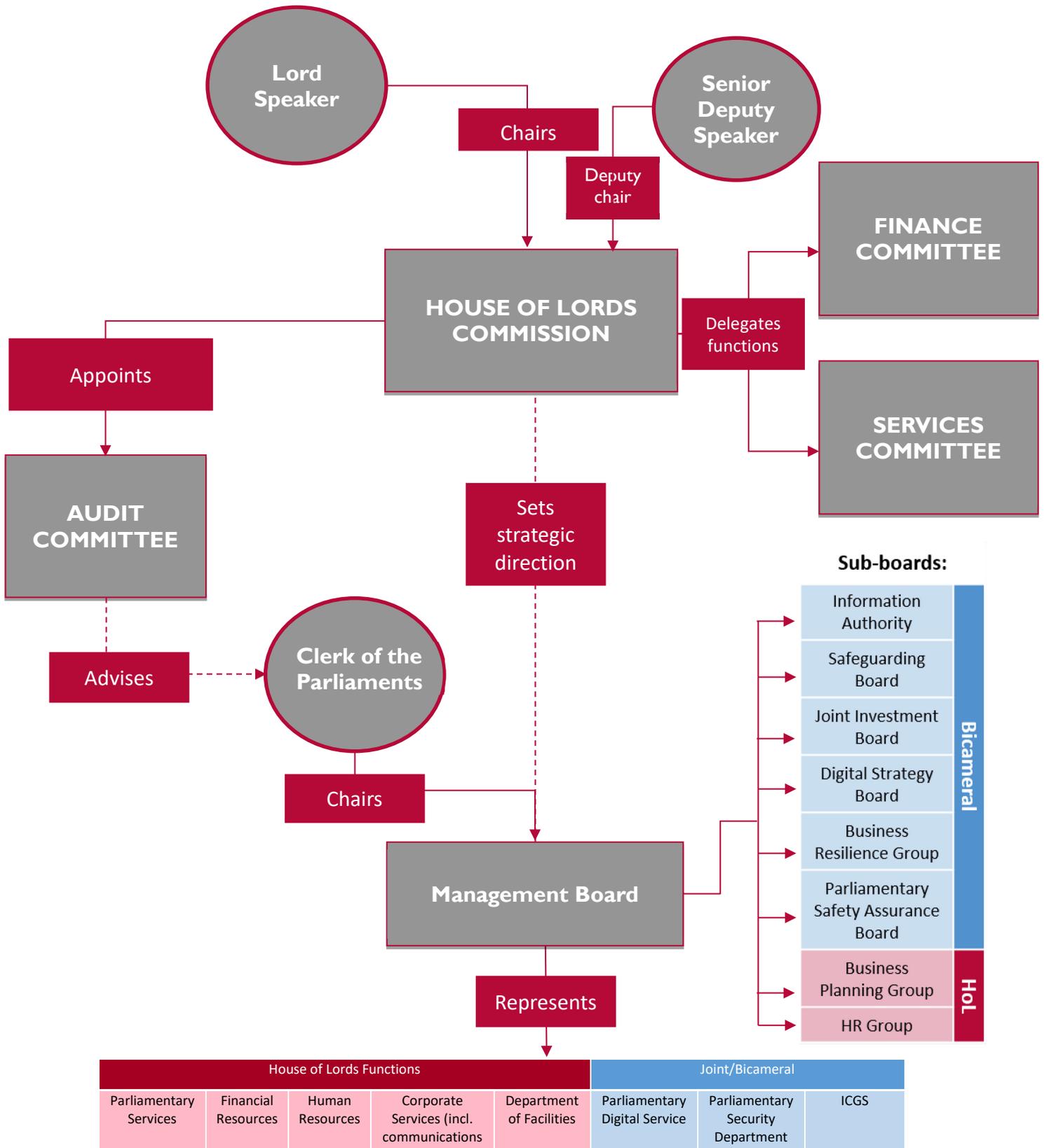
<sup>86</sup> See: [House of Lords Commission minutes](#), 19 July 2021.

<sup>87</sup> See: [House of Lords Commission minutes](#), 14 September 2021.

and programmes with the House of Commons, the House of Lords occupies a special position, recognised by the Treasury, under which it is in practice not subject to the strict disciplines of government financial management. Nor is it explicitly subject to some of the legal requirements which are imposed on departments and departmental bodies. Nevertheless, the House seeks to comply with the principles of financial management and control applicable to government departments. The House's use of resources is also subject to scrutiny and control similar to that of government departments.

The House has also elected to have its accounts audited by the National Audit Office. The Clerk of the Parliaments, who is appointed *ex officio* as Accounting Officer, is in principle accountable to the House of Commons, through the Public Accounts Committee, for the regularity and propriety of expenditure in the House of Lords.

**Appendix I: House of Lords organisation chart**



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