



The Departmental Select Committee System

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On 25 June 1979 the House of Commons agreed to establish a new system of departmental select committees to scrutinise the expenditure, administration and policy of government departments.

This paper briefly sets out the historical background to the departmental select committees system before charting their development over the last thirty years. In particular, the paper looks at: the membership and appointment of Members to select committees; the role of select committees; the way in which the committees gather evidence and interact with the public; the resources available to select committees; and the role of the Liaison Committee. Lastly, it considers evaluations made of the departmental select committee system and recent proposals for reform.

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Summary

A system for scrutinising the executive through a series of departmental select committees was established in June 1979. The incoming Conservative Government implemented proposals from the 1976-1978 Procedure Committee for a permanent system of committees to, “examine the expenditure, administration and policy of the principal government departments” in the wording of Standing Order No 152. The departmental committees are designed to mirror each government department and are re-organised following machinery of government changes. Other select committees deal with internal House matters, or regional areas, or cover cross-cutting issues, such as environmental audit. The main focus of this paper is on the work of the departmental committees, but the term ‘select committees’ is used as shorthand for convenience.

Over the past two decades, the scrutiny role of the select committees has become well-established and well-publicised. A set of 10 core tasks was adopted in June 2002, in order to establish common objectives, while still allowing committees to control their own agenda for the particular interests of the committee or to tackle emerging topical issues. The Liaison Committee, which consists of chairmen of select committees, has become an important focus point in relations with the executive. The Prime Minister has appeared before the Committee twice a year since 2002 to face scrutiny of Government policies. Further strengthening of the select committees continues to be a focus for parliamentary reformers, with demands for more involvement from Members and greater powers of investigation for select committees.

Committees normally consist of backbench Members although parliamentary private secretaries sometimes serve. Their party composition reflects the composition of the parties in the House as a whole. Nevertheless, most committee reports are unanimous, reflecting a more non-partisan method of operation. There is an upper limit of two consecutive Parliaments on service as a chairman, introduced in 2002, together with salaries for chairmen in an effort to build a career alternative to ministerial office. There have been continuing controversies over the manner in which Members are appointed to select committees. The role of the whips in allocating places has been challenged most recently in reforms proposed by Robin Cook as Leader of the House in May 2002, and is once again under debate, as part of the public debate on constitutional change following focus on Members’ expenses.

While the number of staff supporting the committees has increased considerably since 1979, the appropriate size and composition of the Committee Office has been subject to continued debate. Some have argued for larger, expert teams of researchers; others have responded by stressing that committees should remain led by Members, rather than staff. A Scrutiny Unit was established in 2002 as a specialist resource for committees.

The impact of select committee work on the development of policy is difficult to measure. Their voice may be one among many seeking to exert pressure on the Government. Individual examples of policy changes offer some evidence for effectiveness. Reformers often praise the operational style of committees as more in touch with the concerns of voters than the more ritual exchanges on the floor of the House. The non-partisan ethos of select committees contrasts with the rest of the House where the executive exercises almost complete control over the timetabling of business and passage of legislation. More recently, the demands on Members’ time have led to high turnover and difficulties in achieving quorums on committees. There is no doubt, however, of the major impact of the 1979 reforms on Parliament and the executive as a whole.

1 Introduction and summary

This section offers a brief overview of the main events since the establishment of a departmental select committee system in 1979. The main themes are then discussed in more detail in separate parts below.

1.1 Historical background

A system of departmental select committees was established in 1979. This followed the recommendation of a special Procedure Select Committee, first established in 1976, which reported in 1978.¹ The proposal was agreed to by the House in June 1979, following support from the new Leader of the Commons, Norman St John Stevas. Implementation of the report had become a manifesto commitment, in an atmosphere of political demand for a more assertive Commons. However, there had been debate since at least the time of Richard Crossman as Leader of the House 1966-1968, as to the desirability of establishing a system of departmental committees.

In the nineteenth century, select committees had been an influential part of parliamentary work, often leading to significant legislation. However, the growing use of independent inquiries and royal commissions in the early twentieth century reduced the scope of select committees. There were committees such as those for Nationalised Industries and Estimates. Under Crossman, six subject committees were established, followed in the 1970s by sub committees under a new Expenditure Committee. Dissatisfaction with the unplanned nature of that system, combined with concern that the balance between the Executive and Parliament was weighted too heavily towards the former, was an impetus to reform. The incoming Conservative Government had signalled its support for a departmental select committee system in their election manifesto. The proposals were implemented on 25 June 1979.² The new committees were nominated by the Committee of Selection on 26 November 1979, but none began work until early 1980.

The Procedure Select Committee argued for a departmental, rather than subject based committee system, in order to focus on individual ministerial responsibilities. It was an accepted principle that the departmental committees should mirror the machinery of Government, so that when departments were formed or merged, the select committee system would be modified. Further details on this are set out below in Part 2. Initially, however, neither the Lord Chancellor's Department nor the Northern Ireland Office was included. Major modifications to the committees took place in 1992, 1997, 2001 and 2007, following machinery of Government changes. Appendix 2 gives further details. The Procedure Committee reported positively in 1990 on the operation of the departmental select committee system, with some recommendations for incremental reform.³

1.2 Membership

A key issue was the question of membership of committees. The 1976-78 Procedure Committee had recommended and the House agreed that the Committee of Selection should make recommendations to be put before the House on a motion, which would be amendable and debatable. In practice, the role of the whips in nominating members remained pre-eminent. This has led to some controversy over particular appointments, following both the 1992 and 2001 general elections, discussed in more detail below. In 2002, the then Leader of the House, Robin Cook, announced that the Modernisation Committee would review the operation of the committee system. Amongst its recommendations was a proposal to reform the system of nomination to allow more autonomy to the House. The House declined to

¹ Select Committee on Procedure, *First Report*, 17 July 1978, HC 588-I 1977-78

² HC Deb 25 June 1979 c33

³ Select Committee on Procedure HC 19 1989-90

accept this proposal when the recommendations were put forward in a debate on 14 May 2002. However, changes to the internal party systems for selecting candidates have been implemented to introduce a degree of greater transparency. Further detail is set out in Part 3.

1.3 The Liaison Committee

An informal Chairman's Liaison Committee was established in May 1967. However, the Procedure Committee of 1976-78 recommended formalisation through a new Standing Order.⁴ The Committee's role included advising the Leader of the House on the choice of reports to be debated, to consider staffing needs, and monitor timing of Government responses.

By its existence, the Liaison Committee tended to accrue power and influence. It produced two major reports in 2000, where it argued for greater autonomy for select committees, particularly in determining membership. The then Leader of the House, Margaret Beckett, rejected nearly all the recommendations of the first report, about which the Committee protested in the second report:

- *Shifting the balance: select committees and the executive*, 1st report of 1999-2000, HC 300, March 2000⁵
- *Independence or control?* 2nd report of 1999-2000, HC 748, July 2000⁶

1.4 The Modernisation Committee report, *Select Committees*, February 2002

One of the first initiatives of Robin Cook, Leader of the House between 2001 and 2003, was to establish an inquiry into the operation of select committees. The Modernisation Committee reported in February 2002 and proposed a number of reforms.⁷ The recommendations on allowing more autonomy on membership drew most attention, but others included:

- Increased resources: the establishment of a specialist unit of staff to assist committees with consideration of departmental expenditure and pre-legislative scrutiny, and increased staff for select committees;
- Core tasks: a list of principal objectives for select committees with annual reports reporting performance against these tasks;
- An alternative career structure: an additional salary should be paid to the chairmen of select committees and a term limit on the chairmanship should be introduced.
- An increased role for back-benchers: the number of members on select committees should be increased to 15 to give more members select committee posts;
- Connecting with the public: select committees should be renamed as 'scrutiny committees' and their reports redesigned to make them attractive to readers.

On 14 May 2002 the House of Commons approved the Modernisation Committee report and agreed motions to invite the Liaison Committee to establish common objectives (subsequently core tasks) for select committees and invited the Senior Salary Review Body

⁴ HC Deb 31 January 1980 c1687-1718

⁵ Liaison Committee, *Shifting the balance: select committees and the executive*, March 2000, HC 300 1999-2000

⁶ Liaison Committee, *Independence or control?*, July 2000, HC 748 1999-2000

⁷ Select Committee on Modernisation of the House of Commons, *Select Committees*, 6 February 2002, HC 224-I 2001-2002

to look at pay for select committee chairmen. A term limit for chairmen of 8 years or two Parliaments, whichever was longer, was also agreed.

The motion relating to the nomination of members of select committees passing to a Committee of Nomination was rejected by a vote of 209 against to 195 for. Despite assurances from Robin Cook that these matters would be decided on a free vote, concerns were raised that the whips were active.⁸ Other proposals of the Modernisation Committee, on which no motions were put to the House and therefore were not implemented, included increasing the size of select committees.⁹ Further detail on the current debate is given in Part 3 below.

The development of core tasks for select committees and the creation of a specialist Scrutiny Unit to assist with pre-legislative and financial scrutiny, as well as more staff for select committees, meant that committees continued to develop the scope of their work in the rest of the 2001 Parliament. Core tasks are examined in more detail below in Part 4.

1.5 Select committees during the 2005 Parliament

In the 2005 Parliament, the two major initiatives affecting departmental select committees were:

- the development of a system of pre-appointment or “confirmation” hearings by select committees; and
- the establishment of regional select committees.

Both were announced by the new Prime Minister, Gordon Brown, in the *Governance of Britain* green paper in July 2007.¹⁰

On 10 June 2009 Mr Brown made a statement on Constitutional Renewal in which he raised the prospect of procedural reform in the House of Commons, to include reforms to the select committees.¹¹ He announced that Tony Wright, the chairman of the Public Administration Select Committee, would chair a special cross-party parliamentary commission to advise on the necessary reforms. At the time of writing, this parliamentary commission was yet to be established, nor its precise terms of reference made clear.

The activity rate of select committees has continued to increase; in contrast to the lengthy enquiries of the 1980s, more committees tended to have shorter inquiries and even to hold one-off evidence sessions and produced short, topical reports. Statistical information on the work of select committees is summarised in the Sessional Returns, published each session since 1986-87. These give details of reports published, evidence sessions held and attendance rates. 166 substantive reports were produced in session 2007-08 by departmental select committees, compared to 134 in 1998-99; there were 602 public evidence sessions, compared with 478 in 1998-99.¹² A narrative account of the work of committees in each session is given in the Liaison Committee’s annual reports, with each committee also publishing its own annual report.

⁸ HC Deb 14 May 2002 c720

⁹ The Library has produced a number of publications on select committees. See Appendix 4 for details.

¹⁰ Further details of both initiatives are covered in Library Standard Note SN/PC/4397, [Parliamentary Involvement in Public Appointments](#) and Library Standard Note SN/PC/4411, [Regional Accountability at Westminster](#).

¹¹ HC Deb 10 June 2009 c797

¹² Tables 19 and 20, Liaison Committee First Report *The work of committees in 2007-08* HC 291 2008-09

In the current Parliament, there has been some recent concern about attendance at committees. There have been suggestions that Members have made constituency work a priority.¹³ The size of some committees was increased in July 2005 from 11 to 14 for Defence, Foreign Affairs, Home Affairs, Trade and Industry and Treasury Committees. The Liaison Committee commented on the extra pressure placed on the working practices of the committees.¹⁴

2 The departmental select committee system

2.1 The development of the departmental select committee system

The departmental structure of British government, based on functional areas such as foreign affairs, health and education, is shaped by the Haldane Report of 1918.¹⁵ The report set out a basic principle of “defining the field of activity in the case of each Department according to the particular service which it renders to the community as a whole”.¹⁶

The creation of a departmental committee structure to scrutinise each of these functional departments, however, took a further 60 years. Although there had long been a select committee system in place, these committees did not provide a systematic check on government departments. Bernard Crick described their decline during the first half of the twentieth century:

In the nineteenth century much important legislation was the direct result of the reports of Select Committees; they were major instruments of reform. But in this century there has been a steady decline in the numbers of Select Committees and, with a few notable exceptions, in their importance and influence. More ponderous Royal Commissions and more malleable Departmental committees have largely replaced them as investigatory bodies; and since the Tribunals of Inquiry (Evidence) Act, 1921, the more sensitive political scandals have been shuffled off into judicial hands. Indeed, from 1945 to the present day only a handful of such committees have considered matters of public policy, as distinct from the domestic affairs of the House. For one thing, Select Committees on matters of public policy have been thoroughly distrusted and disliked by the Whips; despite Government majorities on them, they have an awkward tendency to develop cross-bench sentiment, and a shocking habit of regarding the Executive as guilty until it is proved innocent.¹⁷

Richard Crossman, when Leader of the House, introduced six subject select committees in the 1966-70 Parliament, but this structure did not survive the change of Government. Instead, an Expenditure Committee was established in 1971, with six sub-committees. Both initiatives were criticised as producing a patchwork effect, lacking coherence.

The genesis of the committee structure introduced in 1979 lay in the decision of the Labour Party in 1975 to produce proposals for a major review of the practice and procedure of Parliament. These were debated on 2 February 1976, and a select committee was established (for the duration of the Parliament) on 9 June 1976, “to consider the practice and procedure of the House in relation to public business and to make recommendations for the more effective performance of its functions”. This was a wide-ranging inquiry, covering public

¹³ “It’s the new Commons routine- I’ll turn up if I can find the time”, *The Times*, 8 April 2009; “The lure of the red box is as much to blame as laziness”, *The Times*, 8 April 2009 ; “Labour attacks its lazy MPs”, *Financial Times*, 9 March 2009

¹⁴ HC 405 2005-06, para 58

¹⁵ Ministry of Reconstruction, *Report of the Machinery of Government Committee*, Cmd 9230, 1918

¹⁶ *Ibid*, para 8

¹⁷ Bernard Crick, *The Reform of Parliament*, revised 2nd ed, 1970, pp98-99

bill procedure, delegated legislation, and European Communities Legislation, but it also made a number of recommendations concerning select committees. The Report noted that:

The development of more effective means of scrutinising the expenditure, administration and policy of government departments, and of more adequate procedures for informing the House about the work of departments, and for calling Ministers and civil servants to account for their actions, has been a recurring theme of proposals for parliamentary reform throughout this century. As long ago as 1918 the Haldane Report on the Machinery of Government referred to the possibility of improving the efficiency of the public service “if steps were taken to secure the continuous and well-informed interest of a Parliamentary body in the execution by each department of the policy which Parliament has laid down”. Similar proposals have been made, from a variety of sources, and with increasing insistence, since that date. It is clear to us that there is now a strong desire, inside as well as outside the House, for the introduction of a new select committee structure to achieve these aims.¹⁸

The Committee went on to state that despite the growth in size, powers and functions of select committees since 1964, “the development of the system has been piecemeal and has resulted in a decidedly patchy coverage of the activities of government departments and agencies, and of the major areas of public policy and administration”.¹⁹ The House should no longer rest content with such an “incomplete and unsystematic” scrutiny of the executive. They concluded:

We therefore favour a reorganisation of the select committee structure to provide the House with the means of scrutinising the activities of the public service on a continuing and systematic basis.²⁰

The Committee proposed the replacement of the existing Expenditure Committee and other specialist committees (but not the Public Accounts Committee) by a system of 12 subject committees, responsible for the scrutiny of one (or a related group) of government departments. In view of the possibility of devolution and other constitutional changes, the committee proposed that the new committees cover matters in Scotland, Wales and Northern Ireland. They then made a number of recommendations relating to terms of reference, membership, powers, and staffing.

The report was debated in the House on 19-20 February 1979. The Study of Parliament book, *The New Select Committees*, summed up the debate as follows:

The two-day debate on the report on 19 and 20 February 1979 revealed how far select committees had become and accepted feature of parliamentary life. As Mr Kenneth Baker remarked ‘The time of special pleading is virtually over’. Some speakers had reservations about the details of the Procedure Committee’s proposals, with rear-guard actions being fought on behalf of the committees scheduled for abolition, especially the Nationalised Industries Committee. The overwhelming majority of speakers, many of whom had served on select committees, accepted the recommendations and showed a surprising reluctance to view them in the Committee’s own cautious terms as evolutionary rather than revolutionary: there were constant references in the debate to the fundamental nature of the changes proposed. Mr Norman St John-Stevas, speaking from the Opposition front bench, was among a minority in putting the recommendations on select committees into their historical context. He did not, he said, want to exaggerate the case for reform and emphasised that he saw the report as

¹⁸ Select Committee on Procedure, *First Report*, 17 July 1978, HC 588-I 1977-78, para 5.7

¹⁹ *Ibid*, para 5.14

²⁰ *Ibid*, para 5.15

radical rather than revolutionary and as suggesting a rationalisation based on past experience. He nevertheless committed an incoming Conservative Government 'to positive, constructive and helpful proposals based on this report'. Mr Michael Foot, as Leader of the House, spoke twice on the second day of the debate. In his opening speech ... he argued strongly against any extension of the committee system but when winding up, he had to acknowledge that he was swimming against the tide and promised to respond to the opinions expressed in the debate by instituting all-party discussions.²¹

The minority Labour Government fell a month later. The incoming Conservative Government's manifesto had included a promise to implement the recommendations of the Procedure Committee report, and the new Leader of the House, Norman St John Stevas, gave effect to that in a debate on 25 June 1979.²²

Declaring that the House was "embarking upon a series of changes that could constitute the most important parliamentary reforms of the century", Norman St John Stevas said that "the proposals that the Government are placing before the House are intended to redress the balance to enable the House of Commons to do more effectively the job it has been elected to do". He concluded that:

We believe that the motions on the Order Paper provide the coherent and systematic structure of Select Committees that the Procedure Committee considered and that the Government agree to be a necessary preliminary to the more effective scrutiny of government and the wider involvement that hon. Members on both sides of the House have sought for many years. It will provide opportunity for closer examination of departmental policy and of the way in which Ministers are discharging their understanding of the pressures and constraints under which Ministers and their Departments have to work. It will bring about a closer relationship with Ministers themselves. It will also be an important contribution to greater openness in government of a kind that is in accord with our parliamentary arrangements and our constitutional tradition. It is in that spirit that I commend these proposals to the House.²³

The motion to establish the committees was passed by 248 votes to 12.²⁴ The Committee of Selection nominated the membership of the Committees and this was agreed by the House on 26 November 1979, but because of administrative preliminaries (e.g. the election of chairmen) none of the committees began substantive work until 1980.

2.2 The select committees in 2009

There are currently 19 departmental select committees in the House of Commons (including committees scrutinising the work of the Scotland Office, Wales Office and Northern Ireland Office). Standing Order No 152 states that:

Select committees shall be appointed to examine the expenditure, administration and policy of the principal government departments as set out in paragraph (2) of this order and associated public bodies.²⁵

Each committee appointed under the Standing Order has the power to appoint a sub-committee. The Committees also have the power to:

²¹ Gavin Drewry ed, *The New Select Committees*, 2nd Edition, 1989, p29

²² HC Deb 25 June 1979 vol 969 cc33ff

²³ *Ibid*, c48

²⁴ *Ibid*, c250-51

²⁵ Standing Order 152 is quoted in full in Appendix 3.

- send for persons papers and records (that is, to demand the submission of documents or attendance to give oral evidence, though this power does not in effect apply to the government and is anyway somewhat circumscribed in practice);
- to sit notwithstanding any adjournment of the Houses (in other words, to meet whenever they choose);
- to “adjourn from place to place” (in other words, to meet away from Westminster and to travel); and
- to “report from time to time” (in other words, to report as often as they chose on subjects of their choosing, rather than on specific matters referred to them by the House).

As the Government makes machinery of government changes, the House of Commons’ departmental select committees also shift their remits, and grow or shrink in number as appropriate. Most recently, the Prime Minister created a new Department for Energy and Climate Change in October 2008; the House of Commons therefore created a Select Committee on Energy and Climate Change on 28 October 2008.²⁶

Along with the departmental select committees there are also a number of committees that look across government departments at various issues. These committees are:

- **Environmental Audit:** The Committee considers to what extent the policies and programmes of government departments and non-departmental public bodies contribute to environmental protection and sustainable development.²⁷
- **European Scrutiny:** The European Scrutiny Committee assesses the legal and/or political importance of each EU document and decides which are debated. The Committee also monitors the activities of UK Ministers in the Council (through parliamentary questions and sometimes by questioning Ministers in person), and sometimes conducts general inquiries into legal, procedural or institutional developments in the EU.²⁸
- **Liaison:** The Liaison Committee contains 32 members, consisting of the chairmen of 32 select committees (see section 7 below on the Liaison Committee)
- **Public Accounts:** The PAC is appointed under Standing Order No 148 to examine “the accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure. Following the passing of the *National Audit Act 1983*, the main work of the Committee has been the examination of the Reports made by the Comptroller and Auditor General on his value for money studies of the economy, efficiency and effectiveness with which Government Departments and other bodies have used their resources to further their objectives. The Committee continues to monitor the propriety with which voted money is spend (that is to say, that it has been spent for the purposes Parliament allocated – or “appropriated” – it to. It does not examine the merits of policy (unlike the departmental select committees) and it takes evidence almost exclusively from civil servants (not politicians or outsiders).²⁹
- **Public Administration:** The Public Administration Select Committee (PASC) has eleven members and has a remit to examine the quality and standards of administration within

²⁶ HC Deb 28 October 2008 c867

²⁷ For more information see the [Environmental Audit Committee](#) website

²⁸ For more information see the [European Scrutiny Committee](#) website

²⁹ For more information see the [Public Accounts Committee](#) website

the Civil Service and scrutinise the reports of the Parliamentary and Health Ombudsman. It acts, in effect, as a departmental select committee for the Cabinet Office and other central government offices which lie outside the departmental structure.³⁰

In addition there are a number of domestic committees concerned with the House services, Joint Committees on Statutory Instruments and on Human Rights, a Regulatory Reform Committee, the Standards and Privileges Committee, and the Procedure Committee and the Modernisation Committee which are concerned with procedures of the House itself.

On 3 March 2009 the House of Commons appointed Labour Members to eight new regional select committees. The other parties had declined to nominate members to the committees whose job it is to examine regional strategies and the work of regional bodies. The committees were established under Standing Order No 152F, passed in November 2008 after proposals from the Government and a recommendation from the Modernisation Committee (which had only agreed its report on the casting vote of the chairman).³¹ There is also a possibility that a ninth regional select committee, on London, will be established in the future.³²

In their most recent annual report, the Liaison Committee warned that the numbers of places on select committees and delays in filling vacancies was causing real problems for attendance:

73...The membership of many committees has risen over 30 years from nine to 11 and now to 14 - not at our request. We estimate that, with the establishment of regional committees, the total number of places on permanent committees of the House has risen from 260 in 1979-80 to 515 in the 2008-09 session. ...This near-doubling of places to be filled can only increase the demands placed on the steady or declining pool of Members who do not hold a ministerial position (paid or otherwise), or who are not front-bench spokesmen for the main Opposition parties, and who are willing to devote time to select committee work. The extent to which the pressure on Members' time already affects their attendance at select committee meetings can be seen in the figures for the average attendance at committees published in the House's Sessional Returns. In the 2007-08 session, for instance, only four of the departmental committees achieved an average attendance rate of more than 70% and four had attendance of below 60%.³³

A report in *The Times* picked up on the attendance levels:

Backbench MPs routinely skip the meetings of powerful Commons committees, undermining Parliament's power to scrutinise the Government, *The Times* has learnt.

At least 60 of the 220 members on the most influential Commons committees examining public services and government spending missed more than half their meetings last year, according to an analysis of the figures released this week by Parliament.

Several backbench MPs have told *The Times* that they do not regard select committee attendance – which was once seen as a route to high office – as a priority...³⁴

³⁰ For more information see the [Public Administration Select Committee](#) website

³¹ See Library Standard Note, SN/PC/4411, [Regional Accountability at Westminster](#)

³² See for example HC Deb 3 March 2009 c785

³³ Liaison Committee, [The Work of Committees in 2007-08](#), 5 March 2009 HC 291,2008-09, para 73

³⁴ 'It's the new Commons routine – I'll turn up if I can find the time', *The Times*, 8 April 2009

3 Membership and appointment

3.1 Membership of select committees

At the beginning of a new parliament, motions for the entire membership of select committees are tabled by the chairman of the Committee of Selection.³⁵ All such motions are amendable and debateable. However, in practice, as all nominations to select committees have been sanctioned by internal party systems, debate is rare. Notable exceptions, which occurred in 1992 and 2001, are discussed below.

The motions on committee membership usually appear some weeks after Parliament returns after a general election. *How Parliament Works* explains:

Delays – sometimes of three months or more – in putting names to the House have been criticised as delaying the start of committee work and giving the government a scrutiny-free run for the crucial early weeks after a general election. Largely due to the efforts of the new Leader of the House, Robin Cook, the delay at the start of the 2001 Parliament was the shortest ever: the session began on 13 June 2001, and most select committees were nominated on 16 July. The timetable slipped in 2005: the session began on 18 May and most committees were nominated on 13 July.³⁶

Departmental select committees consist of between 11 and 14 MPs.³⁷ Their party composition reflects the relative strengths of the parties in the composition of the House as a whole, as closely as the arithmetic will allow. At the moment, on a committee of eleven members this means that, typically, the committee will have six Labour members, three Conservative members and two from the Liberal Democrat Party (or on a minority of committees, one Liberal Democrat and one member from one of the smaller parties or an independent member).

Committees normally consist of backbench Members of Parliament (the main exception is the Modernisation Committee which is chaired by the Leader of the House of Commons, which is, of course, not a departmental select committee). There was some discussion in the House in July 2007, immediately after the publication of the new edition of the Ministerial Code, of the ability of parliamentary private secretaries to serve on select committees. On 18 July 2007, the Prime Minister responded to a question from Bob Marshall-Andrews:

...The Government have recently decreed that Parliamentary Private Secretaries will sit on Select Committees. Parliamentary Private Secretaries are de facto part of the Executive, and Select Committees, at least in part, are intended to scrutinise that Executive. The conflict is obvious and apparent. How does that accord with the welcome and noble sentiments that my right hon. Friend expressed two weeks ago on the independence of Parliament?

The Prime Minister: My hon. Friend is raising an important issue... He is referring to the role of Parliamentary Private Secretaries, but they will not sit on the departmental Select Committees for which they are Parliamentary Private Secretaries. I can give him that assurance.³⁸

³⁵ All select committees are nominated in this way, except the Committee of Selection itself, the Liaison committee, and the Committee on Standards and Privileges.

³⁶ Robert Rogers and Rhodri Walters, *How Parliament Works*, 6th edition, 2006, pp344-345

³⁷ The current departmental select committees and their size are set out in Appendix 3

³⁸ HC Deb 18 July 2007 c277

The matter was also raised during Business Questions on 19 July 2007 by Theresa May, the then Conservative Shadow Leader of the House.³⁹ In reply, Harriet Harman, the Leader of the House, said:

...Under the previous Government, PPSs did, from time to time, sit on Select Committees. Nobody in the House would think it right for a PPS to sit on a Select Committee for their own Department. The right hon. Lady will know, however, that PPSs are not members of the Government. She is perhaps asking us to look afresh at a policy introduced by her Government and continued by this Government.⁴⁰

3.2 Nominations to committees

The method of deciding who should serve on a select committee, and then who from amongst those members should chair the committee, has been subject to some controversy since 1979. The 1978 Procedure Committee report recommended, and the House agreed, that membership lists should be prepared by the Committee of Selection, and that motions tabled by the Chairman of that committee should be put before the House. The political parties have each adopted their own methods of bring names forward for to the Committee of Selection.

It would appear, however, that there was a potential conflict inherent in the appointment process. The party whips have a role in putting members forward for appointment, because of their role on the Committee of Selection. Select committee are generally considered to be largely free of party politics, and a place for cross-party working. However, the independent minded Members who may be best suited to such work, might not necessarily be the first choice for party whips who by definition, usually have party cohesion and discipline in mind. It must be noted that each party has its own internal system for nominations and in the Labour Party there are internal elections.

The difficulties of membership selection were demonstrated after the general election of 1992. In particular, controversy arose over the adoption of a rule limiting Conservative Members to three Parliaments' service on a select committee. There was speculation that this rule was created to remove Nicholas Winterton from membership of the Health Committee (of which he had been chairman prior to the general election). Sir Marcus Fox, the then chairman of the Committee of Selection, defended the rule as one made not by Government Whips but by the Conservative members of the Committee:

The real principle is whether those Committees were set up with the intention that Member should continue to serve year after year without limit. Is it fair to exclude those who are just as anxious to share that work? We came to the conclusion that we must at least create some vacancies because there were more than 200 applications for 96 vacancies on the Government side. Surely 13 continuous years on a Select Committee must be sufficient to bring about change.⁴¹

The method of appointment of Members was raised by the Liaison Committee in their March 2000 report *Shifting the Balance*.⁴² This set out a programme of reform of the committee system including taking the nomination of select committee members out of the hands of the party whips. Membership of committees was proposed by the Committee of Selection, but in practice it was believe that the Committee nominated members largely on the basis of the

³⁹ HC Deb 19 July 2007 c431

⁴⁰ *Ibid*, c432

⁴¹ HC Deb 13 July 1992 c917

⁴² House of Commons Liaison Committee, *Shifting the balance: select committees and the executive*, 3 March 2000, HC 300 1999-2000

lists supplied by the whips. The Liaison Committee argued that this had three unwelcome results:

- On some occasions there have been long delays – whatever their cause – in setting up some select committees at the beginning of Parliament, at the very time when committees need to put in maximum effort to establish their approach, plan their programme and begin work. These delays are of course convenient for the government of the day.
- When a Member decides to leave a committee there have been long delays – for no good reason – in making the change in membership. Some committees have been as many as three Members short for a matter of months, when there has been no shortage of volunteers.
- Members have undoubtedly been kept off committees, or removed from them, on account of their views. Oppositions as well as governments have been guilty of this, but of course if committees are to be effective scrutineers of government it is the influence of the governing party that causes us the greater concern.⁴³

The Liaison Committee proposed that in the early weeks of a Parliament, the House should appoint a Chairman of Committees and two Deputy Chairmen of Committees. The Chairman of Committees would not serve as a chairman of any other committee. Immediately upon appointment, the Chairman and Deputy Chairmen would invite names for membership of committees, with a deadline for submissions. They would propose to the House the membership of each committee. Once the committees were established, it would be then up to the Liaison Committee – which would be renamed and reconstituted as the Select Committee Panel, to propose names of Members to sit on select committees when vacancies arose.

The Government rejected these proposals in their response to the report but the Liaison Committee repeated their proposals in *Shifting the Balance: Unfinished Business*.⁴⁴ Pressure for change gathered with the publication of further proposals for reform. The *Commission to Strengthen Parliament* set up by William Hague as Leader of the Conservative Party and chaired by Lord Norton, supported the notion that appointment be taken out of the hands of the party whips.⁴⁵ The cross-party group Parliament First and the Hansard Society Commission on the scrutiny role of Parliament also proposed changes.⁴⁶ In 2001 the issue resurfaced when two previous committee chairmen, Gwyneth Dunwoody and Donald Anderson, were not nominated to their re-established Committees. The House of Commons refused to accept the nominations.⁴⁷

The Modernisation Committee carried out an inquiry on the select committee system and reported in February 2002 proposing a number of reforms.⁴⁸ On the nomination of members of committees, the Modernisation Committee rejected the Liaison Committee proposal of a panel of three senior Members. They argued that three Members would not be sufficient to have the necessary knowledge of the qualifications and interests of Members, that it would be undesirable to place excessive power in the hands of some form of ‘select committee

⁴³ *Ibid*, para 11-12

⁴⁴ Liaison Committee, *Shifting the Balance: Unfinished Business*, 15 March 2001, HC 301 2000-01,

⁴⁵ Commission to Strengthen Parliament, *Strengthening Parliament*, July 2000

⁴⁶ Parliament First, *Parliament's Last Chance*, 2003; Hansard Society Commission on Parliamentary Scrutiny, *The Challenge for Parliament: Making Government Accountable*, 2001

⁴⁷ HC Deb 16 July 2001 c35

⁴⁸ Select Committee on Modernisation of the House of Commons, *Select Committees*, 6 February 2002, HC 224-I 2001-2002

establishment'. Instead, the Modernisation Committee proposed the establishment of a Committee of Nomination under the Chairman of Ways and Means, with the majority of its members being drawn from the Chairman's panel and its membership set by Standing Order. The report explains the process that would then take place:

18. The Chairman of Ways and Means would issue a standard form for parties to circulate inviting their Members to indicate the select committees on which they would be interested in serving. These forms would be returned to the political parties who in turn would submit proposals to the Committee of Nomination, based as far as possible on the preferences expressed by individual Members. It is for the parties to develop their proposals for nominations through a process which is acceptable to their Members. Members would be free to make their own individual representations on the party nominations.

19. We start from the presumption that the political parties will wish to submit nominations which fairly reflect the preference, gender and experience of their Members. We therefore would not anticipate that it would be necessary for the Committee of Nomination to vary the party nominations in other than exceptional circumstances where it was clear that a fundamental problem had arisen. In those exceptional circumstances the Committee of Nomination would have access to all the relevant forms returned by Members. In the event that the Committee of Nomination remained concerned we would expect it in the first instance to refer back the nominations to that specific committee for further consideration. If that failed to produce a satisfactory explanation or solution the Committee of Nomination would have the power and authority to make any amendments it thought fit before submitting that list of nominations to the House.⁴⁹

On 14 May 2002 the House of Commons considered a number of motions relating to select committees. The motion relating the nomination of members of select committees passing to a Committee of Nomination was rejected by a vote of 209 against to 195 for. Despite assurances from Robin Cook that these matters would be decided on a free vote, concerns were raised that the whips were at work. The issue of appointments to select committees continues to be of interest, and recent proposals for reform are set out in Part 8 below.

3.3 Select committee chairmen

At the first meeting of the Committee, the Committee is chaired by the clerk who briefly presides over the election of a Chairman. The chairmanship of each committee is usually decided by the 'usual channels' in advance, with the positions being divided between government and opposition members in rough proportion to the number of Members in the House. Although there is often a "preferred" official party candidate for the chair, committees do not always accept them.

The ability to attract and retain members of select committees, and in particular chairman, has been a concern in recent years. In the Liaison Committee's 2000 report *Shifting the Balance* the Committee noted that members of select committees were "easily tempted" away from select committees by government or opposition appointments:

Ministerial office has a powerful attraction for many back-benchers on the government side of the House. But it is a matter for concern when able and effective select

⁴⁹ *Ibid*, paras 18-19

committee members – and sometimes even the chairmen – are so easily tempted by the lowliest of government and opposition appointments.⁵⁰

The Liaison Committee noted that, “Membership of an investigative select committee requires considerable work and commitment, and chairmanship even more”. They went on to suggest either payment of specified select committee chairmen, or chairmen being made eligible for a higher Office Costs Allowance to pay for additional secretarial or research support. The Committee invited the Senior Salaries Review Body (SSRB) to consider the matter.

The payment of select committee chairmen had been considered by the Procedure Committee in 1978 who commented that:

Although it may be premature to regard select committees as providing an alternative ‘career structure’ for Members there are indications that some Members do regard select committee work in this light, and our structural proposals, if implemented, are likely to further that tendency. We regard this as wholly desirable, and believe that the work and responsibilities of select committees, and in particular of the chairmen, should be recognised by the House. We recommend that consideration should be given to the payment of a modest additional salary to the chairmen of select committees, perhaps on the same level as the salaries of parliamentary under-secretaries in the Government... We believe that the extension of this principle to the chairmen of select committees would be both desirable for its own sake, and could also provide some element of a career opportunity in the House not wholly in the gift of party leaders.⁵¹

In its 2002 report on select committees the Modernisation Committee also reviewed the debate on select committee work as an alternative career structure for Members of Parliament. It acknowledged there was little consensus on whether select committee chairmen should receive salaries. It concluded that:

As long as Government office is the principal Parliamentary role to be recognised by additional payment, it need not be surprising that the role of scrutiny should be regarded by the world as inferior. Accordingly, **we recommend that the value of a parliamentary career devoted to scrutiny should be recognised by an additional salary to the chairmen of the principle investigative committees...**

They went on to recommend that the matter be put to a vote of the House of Commons.

The Modernisation Committee also recommended time limits for chairmen of committees:

There is a significant demand among back-bench Members to serve on scrutiny committees. There is also a powerful argument in principle to give more Members experience both of serving on and chairing these committees. We therefore favour the introduction of term limits for service as chairmen of committees. The case for such limits is unanswerable if chairmen are to be paid. **We recommend that the House should impose an indicative upper limit of two consecutive Parliaments on service as chairman. We recognise that the House may wish to make special provision in the case of short Parliaments.**⁵²

⁵⁰ Liaison Committee, *Shifting the balance: select committees and the executive*, March 2000, HC 300 1999-2000, xii, para 29

⁵¹ Select Committee on Procedure, *First Report*, 17 July 1978, HC 588-I 1977-78, para 6.33

⁵² Select Committee on Modernisation of the House of Commons, *Select Committees*, 6 February 2002, HC 224-I, 2001-02, paras 41-42

The Liaison Committee responded to the Modernisation Committee's proposals. It welcomed the proposals on salaries for select committee chairmen, although it acknowledged that support was not unanimous. It recommended that those who received an additional salary should relinquish outside interests, as Deputy Speakers and other non-ministerial postholders who are paid an additional salary do. However, it opposed a time limit on the length of service for select committee chairmen.

The Modernisation Committee proposals were debated on 14 May 2002. A number of views were expressed on the payment of select committee chairmen.⁵³ The House approved a motion that requested the SSRB to consider the level of remuneration appropriate for select committee chairmen.⁵⁴ The House also agreed a new Standing Order to limit the time any Member can serve as the chairman of a single select committee.

On 30 October 2003, the House agreed to pay certain select committee chairmen (including all departmental select committee chairmen) an additional salary, from the beginning of the 2003-04 Session, following a recommendation to that effect from the SSRB. The House also endorsed the Committee on Standards and Privileges' report on chairmen's pay which argued that select committee chairmen could continue to have outside interests, subject to full declaration but that they could receive no payment for outside work which related directly to their role as a chairman. The additional salary is updated annually, in line with Members' salaries. The additional salary payable to the chairmen of select committees in 2009/10 was £14,366.

In July 2005 the House approved extending the additional salary to the chairmen of six further committees, and in March 2009 they added the Committee on Members' Allowances to the list. In July 2005 the House also amended the Standing Order that limits the length of time any one Member may serve as the chairman of one committee in an effort to remove ambiguity from its effect. The Standing Order now reads:

Unless the House otherwise orders, no select committee may have as its chairman any Member who has served as chairman of that committee for the two previous Parliaments, or a continuous period of eight years, whichever is the greater period.⁵⁵

Therefore, if a Member is re-elected chairman of a committee in a third Parliament, his chairmanship would cease at the expiry of eight years from his first election.

4 The role of select committees

4.1 Introduction

The Procedure Committee report of 1978 considered the role of the new select committees that it proposed. The Committee 'hoped' that:

...as the new committees become established and familiar both with the government departments and agencies with which they deal and the subjects which they are charged to consider, they will develop methods of work which will enable them to respond more speedily to current problems and to new policy proposals in their respective fields. In the long run the departmentally-related committees may well become the "eyes and ears" of the House in relation to Government departments, drawing the attention of Members to matters which require further political consideration and providing Members with advice and informed comment which can

⁵³ These are set out in Library Standard Note SN/PC/2725, [Modernisation: Select Committees – pay for chairmen](#)

⁵⁴ HC Deb 14 May 2002 cc721-723

⁵⁵ *Standing Orders of the House of Commons: Public Business*, Standing Order No 122A

nourish the work of the House in scrutinising and criticising the activities and proposals of the Executive. In particular we would expect less time to be devoted in the future to the long and intensive inquiries of the “Royal Commission” variety which have been favoured by many of the existing select committees, and more to specific analyses of the proposals and Reports of the Government or of other agencies and organisations. But there is an important place for the longer and deeper form of inquiry, and there have been numerous examples of authoritative and influential Reports based on such inquiries during the last decade...⁵⁶

The departmental select committees are cross-party groupings and generally remain non-partisan in their approach. The committees rarely divide along party lines. Blackburn and Kennon in *Griffiths and Ryle* explain that:

Members sometimes sit by party but more usually arrange themselves in a random way on either side of the chairman. They do not make speeches as in the House, but discuss and argue and seek to reach agreement. Normally there is no specific motion or question before the committee, except when a committee is going through a report formally and occasionally when a formal motion is proposed relating to the proceedings of the committee or on the election of a chairman. Typically, the chairman sums up and expresses the committee’s decisions in some words as “well I think we are agreed that...”, or “the general view seems to be that we should...”. Such informal consensus is often accepted. Any Member has the right to seek a formal vote, but this is often deferred, to enable as much as possible to be agreed informally. In general, when all is amicable and party (or personal) conflicts are low-key, informal processes work best; if there is less general agreement or major principles are at stake, more formal procedures may be needed.⁵⁷

The place of committees as consensual groupings in a partisan House of Commons is a factor that many observers of Parliament believe has helped ensure their reputation and relevance to outside groups and the public as a whole.

Departmental select committees have had a fair amount of freedom in how they go about their work. Standing Order No 152 states that select committees should be appointed to examine the expenditure, administration and policy of the principal government departments and associated public bodies.⁵⁸ In 2002, following the report of the Modernisation Committee, this broad role was further defined by way of the introduction of a list of core tasks.

4.2 The core tasks

The Hansard Society Commission on Parliamentary Scrutiny, published in June 2001, had argued that:

...in order to make scrutiny more systematic **the select committees should be given a set of core duties. The committees should retain the freedom to initiate inquiries according to the interests of the committee or to respond to emerging issues.**⁵⁹

⁵⁶ Select Committee on Procedure, *First Report*, 17 July 1978, HC 588-I 1977-78

⁵⁷ Blackburn and Kennon, *Griffith and Ryle on Parliament: Functions, Practice and Procedures*, 2nd edition with Sir Michael Wheeler-Booth, 2003, 11-023

⁵⁸ *Standing Orders of the House of Commons: Public Business*, Standing Order 152

⁵⁹ Hansard Society Commission on Parliamentary Scrutiny, *The Challenge for Parliament: Making Government Accountable*, June 2001, para 3.25

The Modernisation Committee agreed with this recommendation, enumerating 11 illustrative tasks in its report on select committees.⁶⁰ These were subsequently accepted by Resolution of the House on 14 May 2002, when the Modernisation Committee recommendations were debated.⁶¹ On 20 June 2002, the members of the Liaison Committee agreed a set of Core Tasks for Select Committees, based on the Modernisation Committee proposals. These are as follows:

Table 1: Core tasks of select committees

	OBJECTIVE A: TO EXAMINE AND COMMENT ON THE POLICY OF THE DEPARTMENT
Task 1	To examine policy proposals from the UK Government and the European Commission in Green Papers, White Papers, draft Guidance etc, and to inquire further where the Committee considers it appropriate.
Task 2	To identify and examine areas of emerging policy, or where existing policy is deficient, and make proposals.
Task 3	To conduct scrutiny of any published draft bill within the Committee's responsibilities.
Task 4	To examine specific output from the department expressed in documents or other decisions.
	OBJECTIVE B: TO EXAMINE THE EXPENDITURE OF THE DEPARTMENT
Task 5	To examine the expenditure plans and out-turn of the department, its agencies and principal NDPBs.
	OBJECTIVE C: TO EXAMINE THE ADMINISTRATION OF THE DEPARTMENT
Task 6	To examine the department's Public Service Agreements, the associated targets and the statistical measurements employed, and report if appropriate.
Task 7	To monitor the work of the department's Executive Agencies, NDPBs, regulators and other associated public bodies.
Task 8	To scrutinise major appointments made by the department.
Task 9	To examine the implementation of legislation and major policy initiatives.
	OBJECTIVE D: TO ASSIST THE HOUSE IN DEBATE AND DECISION
Task 10	To produce reports which are suitable for debate in the House, including Westminster Hall, or debating committees.

In addition to the core tasks, the Liaison Committee provided each committee with guidance on the core tasks.⁶² The Liaison Committee also asked individual committees to prepare their annual reports, "using the indicative core tasks as a template for their review of their

⁶⁰ The tasks were listed in para 35 of House of Commons Modernisation Committee *First Report: Select Committees* 12 February 2002

⁶¹ HC Deb 14 May 2002 c648

⁶² Liaison Committee, *Annual Report 2002*, 1 April 2003, HC 558 2002-03, para 13

work”.⁶³ This recommendation, which had originated from the Modernisation Committee, is now standard practice for most select committee annual reports.

In its *Annual Report* of 2003, which covered the first full year since the committee chairmen had agreed the core tasks, the Liaison Committee commented that:

The discipline of assessing their work against the core tasks has encouraged committees to ensure that they monitor the widest possible range of departmental activity; it also allows the public and the media to appreciate more easily the comprehensive examination of Government which committees undertake...⁶⁴

4.3 Financial scrutiny

There has been pressure for some years for departmental select committees to devote more resources to financial scrutiny.⁶⁵ There have been suggestions that this activity is not seen as attractive to committee members who wish to concentrate on more political issues. Commentators have called for the staff of the National Audit Office to support departmental committees as well as the Public Accounts Committee. This desire was acknowledged by the Liaison Committee in 1997, but it recommended informal links and relationships as the most appropriate way forward.⁶⁶ One of the factors behind the creation of the Commons Scrutiny Unit in 2002, on the basis of the recommendations of the Modernisation Committee agreed to by the House, was the requirement for more expert support to committees on financial matters.

The creation of the Scrutiny Unit was widely acknowledged to have effected a definite improvement in accountability of government accounting and the quality of the departmental select committees’ financial analysis. However, a 2008 report from the Liaison Committee began with the words, “There is universal agreement that parliamentary scrutiny of the Government’s finances needs to be improved”.⁶⁷ They looked at the role of select committees in conducting financial scrutiny and reported that:

Examination of Departments’ finances is already a core task of departmental select committees, and virtually all of them examine the Department’s Annual Report, with nearly half producing their own report on it. We believe they have three main roles in financial scrutiny:

- examining the Department’s main reporting documents, as most already do. This role may be simplified and made more rewarding by the outcome of the Alignment Project;
- specific tasks, including examining how the Department allocates its spending totals across its programmes, identifying any weaknesses in the Department’s financial management, and examining significant changes made by the Department in its spending plans; and
- taking account of finance and performance in inquiries mainly concerned with policy or administration.

⁶³ *Ibid*, para 16

⁶⁴ Liaison Committee, *Annual Report 2003*, 22 March 2004, HC 446 2003-04, para 10

⁶⁵ See for example *Practical Reforms to make the Commons more effective* LSE/Charter 88 1990, available at http://eprints.lse.ac.uk/759/1/Reinventing_Parliament_Part2.pdf (last viewed 28 May 2009)

⁶⁶ Liaison Committee, *The Work of Select Committees*, 18 February 1997, HC 323-I 1996-97, paras 24-26

⁶⁷ Liaison Committee, *Parliament and Government Finance: Recreating Financial Scrutiny*, 21 April 2008, HC 426 2007-98, para 1

Some of this work can be done at staff level, with only significant issues identified by staff needing to take up Members' time.⁶⁸

The Hansard Society report *The Fiscal Maze* had recommended in 2006 that finance and audit sub-committees of departmental select committees be piloted.⁶⁹ The Liaison Committee noted that: "there are varying views among chairmen, but it is already within the power of those committees to set up finance and audit sub-committees if they wish".⁷⁰

The Treasury *Alignment Project* was launched following the publication of proposals in the *Governance of Britain* green paper to simplify financial reporting to Parliament. It envisages bringing budgets, Estimates and accounts more closely into line, and rationalising the finance-related documents presented to the House in the annual cycle. This potentially would make it easier for Members to track a department's finances from expenditure budgets to in-year spending to outturns more easily and comprehensively. Treasury Newsletters about the progress of the Alignment Project are available on the Scrutiny Unit website.⁷¹

The Liaison Committee report *Parliament and Government Finance: Recreating Financial Scrutiny*⁷² commended the Alignment Project and the potential benefits for financial scrutiny. It considered that departments needed to provide committees with more useful financial information, such as that used by departments' managers to monitor their departments' performance. The report recommended that committees examine the division of each department's Spending Review headline settlement between its various spending programmes, a process which would require more information being provided on such plans sooner after the conclusion of the Spending Review.

4.4 Pre-appointment hearings

The *Governance of Britain* Green Paper, published in July 2007, announced plans for select committees to be involved in some public appointments.⁷³ For certain posts, it was proposed that select committees would be able to hold pre-appointment hearings.⁷⁴ For most posts, these hearings take place after a single "preferred candidate" has been identified through proper procedures but before a minister confirms the appointment. For "market sensitive" positions the hearings would take place after appointment but prior to commencement. In neither case could an appointment be vetoed. The Government gave further details in a letter from the Cabinet Office minister, Ed Miliband, to the Liaison Committee in January 2008.⁷⁵ The letter said that the hearings should focus on posts which exercise statutory or other powers in relation to protecting the public's rights, as well as those that play a key role in the regulation and administration of the appointments process itself. The hearings would be expected to focus on "professional competence".

⁶⁸ *Ibid*, para 68

⁶⁹ Alex Brazier and Vidya Ram, *The Fiscal Maze*, July 2006, available at <http://www.hansardsociety.org.uk/blogs/downloads/archive/2007/09/17/the-fiscal-maze-jul-2006.aspx> (last viewed 28 May 2009)

⁷⁰ *Ibid*, para 72

⁷¹ See the most recent at <http://www.parliament.uk/documents/upload/090325Alignment3.pdf> (last viewed 29 May 2009)

⁷² Liaison Committee, *Parliament and Government: Recreating Financial Scrutiny*, HC 426 2007-08

⁷³ Ministry of Justice, *The Governance of Britain*, July 2007, Cm 7170, paras 76-79

⁷⁴ For more information on pre-appointment hearings see the House of Commons Library Research Paper [Parliamentary Involvement in Public Appointments](#)

⁷⁵ Letter dated 23 January 2008 from Ed Miliband MP to Alan Williams MP, chair of the Liaison Committee, regarding pre-appointment hearings by select committees, Deposited Paper Number: DEP2008-0185. Printed as Annex A to the Liaison Committee, *Pre-appointment hearings by select committees*, HC 394 2007-08

The Liaison Committee published a report in March 2008 in response to Ed Miliband's letter.⁷⁶ They consulted each select committee and, as a result, added a number of posts to the Government's list. However, they concluded the list should neither be mandatory nor exclusive for pre-appointment hearings. They also agreed on a set of draft guidelines for select committee in conducting the hearings. These require committee chairmen to ensure that Members are aware that their questions must remain relevant to the "professional competence and personal independence of the candidate". Questioning, however, might be "robust" as candidates should be able to withstand "parliamentary and public scrutiny should they take up the post". In June 2008 the Government responded to the Liaison Committee's report with a further list of appointments to be subject to pre-appointment hearings.

The Government's 2007 proposals followed various recommendations for select committees to have a more formal role in key appointments. The Liaison Committee's March 2000 report *Shifting the Balance: Select Committees and the Executive* had observed that although committees had no formal role in appointments, some did hold "confirmation hearings" for major public appointments.⁷⁷ They went on to state that they would be seeking "statutory acknowledgement of this process in new legislation". The Government response disagreed with the Liaison Committee, arguing that such hearings would: (a) break the accountability of ministers for appointments; (b) risk the appointment of 'lame duck' appointees – 'appointed by the minister but without the select committee's approval; and (c) would contravene the role of select committees as scrutiny bodies rather than decision-making bodies.⁷⁸

The Public Administration Select Committee had looked at the process for public appointments in their 2003 report, *Government by Appointment: Opening up the Patronage State*. This argued that:

...ministers should agree a list of key appointments with relevant select committees and notify them of the names of proposed appointees for these posts as they arise. Committees could decide, if they chose to do so, to hold a meeting with proposed appointees and would be able to enter a Letter of Reservation as a result of such a hearing in any case where there was a decision to do so. In such circumstances the competition for the post would be re-opened.⁷⁹

The Government turned down this recommendation.⁸⁰ The Public Administration Select Committee revisited the issue of public appointments in light of the Government's proposals in the *Governance of Britain*. Despite hearing reservations from the Commissioner for Public Appointments, Janet Gaymer,⁸¹ about the hearings the Committee welcomed the Government's proposals.

The Liaison Committee returned to public appointments when it drafted its list of core tasks for select committees in 2002 (see above). Core task number six is, "To scrutinise major public appointments made by the department". This reflected the role that some select committees were already playing in respect to public appointments. The Treasury Select Committee, for example, had held hearings with newly appointed members of the Monetary

⁷⁶ Liaison Committee, *Pre-appointment hearings by select committees*, HC 394 2007-08

⁷⁷ Liaison Committee, *Shifting the Balance: Select committees and the executive*, 3 March 2000, HC 300, para 24

⁷⁸ Liaison Committee, *Independence or control? The Government's Response to the First Report from the Liaison Committee: Shifting the Balance*, 25 July 2000, HC 748

⁷⁹ Public Administration Select Committee, *Government by Appointment: Opening up the patronage state*, 10 July 2003, HC 165-I, paras 109-110

⁸⁰ Cabinet Office, *Government Response to the Public Administration Select Committee's Fourth Report of Session 2002-03 "Government by Appointment: Opening Up the Patronage State"*, December 2003, Cm 6056

⁸¹ Her concerns are set out in Public Administration Select Committee, *Parliament and public appointments: Pre-appointment hearings by select committees*, 16 January 2008, HC 152 2007-08, Ev 16-18

Policy Committee of the Bank of England since it was made independent in 1997. The Education Committee has in the past argued that Her Majesty's Chief Inspector of Schools should be subject to Parliamentary approval.⁸²

It has been argued by the Government in the past that the involvement in appointments would affect the scrutiny role of select committees: the ability of a select committee to criticise the work of an appointee if they had been complicit in the appointment may be compromised. However, by making the pre-appointment hearings "non-binding", the posts remain government appointments, and this would seem to militate against some of the difficulties.

The lack of a veto itself might prove to be problematic in the future:

- if a committee finds against an appointee and the Government goes ahead with the appointment, the committee could appear weak;
- if an appointee is found against and the Government does not take action, and then the appointee is successful in their role, it could raise questions about the judgement of the committee.

The Public Administration Select Committee has argued, however, that:

...Pre-appointment hearings will only be of any significance, however, if there is the possibility that Ministers might change their minds, and that a candidate's appointment might not be approved. We expect that it will be only in very exceptional cases that committees will recommend against the appointment of a candidate; but the test of the Government's commitment to pre-appointment hearings will be how Ministers react in such cases.⁸³

4.5 The relationship between the Committees and the whole House

Departmental select committees initially struggled to ensure that their outputs were recognised by the whole House. It proved difficult to obtain time for Committee reports to be debated on the floor of the House. In 1982 following the report of the Procedure (Finance) Select Committee three "Estimates Days" were set aside in each session on which specified aspects of government funding were discussed, selected by the Liaison Committee on the basis of a recent report from a departmental select committee. In the 1992-97 Parliament, however, on average a departmental committee would only have a report debated once every three years. This was because the only time available was on three Estimates Days per session.⁸⁴ The creation of Westminster Hall in 1999 as a parallel debating chamber alleviated much of the pressure and there are now about 30 opportunities a year for reports to be debated. The Liaison Committee has a role in selecting the reports to be debated in Westminster Hall as well as for Estimate Days. Reports may also be 'tagged' to a motion or order taken on the floor of the House, indicating when certain reports are relevant to the debate, which could be on bills, general debates or substantive motions. It is estimated that one quarter to one third of reports of departmental select committees are debated either on the floor or in Westminster Hall.⁸⁵

⁸² Education and Skills Committee, *The Appointment of the new HMCI*, 2 July 2002, HC 830, 2001-02

⁸³ Public Administration Select Committee, *Pre-appointment hearings by select committees*, 16 January 2008, HC 152 2007-08, para 38

⁸⁴ Blackburn and Kennon, *Griffith and Ryle on Parliament: Functions, Practice and Procedures*, 2nd ed, 2003, para 11-046

⁸⁵ *Dod's Handbook of Parliamentary Procedure*, sixth edition, 2007, para 17.2.28

Committees may also produce their own bills, although they lack a means to introduce them. The Public Administration Select Committee produced its own civil service bill in session 2003-04.⁸⁶ However, there is no guaranteed debating time or formal procedures for such committee initiatives. In 2000 and 2001 the Liaison Committee pressed for a topical half hour each Tuesday afternoon for the debating of a recent report, without success.⁸⁷

4.6 The relationship between the Committees and the Government

Departmental select committees regularly take evidence from Government departments, and the main guidance document relating to relations between departments and committees is the “Osmotherly Rules”, which are discussed below in Part 5. The Government has undertaken to respond to select committee reports within two months, but this deadline is not always adhered to. Successive Liaison Committee annual reports have lamented this situation, but individual committees do not have the power to require a response, and resort to frequent reminders to departments. The most recent Liaison Committee report reiterated the point that departments should “look upon parliamentary scrutiny as an important process rather than a necessary evil”.⁸⁸ The potential impact of select committee reports on Government policy is discussed below in Part 8, *Evaluations of the select committee system*.

5 Information gathering: the operation of the committees

Information gathering and evaluation are at the heart of the scrutiny function of select committees. This includes the gathering of written evidence, the questioning of witnesses and the preparation of a report based on evaluation of the material obtained. Many commentators, parliamentary and academic, have suggested that information gathering and its subsequent publication may even be the major function of the departmental committees and that reports and recommendations are of subsidiary importance. This is a long standing view, supported to an extent by the 1990 Procedure Committee.⁸⁹

5.1 Formal powers of the Committees: “Persons, papers and records”

The House has delegated its powers to send for persons, papers and records to departmental select committees and their sub-committees. This enables committees to require the attendance of witnesses and the submission of documents. The precise scope of the power is discussed in *Erskine May*, and not reproduced here.⁹⁰ In general terms, the extent and enforceability of a committee’s powers is dependent upon action by the House itself. Committees therefore tend to operate consensually, without the need to invoke or threaten to invoke their formal powers. The failure of the Social Security Committee to obtain any substantive evidence from Kevin and Ian Maxwell over the operation of the Maxwell-associated pension funds in March 1992, indicated the limits of the committee’s powers to require co-operation, particularly when criminal charges appeared to be pending.⁹¹ However, on a different but related point, the subsequent investigation of the conduct of the then Lord Chancellor, Lord Falconer, following suggestions that a witness from the board of CAF/CASS had been intimidated, illustrated that witnesses could expect some protection from Parliament.⁹²

⁸⁶ Public Administration Select Committee, *A draft civil service bill: Completing the Reform*, 5 January 2004, HC 128 2003-4

⁸⁷ Liaison Committee, *Shifting the Balance: Select Committees and the Executive*, 2 March 2000, HC 300 1999-2000, paras 31-35

⁸⁸ Liaison Committee *First Report: The work of committees in 2007-08* 5 March 2009 HC 291 2008-09, para 87

⁸⁹ HC 19 1989-90, para 56

⁹⁰ Esrkine May, *Parliamentary Practice*, 23rd ed, p758

⁹¹ HC 353 1991-92

⁹² HC 447 2003-04

However, there was concern expressed in Parliament following the Hutton inquiry into the death of Dr David Kelly that select committees lacked equivalent access to evidence made available to inquiries set up at the initiative of the executive. Further detail is available in a note prepared for the Liaison Committee in 2004.⁹³ Select committees have become frustrated on occasion at lack of co-operation from the Government and a number of instances of difficulties in obtaining information are listed in successive Liaison Committee reports. In general, however, committees successfully obtain a huge quantity of information both from the government and other bodies and individuals.

Ministers and Members as witnesses

Members of either House, including Ministers, are invited, not summoned to attend committees.⁹⁴ It is rare for a Minister to refuse to attend a select committee hearing. There have been occasional initial refusals, such as when the Health Minister, Edwina Currie, initially declined to give evidence to the Agriculture Committee's salmonella in eggs inquiry.⁹⁵ The Clerk of the House examined the case for stronger powers for select committees in his written evidence to the 1990 Procedure Committee review of the departmental committee system, concluding that any attempt at further definition would be largely both unnecessary and unworkable.⁹⁶ The Committee agreed, noting "given that the only area in which those powers are presently circumscribed is the ability to summon Ministers (and other Members) and since the only body which can enforce compliance with an order to attend the House, where the Government has a majority, it is hard to see what meaningful change could be made".⁹⁷

Information and evidence from officials

There were some important early clashes between Government and select committees when some committees sought evidence from particular officials. This is not surprising since it goes to the heart of the question of accountability in the British constitutional system. Traditionally, Ministers are accountable to Parliament for their departments and departmental officials have no formal independent relationship with Parliament, apart from the Accounting Officer relationship with the Public Accounts Committee. The Defence and Treasury Committee reports into the Westland affair of 1985-86 provoked a hostile Government response, which sought to ensure that select committees did not investigate the conduct of individual civil servants.⁹⁸

The so-called "Osmotherly Rules", more formally the "memorandum of guidance for officials appearing before select committees", had long been in existence but were made public only in March 1988. They give general guidance to civil servants on giving evidence to select committees. The House has never formally agreed the Rules, but in practice they set the parameters of interaction.⁹⁹ Essentially, it remains the case that committees cannot demand the attendance of named civil servants, or require them to reveal their advice to ministers. Ministers decide who will give evidence on their behalf. The continuing existence of the departmental select committees has however encouraged more openness, as evidenced by the decision of Kenneth Clarke to allow the Home Affairs Select Committee to talk informally to the then director general of M15, Stella Rimington, in 1992, after the Committee members

⁹³ *Scrutiny of Government: Select Committees after Hutton: Note by the Clerks*, <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmliains/memo/memo.pdf> (last viewed 29 May 2009)

⁹⁴ Lords Standing Order 25 gives a Lord leave to attend a Commons select committee, if he thinks fit

⁹⁵ HC 108 1988-89

⁹⁶ HC 19-II 1988-89, pp258-9

⁹⁷ HC 19 1988-89, para 162

⁹⁸ For background see Gavin Drewry, *The new select committees*, 2nd ed, 1989, pp411-20

⁹⁹ Further information is available in SN/PC/2671, *The Osmotherly Rules*.

noted that she had been meeting with media editors.¹⁰⁰ The creation of a system of pre-appointment hearings in 2008 continues to expand the public profile of committees and their witnesses. There have been suggestions that the greater exposure of senior civil servants has put traditional constitutional doctrines of individual ministerial responsibility under strain.¹⁰¹

There have been some particular difficulties in seeking the appearance of government special advisers as witnesses. Their status as temporary civil servants means that they do not fit easily into departmental hierarchies. PASC failed to persuade Alastair Campbell, the then Director of Communications and Strategy at Number 10, to give evidence 2000.¹⁰² The Transport, Local Government and the Regions Committee experienced similar problems in relation to Lord Birt, Tony's Blair's unpaid special adviser, in relation to an enquiry into transport policy.¹⁰³ The Osmotherly Rules state that the final decision is for the Minister to determine:

44. Where a Select Committee indicates that it wishes to take evidence from a particular named official, including special advisers, the presumption should be that Ministers will agree to meet such a request. However, the final decision on who is best able to represent the Minister rests with the Minister concerned and it remains the right of a Minister to suggest an alternative civil servant to that named by the Committee if he or she feels that the former is better placed to represent them. In the unlikely event of there being no agreement about which official should most appropriately give evidence, it is open to the Minister to offer to appear personally before the Committee.¹⁰⁴

The power to “adjourn from place to place”

In addition to holding oral evidence sessions in Westminster, committees frequently seek information from other parts of the UK and overseas. Departmental select committees all have the power “to adjourn from place to place”, and can go anywhere in the UK at their own discretion, as well as to the European institutions in Brussels. Committees wishing to travel abroad have to bid to the Liaison Committee for a share of the fixed annual budget for money required.

5.2 Innovation in information gathering

There is a widely held view that there is significant scope for strengthening public understanding of, and engagement with, the House's scrutiny function, and for clarifying the distinction between Government and Parliament. Select committees are seen as key in emphasising that distinction to the public. Select committees have pioneered innovative methods of evidence taking since 1979, particularly since the increased emphasis on public engagement since 2001.¹⁰⁵ This has occurred alongside an expansion in the use of various forms of e-consultation in recent years. For example, *Citizen Calling*, a project which allowed young people to submit evidence to a Home Affairs Select Committee through use of mobile

¹⁰⁰ “Security chief ‘likely to chat’ with MPs 5 November” *Independent*, 1992

¹⁰¹ See Library Research Paper, 04/31, *Individual ministerial responsibility- issues and examples*

¹⁰² HC 238-vi 1999-2000 1 November 2000. Evidence from Sir Richard Wilson Q404

Transport, Local Government and the Regions Committee, *The Attendance of Lord Birt at the Transport, Local Government and the Regions Committee*, 4 March 2002, HC 655 2001-02.

¹⁰⁴ *Departmental Evidence and Response to Select Committees*, Cabinet Office

http://www.cabinetoffice.gov.uk/propriety_and_ethics/civil_service/osmotherly_rules/3.aspx (last viewed 29 May 2009)

¹⁰⁵ For background see Library Standard Note SN/PC/3359, *House of Commons: Providing information and access to the public*

phones for the first time, was launched in August 2006. Participants were asked to comment on the criminal justice system.¹⁰⁶

Innovations are noted in the Liaison Committee annual reports, and recent examples include:

- Several online consultations. The Home Affairs Committee used an online consultation in 2008 to give victims and survivors of domestic and 'honour'-based violence and forced marriage, who wished to remain anonymous, the chance to share their experiences.¹⁰⁷
- The International Development Committee heard evidence from children through a video-link with Kampala, Uganda as part of its enquiry on AIDS in 2004.¹⁰⁸
- Much greater use of informal seminars to map the territory. For example, the Innovation, Universities, Science and Skills Committee held a 'horizon-scanning' event in Westminster, facilitated by the National Endowment for Science, Technology and the Arts (NESTA).¹⁰⁹

5.3 Publicising the select committees

In October 2003 a Media Officer was recruited specifically to improve the quality and range of media coverage of the work of six select committees. This was successful, and further posts have since been created to extend support to other select committees. In October 2004 a centrally co-ordinated Media and Communications Service (MCS) was established for the first time. Informed observers claim to have detected noticeable improvements in the quality and range of media coverage of committee work, not only in the national press and broadcast media but also in the regional press and in specialist publications.¹¹⁰

Following piloting of webcasting in 2001, there is now live coverage of all proceedings in both Houses, including all Select Committees meeting in public. As many as 18 live streams are available simultaneously, allowing committees to have both visual and audio coverage.

Each select committee has its own webpages on the parliamentary website, giving access to all their reports and their publications since 1997, as well as information about their current work programme. Select committees also have their own news page on the internet, with daily changing content linked to a new forward calendar of committee meetings. Each select committee places its uncorrected evidence on its webpage a couple of days after the session, to ensure that its work reaches the media and the wider public.

6 Staffing and support

6.1 In brief

The Committee Office is part of the Department of Committee and Chamber Services in the House administration. Small, dedicated teams of staff provide research and administrative support, as well as procedural advice, to the select committees. Typically, each team consists of six to eight members of staff, and includes:

¹⁰⁶ "Young people use mobiles to feed back to select committee on criminal justice system", 10 August 2006, Electoral Commission

¹⁰⁷ Home Affairs Select Committee, *Work of the Committee in 2007-08*, 26 March 2009, HC 76 2008-09, para 55

¹⁰⁸ International Development Committee *Work of the Committee in 2004*, 21 February 2005, HC 326 2004-05 para 29

¹⁰⁹ Innovation, Universities, Science and Skills Committee, *Work of the Committee in 2007-08*, 16 January 2009, HC 49 2008-09, para 38

¹¹⁰ See Natzler and Hutton "Select Committees; Scrutiny a la carte?" in *The Future of Parliament: Issues for a new century* ed Philip Giddings, Study of Parliament Group 2005

- a deputy principal clerk (the equivalent of a senior civil servant) who clerks the committee and manages the rest of the team;
- a second clerk (some of which are graduate entrants on an accelerated promotion programme; a small number are secondments from civil service departments);
- one or two specialist or generalist researchers;
- between two and four administrative staff.

In addition, committees can draw on the support of the Scrutiny Unit which specialises in financial and pre-legislative scrutiny, and media officers who are allocated to groups of committees. They are also able to appoint specialist advisers (often academics) to assist with areas or pieces of work as required. The House of Commons Library and the National Audit Office have close links and second staff to the Committee Office.

In total, staff costs for the Committee Office including the Scrutiny Unit in Session 2007-08 were approximately £10.5m.¹¹¹ The Liaison Committee reported in 2009 that at the end of the 2008/09 financial year there were 196 full-time equivalent staff in the Committee Office. In addition, staff in other directorates also supported select committees in their work.¹¹²

6.2 Early committee staff structure

When the creation of the departmental select committee system was first recommended, 56 members of staff were employed to service the committees of the House.¹¹³ The Procedure Committee's 1978 report had recognised that select committees would need a "more substantial permanent staff resources than those at present" in order to undertake the range of tasks recommended.¹¹⁴ Each committee was assigned a permanent staff of three or four, to include at least one clerk, one clerical or executive officer, and one secretary.¹¹⁵

The Procedure Committee considered the requirement for specialist staff for the new select committees. They noted that pre-1979 committees had the power to appoint specialist advisers for the "purposes of particular inquiries", and that in 1977 there were over 30 such advisers retained by five of the investigative committees. The Committee recommended that this practice should be widened, and made more flexible. The Committee also suggested that a new system of appointing a new form of specialist committee assistant on a fixed term basis should be adopted.¹¹⁶ The Liaison Committee explained in their 1982 report on the select committee system that:

Amongst the agreed proposals was the recruitment of a new form of committee assistant. These were to be in the 28-35 age group, to have considerable practical and theoretical knowledge of the committee's subject matter, and to be employed for a two-year period, extendable to four years. Five of the select committees chose to take advantage of this, and recruited between them six Select Committee Temporary Assistants. In each case the committee has benefited considerably from this infusion of informed assistance.¹¹⁷

¹¹¹ House of Commons, *Sessional Returns: Session 2007-08*, 19 March 2009, HC 1 2008-09, p302

¹¹² Liaison Committee, *The work of committees in 2007-08*, 5 March 2009, HC 291 2008-09, para 124

¹¹³ Select Committee on Procedure, *First Report*, 17 July 1978, HC 588-I 1977-78, para 6.36

¹¹⁴ *Ibid*, para 6.37

¹¹⁵ *Ibid*

¹¹⁶ *Ibid*, paras 6.38-6.41

¹¹⁷ The Liaison Committee, *The Select Committee System*, HC92 1982-83, 2 December 1982, para 67

The appropriate size and composition of the Committee Office has been subject to continued debate since its early years. Whilst some argued for larger expert teams of researchers and advisers, others expressed concern that this could lead to a system led by staff rather than Members. In 1984 David Pring, the then Clerk of Committees, explained that:

... some people argue that we should have larger committee staffs. At many points in this exercise comparisons will be drawn between our practice and that of the United States Congress. There, as we know, “through gates of pearl streams in the countless host”. This comparison with the United States attracts and allures some members and, if the House were to decide that it wanted larger staffs, then they would be provided. But I should like to make a point here. It seems to me that the controlling factor is the amount of work which members can digest. I am very dubious about increasing staffs to a point where it is the staff and not the members whose reports eventually appear under the imprint of the committee. I fear that something like this happens occasionally in Congress, especially in the Senate.¹¹⁸

An Institute for Public Policy Research paper in 1991 proposed the creation of ‘policy research and information units’ for each committee, consisting of around seven research staff, supplemented by secondments from the civil service, higher education, unions and the private sector.¹¹⁹ However, a 1991 Procedure Committee report on select committee rejected proposals of this nature:

The case for adjustments in the permanent staffing levels of Committees should, of course, be kept under constant review, and it is open to committee Chairmen to make representations to the Commission or the Clerk of Committees if they feel disadvantaged in their work by constraints on resources. The fact is, according to the evidence we have received, that Chairmen and Committees are not clamouring for additional staff, other than marginal increases in a small number of cases. We see no point in seeking to substitute our judgment for theirs by an across-the-board recommendation to increase staffing levels which would be neither appropriate nor justified. Such a policy would, in our view, be based on a misinterpretation of the role of Committees and on the pious hope that Members would be able to set aside more time to cope with the inevitable increase in paperwork. We are not aware at present of complaints from members about the dearth of Committee documents for them to read and digest. Sir Ian Lloyd MP crystallised the issues involved, as follows: “present staffing levels are probably about right (though there may be a need for more lower grade staff) and I fear that if we had more staff our inquiries might become staff-driven rather than being Member-driven as they are at present”. We concur with this analysis.¹²⁰

6.3 Select committee resources in the twenty-first century

Background to the increase in select committee resources

At the turn of the century, concerns emerged about the need for better scrutiny to balance the power of the executive in Parliament. The select committee system became a focus for parliamentary reformers. Along with reforms to the way members and chairmen were appointed to committees, and the creation of a list of ‘core tasks’ for select committees, interest in the staff and resources available to the committees also increased. Reports from

¹¹⁸ David Pring, ‘The Clerk’s View’ in Dermot Englefield ed., *Commons Select Committees: Catalysts for Progress*, 1984, p11

¹¹⁹ Peter Bennett and Stephen Pullinger, *Making the Commons Work: Information, Analysis and Accountability*, IPPR, 1991

¹²⁰ Procedure Committee, *The Working of the Select Committee System*, 23 October 1990, HC 19-I 1989-1990, para 93

the Modernisation and Liaison Committees, and internal reviews conducted by House staff and the National Audit Office, led to:

- an increase in the number of staff assigned to each select committee;
- the creation of a central unit (the Scrutiny Unit) which specialises in financial and pre-legislative scrutiny;
- the appointment of media officers assigned to the select committees;
- placing the committee specialists (originally known as specialist assistants) on permanent rather than fixed term contracts.

In the Liaison Committee's 2000 report, *Shifting the Balance*, the committee noted that, "No one could accuse select committees of being profligate in their staffing".¹²¹ The Committee stated that, "We cannot urge committees into more extensive activity without ensuring that staff workloads are manageable and that additional committee business can be properly supported".¹²² They went on to recommend the creation of a unit specialising in public expenditure and pre-legislative scrutiny.¹²³ They also encouraged the use of secondments from the civil service into the committee office.

In February 2002 the Modernisation Committee also made recommendations for increased resources. They stated that that:

If the select committees are successfully to hold to account major Whitehall departments then we need to do more to balance the resources respectively available to Ministers and to those who hold them to account. ... The departmental select committees have done remarkably well with very limited specialist advice. We believe that their effectiveness could be further enhanced by direct access to further specialist advice independent of Government.

... We recommend that the House of Commons Commission should make available the necessary funds for a central unit of specialist support staff to be in place in the next financial year.

... We recommend that the National Audit Office be invited to help assess the need for specialist and other support staff for select committees and to advise on how this could best be provided, and that the House of Commons Commission should look favourably on funding for staffing increases which may be proposed.¹²⁴

As a result of this recommendation, the National Audit Office conducted a review of specialist and other support available to committees. They found that levels of committee activity had increased, and were likely to increase further, but that resources had not risen commensurately. The report recommended that the numbers of staff in the Committee Office be increased so that, on average, each departmental committee would receive 1.5 extra

¹²¹ Liaison Committee, *Shifting the Balance: Select Committees and the Executive*, 2 March 2000, HC 300 1999-2000, para 71

¹²² *Ibid*, para 73

¹²³ *Ibid*, para 76

¹²⁴ Select Committee on Modernisation of the House of Commons, *Select Committees*, 12 February 2002, HC 224 2001-02

members of staff, to assist them with inquiry management and administrative functions.¹²⁵ The Liaison Committee wrote in their 2003 annual report that:

... select committees are receiving their most significant increase in resources over twenty years, which we welcome. We shall continue to take a close interest to ensure that adequate support is available to committees to enable them to carry out their work effectively. When the current Review has been fully implemented, there should be a system of regular review updates, to ensure that select committees are never again expected to carry out evolving duties with out-of-date resource allocations. The time gap between reports of reviews should never exceed five years.¹²⁶

The Scrutiny Unit

The Committee Office Scrutiny Unit was set up in November 2002 following recommendations from the Liaison Committee¹²⁷ and the Modernisation¹²⁸ and Procedure Committees,¹²⁹ and the approval of the House of Commons Commission. It has a staff of around 18 including legal specialists, financial analysts, economists and statisticians, as well as administrative staff.¹³⁰ As well as including secondees from the National Audit Office, the Unit has employed staff from the Audit Commission, government departments and the House of Commons Library. About half the resources of the Unit are devoted to analysing the various financial reporting documents on behalf of the departmental select committees. The Unit also provides wider economic and financial analysis to underpin the departmental select committee inquiries. The greater part of the remaining resources are devoted to supporting scrutiny of draft bills by either departmental select committees or by ad hoc joint committees.

Media Officers

The Committee Office first employed a full-time media officer for the select committees in 2003. In autumn 2004 this increased to three, and by 2009 there were six media officers working for select committees, plus one media officer with a house-wide remit. The types of work undertaken by the media officers were outlined in the Liaison Committee's 2003 report. They:

- help with publicity for reports
- providing strategic and tactical advice and support to select committees on media-related aspects of their work;
- liaising with lobby journalists and specialist correspondents to improve awareness of committee work;
- developing media best practice across a range of committees.¹³¹

Other specialist staff

As noted above, since their inception, departmental select committees (and some non-departmental select committees) have been able to appoint specialist staff. These members of staff were until recently appointed on fixed term contracts. This changed in 2008 when a

¹²⁵ Liaison Committee, *Annual Report for 2003*, HC 446 2003-04, para 82

¹²⁶ *Ibid*, para 84

¹²⁷ Liaison Committee, *Shifting the Balance: Unfinished Business*, HC 321 200-01

¹²⁸ Select Committee on Modernisation of the House of Commons, *Select Committees*, 6 February 2002, HC 224-I 2001-02

¹²⁹ Procedure Committee, *Procedure for Debate on the Government's Expenditure Plans*, HC 296 1998-99

¹³⁰ See *The Scrutiny Unit: A guide to its work*

¹³¹ Liaison Committee, *Annual Report for 2003*, 22 March 2004, HC 446 2003-04, para 70-71

decision was taken to move them on to permanent contracts. The Liaison Committee report on the work of select committees for 2007-08 stated that:

In future, specialist staff will continue to be appointed to a particular committee, but on condition that, like other staff of the House, they may, in due course, expect to be circulated to other positions to meet the needs of the House, and also to do some work for committees other than their “parent” committee (as some already do). This reflects the fact that specialists have expertise relevant to other committees’ inquiries, and that permanent appointment of staff to a specific committee would be too inflexible. The same applies to existing committee specialists. In addition, contacts have been appointed in the Library, the NAO and the Parliamentary Office of Science and Technology (POST) to liaise on a regular basis with committee staff, so as to increase knowledge of the expertise available across the House service and the ability to call on it.¹³²

The use of Library and National Audit Office staff had been considered by the Procedure Committee at the outset of the establishment of the departmental select committees. They stated that they believed that “the availability of staff on secondment from the Exchequer and Audit Department [the NAO’s predecessor] to assist the work of select committees in addition to the PAC would be valuable”.¹³³ In addition, the Committee noted the resources provided by the House of Commons Library, but stated that “it would not be right” for assistance to committees “to be provided at the expense of the Library’s services to individual Members”.¹³⁴

A very important element of the departmental select committee’s expert resources is provided by their power to appoint “specialist advisers” to assist them “either to supply information which is not readily available or to elucidate matters of complexity within the committee’s terms of reference”.¹³⁵ The committees make extensive use of this power to obtain the assistance of a wide range of external experts. These are often academics, but also include practitioners such as former military personnel, teachers and doctors. Details of the numbers of specialist advisers appointed by each committee are published in the Sessional Returns each year. Specialist advisers are paid a relatively modest daily fee for their work, and the costs of this advice to each committee are also recorded in the Sessional Returns.

7 Liaison Committee

As noted above, the Liaison Committee began as a minor part of the new departmental select committee system set up in 1979. The Procedure Committee recommended in its report of 1978 a new Standing Order to govern the work of the existing informal Chairman’s Liaison Committee first established in 1967.¹³⁶ This new Standing Order was approved by the House on 31 January 1980 and gave the Committee power to make recommendations on staff and other facilities and advise on the choice of reports for debate, among other tasks.¹³⁷ Standing Order No 145 now sets out the powers of the committee, including sending for persons, papers and records, and taking evidence from the Prime Minister, a provision added in 2002.

¹³² Liaison Committee, *The Work of Select Committees in 2007-08*, 11 March 2009, HC 291 2009-09, para 125

¹³³ Select Committee on Procedure, *First Report*, HC 588-I, 1977-78, para 6.43

¹³⁴ *Ibid*, para 6.45

¹³⁵ Standing Order No. 152(4)(b)

¹³⁶ See Library Background Paper 298, *Select Committees*, p29 for more information

¹³⁷ HC Deb 31 January 1980 c1687-1718

The current membership of the Liaison Committee includes chairmen of select committees beyond departmental committees. The membership is not specified in Standing Order No 145 but a resolution of the House passed at the beginning of each Parliament (and occasionally amended) specifies the committees of which the duly elected chairmen automatically become members of the Liaison Committee.

The 1990 review of the departmental select committee structure considered the role of the Liaison Committee only very briefly, recommending that it be appointed for the next Parliament.¹³⁸ However, the Liaison Committee developed its role during the next decade, particularly when acting as the focus for promoting the work of select committees. The modernisation agenda established by the incoming Labour Government in 1997 created an environment where internal evaluation of the work of the Commons was encouraged.

The Liaison Committee report *Shifting the Balance*, published in March 2000, argued for more powers for departmental select committees. Its conclusion was:

It is now twenty years since the setting up of the departmental select committees. Their establishment was a major step in making the Executive accountable to Parliament, and so to the citizen and the taxpayer. Over those two decades, the committees have done a great deal of valuable work; but their full potential has still to be realised. In this report we have set out a programme of reform and modernisation which will do just that. There are some who see the House of Commons as a toothless adjunct of an all-powerful Executive. We aim to disprove this.¹³⁹

The reform agenda included the following:

- earlier nomination, using an independent system;
- more debates on reports, including a half-hour in the Chamber soon after publication;
- the extension of pre-legislative scrutiny;
- more exacting examination of Government expenditure;
- easing the way for committees to work together on cross-cutting issues;
- enhanced staffing based on a central unit for pre-legislative and expenditure work;
- improvements in the format and media presentation of reports; and
- Prime Minister to appear before the Liaison Committee¹⁴⁰

The then Leader of the House, Margaret Beckett, was not enthusiastic about this agenda, as was apparent in the Government response, published in July 2000.¹⁴¹ The Liaison Committee found the Government reply to the original report "both disappointing and surprising"¹⁴² and, after taking evidence from the Leader of the House, published a second

¹³⁸ HC 19 1989-90. The Government accepted this in its response Cm 1532 May 1991

¹³⁹ Liaison Committee, *Shifting the balance: select committees and the executive*, March 2000, HC 300 1999-2000

¹⁴⁰ See Liaison Committee First Report HC 590 2001-2, para 1 for a summary of the reform proposals

¹⁴¹ *Select Committees and the Executive*, Cm 4737, 1999-2000, July 2000

¹⁴² Liaison Committee, *Independence or Control? The Government's Reply to the Committee's First Report of Session 1999-2000 - Shifting the Balance: Select Committees and the Executive*, 25 July 2000, HC 748 1999-2000, HC 748, para 3

report in March 2001, in the run up to the general election in 2001, analysing the Government's response: *Independence or control?*¹⁴³

The Liaison Committee continued to play an influential role, when the new Leader of the House, Robin Cook, promised reform in the new Parliament. Although the Modernisation Committee took the lead in publishing reform proposals, the Liaison Committee was asked by the House to produce guidance on core tasks, which was circulated in June 2002.¹⁴⁴

It continued to publish an annual report highlighting the work of individual select committees and providing some analysis of developments, but as the Parliament progressed these reports became more detailed, in tandem with the individual committee reports.¹⁴⁵ The Liaison Committee promoted the use of the core tasks as a valuable benchmarking tool for committees, while accepting the need for diversity and topicality in the choice of enquiries. Its annual reports note difficulties experienced by committees, such as tardiness of Government responses and obstacles in obtaining confidential information. On a positive note, the reports also list expansions in activity and more focus on financial scrutiny.

The most recent annual report commented on current trends as follows in its summary:

The level of achievement described in our report can only be sustained if committees have access to sufficient resources and full autonomy in carrying out their work programmes. One of the most significant pressures on committee resources is the availability of Members, who already face many demands on their time. These demands are only exacerbated by committees being too large, or too many committees being established. Committees' autonomy is much prized by chairmen and Members. Although we welcome the fact that the Government is seeking to increase Government's accountability to Parliament through a variety of initiatives involving select committees, a proper balance has to be struck to avoid overloading committees with tasks initiated by Ministers.¹⁴⁶

The report noted that the Liaison Committee role had developed from being an internal forum for matters of mutual interest, to being a champion of select committee scrutiny. Most recently, it has concentrated on improving financial scrutiny, to take account of the Treasury's Alignment Project.

7.1 Evidence sessions with the Prime Minister

In July 2002 the Liaison Committee reported an offer from the Prime Minister, Tony Blair, to appear before the Committee on a twice yearly basis. The Liaison Committee had requested such an appearance in *Shifting the Balance* in 2001, but had been refused on the basis that such an evidence session might cut across the individual responsibility of ministers.¹⁴⁷ Mr Blair attended the first evidence session on 26 July 2002, and the sessions have continued under Gordon Brown's premiership.¹⁴⁸ These sessions have been welcomed as an opportunity for the Prime Minister to give more in depth answers than at Prime Minister's Question Times in the chamber. However, some critics have argued that the Liaison Committee is too large in size to carry out sustained scrutiny of Government proposals. The

¹⁴³ *Ibid*

¹⁴⁴ Liaison Committee, *Annual Report 2002*, 1 April 2003, HC 558 2002-3, Appendix A

¹⁴⁵ Liaison Committee, *The Work of Select Committees in 2001*, 7 February 2002, HC 590 2001-02

¹⁴⁶ HC 291 2008-09

¹⁴⁷ Liaison Committee, *First Special Report*, HC 984 2001-2

¹⁴⁸ HC 1095 2001-02

Committee noted in its 2004 Annual Report that it had been able to “develop a workable and more focused method of organising the questioning by using groups on particular topics.”¹⁴⁹

7.2 Other recent initiatives

Planning

When the *Planning Bill* was introduced into the Commons in November 2007, the Secretary of State for Communities and Local Government made it clear that the Government wanted parliamentary scrutiny of the national policy statements on planning. While this was generally welcomed, there was concern about the Government proposals for a new committee drawn from the membership of the Business and Enterprise Committee, the Environment, Food and Rural Affairs Committee and the Transport Committee. The Liaison Committee noted concerns that the Communities and Local Government Committee had been omitted, and that the work of the committees concerned could be severely disrupted.¹⁵⁰ The Liaison Committee reported subsequent correspondence with the Secretary of State.¹⁵¹

A new Standing Order and amendments to Standing Orders were debated and passed by the House on 20 May 2009.¹⁵² These changes establish a new National Policy Statement Sub-Committee of the Liaison Committee under amendments to Standing Order No 145. Membership of the sub-committee is defined as the chairmen of the Communities and Local Government, Energy and Climate Change, Environment, Food and Rural Affairs, Transport and Welsh Affairs Committees plus two others. The sub-committee will decide whether each National Policy Statement laid before Parliament is considered by an existing departmental select committee or by an ad hoc committee drawn from the membership of the five committees listed above. Further information is available in Library Standard Note *Planning Act 2008: Implementation*.¹⁵³ The initiative appears to indicate the growing status of the Liaison Committee in securing a scrutiny role for Parliament.

Inquiries

The Public Administration Select Committee has also proposed that the Liaison Committee filter requests for parliamentary inquiries. Its report *Government by Inquiry* suggested a filtering procedure to help ensure that only serious and worthwhile proposals for a Parliamentary Commission of Inquiry (which would, potentially, include non-Members in its composition) were entertained. That report recommended that the Liaison Committee receive and consider proposals for parliamentary inquiries. The proposals that the Liaison Committee decided did warrant serious consideration could be reported to the House, and a resolution to set up an inquiry could then be put to a parliamentary vote. The Government response noted that implementation would be a matter for Parliament. Further details are available in Library Standard Note *Investigatory Inquiries and the Inquiries Act 2005*.¹⁵⁴

8 Evaluations of the Select Committee system

8.1 The purpose of select committees

Standing Order No 152 states that select committees should be appointed “to examine the expenditure, administration and policy of the principal government departments”.¹⁵⁵ As explained above, this broad remit was further defined in 2002 when the House of Commons

¹⁴⁹ HC 419 2004-05

¹⁵⁰ Liaison Committee, *Planning Bill: Parliamentary Scrutiny of National Policy Statements*, 23 October 2008, HC 1109 2007-08

¹⁵¹ *Ibid*

¹⁵² HC Deb 20 May 2009 c1532-74

¹⁵³ Library Standard Note, SN/SC/5041, [Planning Act 2008: Implementation](#)

¹⁵⁴ Library Standard Note SN/PC/2599, [Investigatory Inquiries and the Inquiries Act 2005](#)

¹⁵⁵ *Standing Orders of the House of Commons: Public Business*, Standing Order 152

agreed motions to invite the Liaison Committee to establish common objectives for select committees.

The list of tasks which select committees aim to cover can be seen as different to the wider purposes which select committees seek to fulfil. Philip Giddings wrote in his 1989 study of the 1979 reforms that:

Any assessment of an institutional development must begin from an understanding of its purpose. For the new parliamentary committees this is peculiarly difficult to achieve... the committees are but part of the institution of Parliament itself, and while to some extent they obviously share its characteristics, in other ways they are in marked contrast with them. Moreover, since in a system of government which fuses rather than separates the legislative and executive branches the purpose of Parliament is itself a matter of considerable debate, it is hardly to be expected that there would be unanimity about the purpose of committees, therefore, we have to keep in mind widely differing expectations about their purpose as well as contrasting perceptions of their function amongst the committees themselves.¹⁵⁶

Along with the roles of scrutiny and policy development, select committees have also been seen as a way of providing an alternative career structure to ministerial office for backbench members and a place where consensus is sought rather than lines of political division drawn.

Although select committees report on their performance against the core tasks in annual reports, there is little which sets out how select committees should go about their work. David Natzler and Mark Hutton, both senior House of Commons Clerks, have explained that:

Each committee has its own dynamic, and so does each inquiry. Committees deploy their resources of time and influence to different ends, with different objectives. Some go for long detailed inquiries focussed on one policy area: others dart around covering a wide area at less depth. Some inquiries are patently more intended to raise a question than to provide an answer. A universally applicable template for evaluating committee activities, beyond the merely volumetric, is therefore a distant prospect...¹⁵⁷

Despite the difficulties of evaluating select committees, they have been a focus for those who wish to reform and strengthen Parliament.

8.2 Scrutiny and accountability

Most select committees would undoubtedly consider themselves as bodies concerned primarily with scrutiny. The intention in 1979 was that the new committees would help strengthen Parliament to provide an effective check on the executive. The 1978 Procedure Committee had stated that:

We believe that a new balance must be struck, not by changes of a fundamental or revolutionary character in the formal powers of the institutions concerned, but by changes in practice of an evolutionary kind, following naturally from present practices. We have approached our task not in the hope of making the job of Government more comfortable, the weapons of Opposition more formidable or the life of the backbencher more bearable, but with the aim of enabling the House as a whole to exercise effective control and stewardship over Ministers and the expanding bureaucracy of the modern state for which they are answerable, and to make the decisions of Parliament and

¹⁵⁶ Philip Giddings, "What has been achieved?" in Gavin Drewry's *The New Select Committees*, 1989, p367

¹⁵⁷ David Natzler and Mark Hutton, 'Select Committees: scrutiny a la carte', in Philip Giddings ed., *The Future of parliament: Issues for a New Century*, 2005, p93

Government more responsive to the wishes of the electorate. We believe that the proposals set out in this report could go a long way towards achieving that aim.¹⁵⁸

In the 1979 debate which agreed the Standing Order on the new select committees, Norman St John Stevas set out high aspirations for the committee structure:

Today is, I believe, a crucial day in the life of the House of Commons. After years of discussion and debate, we are embarking upon a series of changes that could constitute the most important parliamentary reforms of the century... The proposals the Government are placing before the House are intended to redress the balance of power (as between Parliament and the Executive) to enable the House of Commons to do more effectively the job it has been elected to do.

Select committees can have an influence on government in a variety of ways. It is not only the publication of a report that can change government actions, but the process of an inquiry or the knowledge that a select committee will have an interest in a matter. Kennon and Blackburn in *Griffith and Ryle on Parliament* explain that:

Anecdotal evidence suggests that these are some of the effects of select committees on the process of government:

- (i) the fact that a committee has chosen a subject for an inquiry brings that subject to the attention of ministers (who may make changes before questioned by the committee or in anticipation of a critical report);
- (ii) select committee scrutiny makes it more likely that the options rejected when a decision is made become known and this may compel decision-makers to be more rigorous in their assessment;
- (iii) the compilation of evidence by committees (and the opportunity their inquiries give to critics of government policy and administration) encourages a more open discussion of policy options;
- (iv) apparent parliamentary support may strengthen the case within government for one particular option (or make ministers more reluctant to disregard it);
- (v) the continuing interest of a committee in an issue over a period of years makes it harder for that point of view to be ignored.¹⁵⁹

Peter Riddell has written that select committee scrutiny has indeed had an impact:

From my own observation, the most important impact has come from the public hearings, questioning of ministers, civil servants and others. This has forced ministers to produce more detailed answers than are required on the floor of the House. Select committees are now part of ministers' lives and therefore part of the policy-making debate. This has applied particularly where committees have held regular sessions on important policy issues, notably after Budgets or before European Councils. This has broadened the debate. The committees have also tackled controversial matters, such as monetarism, the Pargau dam and aid to Malaysia, London's health service, the future of the BBC, the operation of the Child Support Act, and various privatization measures in ways that would never have happened before 1979. In most of these

¹⁵⁸ Select Committee on Procedure, *First Report*, HC 588-I, 1977-78, pviii

¹⁵⁹ Blackburn and Kennon, *Griffith and Ryle on Parliament: Functions, Practice and Procedure*, 2nd edition, 2003, 11-054

cases, the gathering of evidence was more important, and certainly more influential, than the subsequent reports.¹⁶⁰

However, he goes on to note that “The champions of select committees find it harder to produce cases where their reports have changed government policy”, and that “The committees have generally not done well in conducting post-mortem investigations into policy errors and scandals”. Blackburn and Kennon, meanwhile, suggest that it is these ‘post-mortem’ type inquiries that can make the greatest short-term impact, although they acknowledge that these also “put most pressure on the system and raise the more difficult issues of the powers of select committees”.¹⁶¹

In 1990, in its examination of a decade’s experience of the new Committee system, the Procedure Committee concluded that “the present Select Committee system has provided a far more rigorous systematic and comprehensive scrutiny of Ministers’ actions and policies than anything which went before”. The *Shifting the Balance* reports from the Liaison Committee in 2000 and 2001 recognised the select committee system in general as “a success” but they nevertheless explained that:

...we acknowledge that the performance of the select committee system has not been consistent, and its success not unalloyed. In each of the five Parliaments since 1979, different committees have shone; some found it harder to surmount the difficulties they encountered. On occasion the government has been too ready – and has found it too easy – to thwart a committee’s legitimate purpose...¹⁶²

It is worth noting that the departmental select committee system has, to a certain extent, been replicated in other parliaments, assemblies, and local councils in the UK. The Scottish Parliament has a departmental committee system, although their committees also consider legislation. The Committees in the National Assembly for Wales also follow a departmental structure, although in its early years Assembly’s form as a corporate body meant that ministers were able to sit on the committees, which affected the work these bodies undertook. The *Local Government Act 2000* required local authorities to adopt new executive arrangements, and create an ‘overview and scrutiny function’ to operate alongside them. These overview and scrutiny committees, however, do not necessarily mirror local authority departments. The government has stated that they wish to “raise the profile of overview and scrutiny systems, which should be analogous to the Select Committees system at national level”.¹⁶³ Lastly, the procedures of the evidence taking public bill committees introduced in the House of Commons in 2006 to some extent mirror that of select committees (the committees sit round horse-shoe shaped tables, and take both oral and written evidence from Government ministers and other relevant organisations and individuals).

8.3 Impact on policy

One measure of the effectiveness or otherwise of the departmental select committee system which could be used is the impact that select committee inquiries and recommendations have on the development of government policy. However, such influence is hard to determine. Government departments seek to respond to select committee reports within two months of publication. A mere checklist of committee recommendations against the government response will not pick up instances where the government took on select committee ideas in later months or even years. But also, as noted above, select committees

¹⁶⁰ Peter Riddell, *Parliament Under Pressure*, 2000, p213

¹⁶¹ Blackburn and Kennon, *Griffith and Ryle on Parliament: Functions, Practice and Procedure*, 2nd edition, 2003, 11-055

¹⁶² Liaison Committee, *Shifting the Balance*, 2 March 2000, HC 300 1999-2000, para 6

¹⁶³ HC Deb 9 July 2008 c1412

may influence policy simply by focusing on an area, such as obesity¹⁶⁴ or telephone call-in competitions.¹⁶⁵ A committee's recommendations may also reflect a growing consensus on an area where the government itself might already have plans to develop policy further.

In an article published in 2009 which assessed the influence of select committees in the United Kingdom, Hindmoor, Larkin and Kennon stated that:

There are examples where the Education Committee appeared to have an impact on policy. Successive secretaries of state all identified areas where a committee inquiry changed existing policy or caused new policy to be made, and there are more recent cases outside the timeframe of this study, such as the Education and Inspections Bill 2007, where the committee's role in the development of the legislation was highly visible. But demonstrating broader patterns of influence on policy is difficult. In comparing committee reports with government legislation there are certainly instances of correlation, but causation is much harder to establish. Where there was influence, this was more often a result of the committee's role as a mediating forum between the backbenches and government. As a former special advisor said to us, a Select Committee is 'useful to have on your side'.¹⁶⁶

8.4 The role of a backbencher

The 1978 Procedure Committee report did consider the role of committees as "opening up of new avenues for Members who either do not wish, or do not have the opportunity, to pursue careers on the front benches, to undertake long-term and responsible tasks of a non-ministerial nature on behalf of the House". They went on to comment that:

Although it might be premature to regard select committees as providing an alternative "career structure" for Members there are indications that some Members do regard select committee work in this light, and our structural proposals, if implemented, are likely to further that tendency. We regard this as wholly desirable...¹⁶⁷

Christopher Price, the former chairman of the Select Committee on Education, Science and the Arts, said:

Working on a select committee can be a hugely creative parliamentary experience and one from which it is possible to influence long-term policy very much more directly than from the Whip's Office or junior ministerial office. I recommend it with enthusiasm.¹⁶⁸

Chris Mullin's diaries quote his letter resigning a ministerial post for the backbenches as follows:

As indicated when we spoke, after two years in the foothills of government I have concluded that I can be of more use to the party, the country and the human race in general, if I were to return to the world of select committees...¹⁶⁹

However, in 2000 the Liaison Committee expressed a concern about select committee members shunning the committees in favour of ministerial office:

¹⁶⁴ Health Select Committee, *Obesity*, 27 May 2004, HC 23 2003-04

¹⁶⁵ Culture Media and Sport Committee, *Call TV Quiz Shows*, 25 January 2007, HC 72 2006-07

¹⁶⁶ Hindmoor, Larkin and Kennon, "Assessing the influence of the Select Committees in the UK: The Education and Skills Committee 1997-2005", in *Journal of Legislative Studies*, Volume 15, Number 1, March 2009, pp. 71-89

¹⁶⁷ Select Committee on Procedure, *First Report*, 17 July 1978, HC 588-I 1977-78, para 6.33

¹⁶⁸ *The House Magazine*, No. 242 (9 July 1983), p13, quoted in Englefield pxxv

¹⁶⁹ Chris Mullin, *A View from the Foothills*, 2009, p204

Members generally (and perhaps especially those relatively new to the House) should then see service on select committees as a career path, which, in terms of status and influence, will be a proper reward for their hard work and commitment.

Examples of departmental select committee chairmen leaving their committees for ministerial roles have included Chris Mullin, former chair of the Home Affairs Committee (1997-99) who took up a post in DETR. He later returned to the committee in 1999, only to leave once more for a position at the Foreign and Commonwealth Office in 2001. Margaret Hodge (former joint chairman of the Education and Employment Committee in 1997-98) and Malcolm Wicks (former chairman of the Education Committee 1998-99), took ministerial posts in the government department they had previously scrutinised. John Denham left the chair Home Affairs Committee to take up a Cabinet post in 2007.

It is not clear whether the role is yet seen as a rival career to one in government. As noted above, payment for select committee chairmen was introduced in 2003. In 2005, a Hansard Society report concluded that, "An alternative career structure is yet to be established".¹⁷⁰ Peter Riddell, writing in the *House Magazine*, in 2009 has commented that:

Above all, many MPs are ambitious to serve as ministers or as opposition spokesmen. The front benches absorb roughly a third of the total Commons, and a much higher proportion of talented members. Many committee chairmen have, in the past, been willing to swap their posts for even the bottom rungs of the ministerial ladder...

He concluded that:

...the impact of select committees depends upon able and ambitious MPs being willing to devote time and their careers to them, rather than being tempted by service on the front bench.¹⁷¹

8.5 Select committees, the public and the press

As set out in section 5.3 above, select committees have become increasingly sophisticated in their communication with the public and the press. David Natzler and Mark Hutton have written that:

Over the years since 1979 the public profile of select committees has increased substantially. Increased levels of public recognition generated an expectation that committees would respond to evidence of public concern over issues across the full spectrum of responsibilities of the relevant government department. Committees have sought to respond to these expectations. They have picked up topical issues and shown themselves to be responsive to public demands for scrutiny of particular aspects of government. Their chairmen have become authoritative commentators across the whole range of their government department's responsibilities whose views are regularly canvassed in the media. Committees have also developed a range of mechanisms below the full blown inquiry through which they can pursue particular issues. These include one-off evidence sessions, informal briefings and seminars as well as written correspondence with the department. As the public and the press have gradually become more aware of the work of the committees and arguably more interested in their product, committees themselves have become more outward

¹⁷⁰ Alex Brazier, Matthew Flinders and Declan McHugh, *New Politics, New Parliament*, 2005, p45

¹⁷¹ Peter Riddell, 'Committees versus the Front Bench', *The House Magazine*, 28 April 2009, <http://www.epolitix.com/latestnews/article-detail/newsarticle/committees-versus-the-frontbench/> (last viewed 29 May 2009)

looking, more conscious of the public as an audience for their reports and more concerned to be seen as active and influential participants in the political process.¹⁷²

8.6 Where next for select committees?

Select committees are often the focus for calls to reform parliament, and to strengthen the House of Commons against the executive. The Government has itself put select committee reform on the agenda. On 10 July 2009 the Prime Minister made a statement to the House of Commons on Constitutional Reform in which he said:

We must also take forward urgent modernisation of the procedures of the House of Commons. So I am happy to give the Government's support to a proposal from my right honourable friend the chairman of the Public Administration Select Committee - that we will work with a special Parliamentary Commission comprising members from all sides of this House, convened for a defined period to advise on necessary reforms – including making select committee processes more democratic, scheduling more time for non-government business in the House, and enabling the public to initiate directly some issues for debate.¹⁷³

Some of the most prominent ideas for select committee reform to have emerged from politicians, interest groups and academics are set out below.

Nomination of members and election of chairmen

Since the outcome of the 2002 vote on reforming the nomination process for select committee members, there have been continued calls to reform the nomination process, and the method of election of select committee chairmen. The outcome of the 2002 vote was seen as disappointing by some parliamentary reformers. Professor Peter Hennessy noted that:

...this was a case of kissing-the-chains-that-bind which quite took one's breath away – quite the lowest moment for select committees on the road from 1979. May 2002 really was the poverty of aspirations at its malign worst.¹⁷⁴

Parliament First, a cross-party group of backbench MPs, has argued that:

The Leader of the House [then Robin Cook] has confirmed that “good government needs good scrutiny”. We agree. Until there is a method of selection of the membership and Chairs of the Select Committees, free from the control or influence of government, scrutiny will not be, and will not be seen to be, truly independent of Government.¹⁷⁵

Parliamentarians including Andrew Tyrie and Frank Field have also published their own recommendations about reform of select committee membership.¹⁷⁶

¹⁷² David Natzler and Mark Hutton “Select Committees; Scrutiny a la carte?” in *The Future of Parliament: Issues for a new century* ed Philip Giddings, Study of Parliament Group 2005, p79

¹⁷³ HC Deb 10 June 2009 c797

¹⁷⁴ Peter Hennessy, ‘An End to the Poverty of Aspirations? Parliament since 1979’, First History of Parliament Lecture, Attlee Suite, Portcullis House, 25 November 2004

¹⁷⁵ Parliament First, *Parliament's Last Chance*, 2003

¹⁷⁶ Andrew Tyrie, *Mr Blair's Poodle: An agenda for reviving the House of Commons*, 2000; Frank Field, *Back from life support: Making representative and responsible government in Britain*, 2008, available at http://www.policyexchange.org.uk/images/publications/pdfs/pub_30_-_full_publication.pdf (last viewed 11 June 2009)

The Conservative Party Democracy Task Force, chaired by Ken Clarke and appointed by David Cameron, set out a number of proposals to reform select committees in their report *Power to the People*. They argued that:

The most essential reform must be to make the committees more independent of the executive and by this offer an attractive, non-ministerial career path for MPs... The Democracy Task Force therefore recommends that, once Chairmanships of Committees have been allocated between parties, the chairmen should be elected for a parliament by a secret ballot of the whole House. By making them Parliament's spokesmen on particular issues, this change would give a dramatic boost to the prestige and authority of committee chairmen. They would have the opportunity to become spokesmen for Parliament as a whole. They would also feel a sense of duty to the people who elected them.

Secondly, the independence of ordinary members of Select Committees ... should be enhanced by changes to the Committee of Selection, which appoints them. The Chairman of the Committee of Selection should be elected by the whole House – along with other Select Committee Chairmen. The dominance of the committee by the Whips should be brought to an end, with one Whip from each of the three main parties serving on the committee. While the Whips perform a useful function in putting forward names for Statutory Instrument committees and most of the Public Bills, their current monopoly of nomination for all committees should be ended... with appointments to select committees, the Committee of Selection should no longer rubberstamp the nominations from the Whips' office, but should satisfy itself that the composition is representative of the House and that those known to have independent views are not excluded.¹⁷⁷

An article in the *Independent* published in May 2009 by David Cameron argued that, "Select committees should be engines for serious scrutiny, not cosy party stitch-ups, so their chairmen and members should be elected by backbenchers".¹⁷⁸

The Liberal Democrats have also favoured reforming the method of nomination. Their September 2007 policy paper *For the People, by the People* argued that:

...they [Select Committees] must be given greater independence, as recommended by the Modernisation Select Committee in February 2002. Their proposals would place Select Committee membership in the hands of a Committee of Nomination, which would have the specific responsibility of ensuring appropriate backbench representation and could entertain appeals from aggrieved Members.¹⁷⁹

The Prime Minister indicated in June 2009 that select committee processes should be made "more democratic".¹⁸⁰

Dr Meg Russell of the Constitution Unit, University College London, has, however, argued that:

¹⁷⁷ Conservative Party Democracy Task Force, *Power to the People: Rebuilding Parliament*, 2007, available at <http://www.conservatives.com/pdf/dtftpaper.pdf> (last viewed 11 June 2009)

¹⁷⁸ David Cameron, 'Make Parliament strong again and call time on cosy party stitch-ups', *Independent*, 27 May 2009

¹⁷⁹ Liberal Democrat Party, *For the People, By the People*, Autumn 2007, available at http://s3.amazonaws.com/ld-migrated-assets/assets/0000/9367/Policy_Paper_83_-_For_the_People_by_the_People.pdf (last viewed on 11 June 2009)

¹⁸⁰ HC Deb 10 June 2009 c797

Many have called for greater independence of select committees, and particularly changes to how their chairs and members are chosen. In principle the Commons itself chooses committee members, and it showed independence in defeating the whips' attempt to remove two chairs in 2001. Electing chairs in the chamber may be a good idea, as is widening the membership of the committee that suggests Members' names to the House. But the House itself must also show more independence, and that is a cultural matter rather than something in the rules...¹⁸¹

In her publication, *The House Rules? International lessons for enhancing the autonomy of the House of Commons* she suggests a number of reforms including that the Committee of Selection should include backbench members from each of the main political parties and that select committees should elect their own chairmen in secret ballots, (following an in-principle agreement as to which party should hold the chair).¹⁸²

Size of select committees

There has been some debate amongst reformers as to whether it is desirable or not to increase the size of select committees, with some going as far as to argue that every backbench Member of Parliament should be offered a place on a select committee. The Hansard Society Commission on Parliamentary Scrutiny recommended that:

...committee activity should be integral to the work of every MP and **recommends that every backbench MP should be expected to serve on a select committee.**¹⁸³

They recognised that Members should not be coerced onto a committee, but the expectation should nevertheless exist. This would require an increase in the size of committees, and recommended alterations to their structure and support to allow this.

The Modernisation Committee's 2002 report on select committees recommended that "the standard size of departmental scrutiny committees should be fifteen".¹⁸⁴

The Modernisation Committee's report was debated on 14 May 2002. A motion on the size of departmental select committees proposed that certain committees be given the power to increase their size to fifteen. In the debate on the Modernisation Committee's report, Robin Cook, the then Leader of the House of Commons, explained why the motion before the House on the size of select committees differed from the Committee's recommendation:

There was one issue to which—I must be frank with the House—nearly all members of the Liaison Committee objected violently: our proposal that the size of Select Committees be increased to 15. The proposal was born of the problems of last July, when we discovered that far more hon. Members wanted to get on to a departmental Select Committee than there were places for them. Even now, 186 Back Benchers are not on any investigative Select Committee. Our proposal to increase the membership of departmental Select Committees to 15 would have provided an additional 50 places for those hon. Members.

At my meeting last week with the Liaison Committee, I was exposed to strong arguments to the contrary. In particular, the Chairs of the Select Committees expressed their worry about the danger of a loss of cohesion if the Select Committees became larger, and the problem of making sure that there was consensus among a

¹⁸¹ Meg Russell, *Post-MPs' expenses do we need a new politics? And if so, what?*, 26 May 2009, available at http://www.ucl.ac.uk/constitution-unit/files/media/articles/2009/new_politics.pdf (last viewed 11 June 2009)

¹⁸² Meg Russell and Akash Paun, *The House Rules? International lessons for enhancing the autonomy of the House of Commons*, 2007

¹⁸³ Hansard Society Committee on Parliamentary Scrutiny, *The Challenge for Parliament*, 2001, p21

¹⁸⁴ Modernisation Committee, *Select Committees*, 12 February 2002, HC 224 2001-02, para 47

greater number. I was struck by the force of the point from the Chair of the Select Committee on Public Administration, who told me that his recent report on House of Lords reform would not have been unanimous in a larger Select Committee.

Given that discussion and those views, I have reached a compromise with the Liaison Committee that is expressed in the motions before the House, in which the decision to increase the size of a Select Committee will be in the hands of each Select Committee. If the Committee decides to increase its size, it is free to do so up to 15, but it is not under any compulsion to do so. I hope that that sensible, permissive compromise will command general agreement in the House.¹⁸⁵

In the event, the motion on the size of committees was not moved at the end of the debate.

Powers of select committees

Some proposals have been put forward to strengthen the formal powers of select committees. For example, the Democracy Task Force argued that the ability of Committees to call for witnesses and papers should be strengthened.¹⁸⁶ The Liberal Democrats have called for select committees to have a greater power of examination, including vetting new Secretaries of State before they take office.¹⁸⁷

The Power Inquiry, an independent Commission chaired by Baroness Kennedy of the Shaws, argued that select committees should be given the power:

...to subpoena attendance and require witnesses to testify at its sessions as in US Senate Committees. The notion that individuals who are very close to senior members of government and closely involved in the development of policy cannot be questioned by Parliament is a clear weakness in accountability, especially in a period when the Prime Minister's office has become ever more powerful...¹⁸⁸

The Hansard Society has called for changes to the Osmotherly Rules. Their publication *New Politics, New Parliament* argued that:

The House of Commons, through the Liaison Committee, should not submissively accept the minor changes to the Osmotherly Rules that were offered by the Leader of the House in October 2004. The rules regarding the appearance of officials before select committees have always been 'Whitehall rules' and Parliament should not feel bound by them nor afraid to draw up its own Code of Conduct. The House of Commons should consider taking ownership of the current rules regarding the provision of persons, papers and records' to select committees by asking the Liaison Committee to devise a set of guidelines that could be passed on the floor of the House in a manner akin to that followed for the core tasks of select committees.¹⁸⁹

Relationship with the House

Proposals have also been made to strengthen the relationship between what occurs in select committees with the proceedings of the House of Commons as a whole. The Conservative Party's Democracy Task Force argued that:

...more should be made of the launch of Select Committee reports. We see no reason why ministers should have a monopoly of statements made to the House. The Liaison

¹⁸⁵ HC Deb 14 May 2002 c658

¹⁸⁶ Conservative Party Democracy Task Force, *Power to the People: Rebuilding Parliament*, 2007, available at <http://www.conservatives.com/pdf/dtfpaper.pdf> (last viewed 11 June 2009)

¹⁸⁷ Liberal Democrats Policy Paper No. 7, *Constitutional Affairs*, September 2008

¹⁸⁸ Alex Brazier, Matthew Flinders and Declan McHugh, *New Politics, New Parliament*, 2005, p140

¹⁸⁹ *Ibid*, p82

Committee should have a quota of, say, twelve statements per year, which it can draw on to enable the Chairman of a Select Committee to present his report to the House and answer questions on it... The Chairman would summarise his report, outlining the options that were open to it and the arguments that led it to its conclusions.

As now, the Government would be obliged to reply within a fixed time; we suggest that this could be reduced from the current limit of six weeks to perhaps four weeks. If the Select Committee were not satisfied with the Government's response, it could use part of the time in the Chamber to debate Select Committee reports for a debate with a substantive vote at the end.

We accept that this approach carries risks, since it could bring a more partisan atmosphere to bear on Select Committee work. This could force Committee members to take a more partisan line from earlier in the process (to avoid facing a later choice of defying the whip or reversing their position); another risk is that the whips would try to pack Committees with the most compliant backbenchers. However, we believe that to accept the present arrangements is a counsel of despair. Committee work creates its own incentives to avoid narrow partisanship (at least if committee members would together for some time), obviating the first risk. If the second risk were to materialise in spite of our proposals to reduce the whips' influence, it could necessitate a further reform, the election of Select Committee members (as well as chairmen) by the whole House.¹⁹⁰

Dr Meg Russell has also recommended that there should be more time for committee business in the House. Specifically she suggests that:

There should be a 30 minute slot every week for the announcement of any new committee reports, with a capacity for the chair of the committee to introduce the report and for a short government reply... we believe that this initial debate should be in plenary, and if members indicate that they want more time for debate on a particular report there should then be a time set aside each week in Westminster Hall for this to happen.

She also makes a number of additional recommendations, including that 'Estimates Days' should be formally renamed 'committee days' with allocation determined, as at present, by the Liaison Committee, and that committee should be able to propose their own bills, as in Scotland, and that these should be given special priority.

¹⁹⁰ Conservative Party Democracy Task Force, *Power to the People: Rebuilding Parliament*, 2007, available at http://s3.amazonaws.com/ld-migrated-assets/assets/0000/8207/7_Policy_Briefing_Constitutional_Affairs.pdf (last viewed 11 June 2009)

Appendix 1 – Key Events

- 9 June 1976 Select Committee on Procedure appointed "to consider the practice and procedure of the House in relation to public business and to make recommendations for the more effective performance of its functions" [HC Deb 9 June 1976 vol 912 cc1632-1633]
- July 1978 The Select Committee on Procedure's First Report, in which it brought forward proposals for departmental select committees was published [HC 588-I, II, III 1977-78]
- 19-20 Feb 1979 Debate on Procedure Committee Report on the Floor of the House REF???
- 25 June 1979 The House of Commons agreed to appoint twelve departmental select committees, to "examine the expenditure, administration and policy of the principal government departments set out in paragraph (2) of this Order and associated public bodies, and similar matters within the responsibilities of the Secretaries of State for Scotland and Northern Ireland" [HC Deb 25 June 1979 vol 969 cc33-251]
- 26 June 1979 The House of Commons agreed to appoint a Welsh Affairs Committee [HC Deb 26 June 1979 vol 969 cc359-361]
- 31 Oct 1979 The House of Commons agreed to appoint a Scottish Affairs Committee and to amend the terms of reference given to departmental select committees on 25 June 1979 to reflect this [HC Deb 31 October 1979 vol 972 cc1390-1391]
- 26 Nov 1979 Members of the Agriculture; Defence; Education Science and Arts; Employment; Energy; Environment; Foreign Affairs; Home Affairs; Industry and Trade; Social Services; Transport; and Treasury and Civil Service Committees; and of the Scottish and Welsh Affairs Committee were agreed by the House [HC Deb 26 November 1979 vol 974 cc1063-1070]
- [Details of changes to the size and names of departmental select committees, since their establishment in 1979 are given in Appendix 2]
- 31 Jan 1980 The House agreed to appoint the Liaison Committee "consisting of representatives of the various Select Committees". Separately it agreed who the members of the Committee were. [HC Deb 31 January 1980 vol 977 cc1687-1718]¹⁹¹
- October 1990 The Procedure Committee published *The Working of the Select Committee System*, which reviewed the operation of the new system.
- 13 July 1992 There were contentious debates over the removal of Nicholas Winterton and John Wheeler as chairs of the Health and Home Affairs Committees respectively [HC Deb 13 July 1992 c916]

¹⁹¹ The Standing Order does not specify that members of the Liaison Committee are chairmen of select committees, but since-----, the House has agreed that this should be the case at the beginning of each Parliament. Since the beginning of the 2001 Parliament, the House has agreed a motion to appoint the chairmen of select committees, rather than individuals who chaired them at the start of the Parliament [HC Deb 5 November 2001 cc64-73; HC Deb 513 July 2005 cc918-921]

- 9 March 1994 The House agreed to appoint a Northern Ireland Affairs Committee with 13 members and to amend the terms of reference in [then] SO 130 to reflect this. The composition of the Committee was to reflect the party composition in the House, despite the different party system in Northern Ireland. [HC Deb 9 March 1994 c340-372]
- 4 June 1997 Modernisation Committee was established, chaired by the Leader of the House, to introduce a programme of modernisation for House procedures.
- March 2000 The Liaison Committee published *Shifting the balance; select committees and the executive*, which called for the enhancement of select committee powers.¹⁹²
- July 2000 The Liaison Committee published *Independence or Control?* This reiterated the proposals of *Shifting the Balance*, which had been rejected by the Leader of the House, Margaret Beckett.¹⁹³
- 16&19 July 2001 There were again contentious debates over attempts by the whips to remove Gwyneth Dunwoody and Donald Anderson from the chairs of Transport, Local Government and the Regions and Foreign Affairs respectively. These attempts proved unsuccessful and the new Leader of the House, Robin Cook, announced an inquiry into the operation of the select committees by the Modernisation Committee.[HC Deb 19 xx]
- Feb 2002 The Modernisation Committee published proposals for major reforms of the select committee system, including new methods of nominating members.¹⁹⁴
- 14 May 2002 The House debated and accepted several of the Modernisation Committee proposals but the motion relating to the nomination of select committees was rejected by 209 by 195.
- June 2002 The Liaison Committee agreed core objectives for select committees, following proposals from the Modernisation Committee which had been agreed by the House.
- Nov 2002 The Scrutiny Unit was established to provide specialist support to select committees. Development of the media office to publicise committee reports progressed.
- 30 Oct 2003 Pay for select committee chairmen introduced.
- July 2007 The *Governance of Britain* Green Paper proposed systematic pre-appointment hearings for select committees and a system of regional committees.
- 3 March 2009 Labour Members were appointed by the House to 8 new regional committees.

¹⁹² Liaison Committee First Report 1999-2000 HC 300

¹⁹³ Liaison Committee Second Report 1999-2000 HC 748

¹⁹⁴ Modernisation Committee *Select Committees* HC 224-1 2001-2002

Appendix 2 – Evolution of select committees

Select committees have featured in the work of the House of Commons for centuries. However, the current system of departmental select committees was established in 1979, and this review confines itself to them. In 1979, the following twelve committees were appointed, with the following maximum numbers of members:

Committee	Members
Agriculture	9
Defence	11
Education, Science and Arts	9
Employment	9
Energy	11
Environment	11
Foreign Affairs	11
Home Affairs	11
Industry and Trade	11
Social Services	9
Transport	11
Treasury and Civil Service	11

In addition to these committees a Welsh Affairs Committee and a Scottish Affairs Committee were also appointed. These committees consisted of a maximum of eleven and thirteen members, respectively.¹⁹⁵

On 14 December 1983, the House agreed that the maximum number of members on the Agriculture, Education, Employment and Social Services Committees should be increased to 11. The House also agreed that the Industry and Trade Committee should be renamed the Trade and Industry committee (reflecting the merger of the Department of Trade and the Department of Industry). In the same debate, Alan Beith proposed increasing the size of the Welsh Affairs Committee to 13 members: this proposal was rejected by 129 votes to 26.¹⁹⁶

On 19 October 1990, the House agreed to replace the Social Services Committee of 11 members with two separate 11-member committees – the Health Committee and the Social Security Committee – following the splitting of the Department of Health and Social Security.¹⁹⁷

On 18 July 1991, the membership of the Education, Science and Arts Committee was increased to 13. Before the increase, the Committee had shadowed the Department of Education and Science; afterwards it shadowed the Department of Education and Science and the Office of Arts and Libraries. (At the same time details of the responsibilities of the Home Affairs, Scottish Affairs and Treasury and Civil Service Committees were amended.)¹⁹⁸

On 30 June 1992, the Education, Science and Arts Committee became the Education Committee, and its membership was reduced to 11. The Scottish Affairs Committee's membership was also reduced to 11. The Energy Committee was abolished (following the abolition of the Department) and the National Heritage Committee was created (following the

¹⁹⁵ House of Commons, *Standing Orders of the House of Commons – Public Business*, November 1979, HC 266 1979-80, Standing Order Nos 86A, 86B and 86C

¹⁹⁶ HC Deb 14 December 1983 cc1111-1117

¹⁹⁷ HC Deb 19 October 1990 c1542

¹⁹⁸ HC Deb 18 July 1991 cc576-606

creation of a new department). The Science and Technology Committee was also created to shadow the work of the Office of Science and Technology, a departure from the strict departmental select committee system. (Changes were also made to the remit of the Treasury and Civil Service Committee.)¹⁹⁹

On 9 March 1994, the Northern Ireland Affairs Committee was established with 13 members.²⁰⁰ Speaking in the debate, Tony Newton, the then Leader of the House of Commons, commented on the size of the Committee:

On the size of the Committee, the Procedure Committee's first thoughts were for 16 members, but in its later report it recommended 13 or 15. The Government propose that the Committee should have a maximum of 13 members because, the larger the Committee, the more unwieldy it is likely to become. ...

... The Government strongly support the Procedure Committee's recommendation that each of the Northern Ireland parties should have a place on the Committee and that, in accordance with normal practice, the Government should expect to be able to command a majority on it.²⁰¹

On 24 November 1994, the House debated the establishment of the Deregulation Committee, which led to some changes to the Standing Order on departmental select committees.²⁰²

As a result of various departmental reorganisations, by the time the Standing Orders were published in 1994,²⁰³ the list of departmental select committees and their maximum number of members was:

Committee	Members
Agriculture	11
Defence	11
Education	11
Employment	11
Environment	11
Foreign Affairs	11
Health	11
Home Affairs	11
National Heritage	11
Northern Ireland Affairs	13
Science and Technology	11
Scottish Affairs	11
Social Security	11
Trade and Industry	11
Transport	11
Treasury and Civil Service	11
Welsh Affairs	11

On 7 November 1995, to reflect machinery of government changes, the Education Committee and the Employment Committee were replaced by an Education and Employment

¹⁹⁹ HC Deb 30 June 1992 cc796-824

²⁰⁰ HC Deb 9 March 1994 cc340-371

²⁰¹ *Ibid*, cc345-346

²⁰² HC Deb 24 November 1994 cc764-789

²⁰³ House of Commons, *Standing Orders of the House of Commons – Public Business*, November 1994, HC 1 1994-95, Standing Order No 130

Committee with 13 members (this change was effective from 1 March 1996). The House also agreed to a proposal to establish an 11-member Public Service Committee to shadow the Office of Public Service, and the Treasury and Civil Service Committee became the Treasury Committee.²⁰⁴

In 1997, the incoming Labour Government, made a number of changes to the structure of departments. These changes were reflected in a number changes to the names of select committees.

The merging of the Department of Environment and the Department of Transport (to form the Department of the Environment, Transport and the Regions) led to the creation of a 17-member select committee. The size of the Education and Employment Committee was also increased to 17. Both of these committees were given the power to establish two sub-committees. An 11-member International Development Committee was appointed. The Public Service Committee was replaced by the Public Administration Select Committee.²⁰⁵

Other departmental committees retained a membership of eleven, with the following exceptions: the Northern Ireland Affairs Committee continued to have 13 members; and the Foreign Affairs Committee and the Treasury Committee had 12 members for the 1997 Parliament.²⁰⁶

On 25 July 1997, the National Heritage Committee was renamed the Culture Media and Sport Committee.²⁰⁷

The establishment of the Environmental Audit Committee on 10 November 1997 also required some changes to the Standing Order on departmental select committees.²⁰⁸

A number of changes to the Standing Order have been made to permit changes to European scrutiny,²⁰⁹ changes to the remits of the Scottish and Welsh Affairs Committees to reflect the devolution settlement,²¹⁰ and to provide for joint meetings of select committees.²¹¹ The establishment of the Regulatory Reform Committee, in place of the Deregulation Committee, also required changes to the Standing Order.²¹²

Major changes to the size of committees were made following the election in 2001, as a result of further machinery of government changes. The new committees were:

- Education and Skills – 11 members;
- Environment, Food and Rural Affairs – 17 members;
- Transport, Local Government and the Regions – 17 members; and
- Work and Pensions – 11 members

²⁰⁴ HC Deb 7 November 1995 cc752-776

²⁰⁵ HC Deb 8 July 1997 c839

²⁰⁶ HC Deb 10 July 1997 c1169

²⁰⁷ HC Deb 25 July 1997 c1197

²⁰⁸ HC Deb 10 November 1997 c683

²⁰⁹ HC Deb 17 November 1998 cc778-807

²¹⁰ HC Deb 25 October 1999 cc775-780

²¹¹ HC Deb 29 March 2001 c1194

²¹² HC Deb 2 May 2001 cc869-903

These committees replaced the Agriculture; Education and Employment; Environment, Transport and Regional Affairs; and Social Security Committees.²¹³

Further changes were made in July 2002 following the splitting of the Department for Transport, Local Government and the Regions into the Transport Department and Office of the Deputy Prime Minister (ODPM). Two 11-member committees, the Transport Committee and the ODPM Committee were established.²¹⁴

In January 2003, a committee to shadow the work of the Lord Chancellor's Department was established. It had 11 members.²¹⁵ In September, following the establishment of the Department for Constitutional Affairs, the Committee was renamed.²¹⁶

After the 2005, General Election, changes were made to the size of select committees. The only remaining 17-member committee (Environment, Food and Rural Affairs) saw its membership reduce to 14 but the House agreed to increase the membership of the Defence, Foreign Affairs, Home Affairs, Trade and Industry and Treasury committees from 11 to 14, "reflecting the considerable interest in serving on those committees".²¹⁷

On 27 June 2006, the House appointed the Communities and Local Government Committee in succession to the ODPM Committee.²¹⁸

At this point in time the list of departmental select committees and their membership was:

Committee	Members
Communities and Local Government	11
Constitutional Affairs	11
Culture, Media and Sport	11
Defence	14
Education and Skills	11
Environment, Food and Rural Affairs	14
Foreign Affairs	14
Health	11
Home Affairs	14
International Development	11
Northern Ireland	13
Science and Technology	11
Scottish Affairs	11
Trade and Industry	14
Transport	11
Treasury	14
Welsh Affairs	11
Work and Pensions	11

Source: House of Commons, *Standing Orders of the House of Commons – Public Business*, March 2007, HC 405 2006-07, Standing Order No 152

On 25 July 2007, following machinery of Government changes that created the Department for Children, Schools and Families and the Department for Innovation, Universities and Skills

²¹³ HC Deb 5 July 2001 cc478-512

²¹⁴ HC Deb 22 July 2002 cc729-732

²¹⁵ HC Deb 27 January 2003 cc677-688

²¹⁶ HC Deb 11 September 2003 c560

²¹⁷ HC Deb 13 July 2005 c838-929

²¹⁸ HC Deb 27 June 2006 c231

replace the Department for Education and Skills; and the Department for Business, Enterprise and Regulatory Reform replace the Department for Trade and Industry. Controversially, the Science and Technology Committee was abolished and its responsibilities largely transferred to the Innovation, Universities and Schools Committee, which later successfully asked for its title to be changed to the Innovation, Universities, Science and Skills Committee. Despite the creation of new committees, the House agreed that:

for the purposes of Standing Order No. 122A (Term limits for chairmen of select committees) the Business, Enterprise and Regulatory Reform Committee, the Children, Schools and Families Committee, the Innovation, Universities and Skills Committee and the Justice Committee shall be deemed to be the same committees as the Trade and Industry Committee, the Education and Skills Committee, the Science and Technology Committee and the Constitutional Affairs Committee respectively.²¹⁹

On 11 March 2008 the committees had their titles changed without any change in remit. This was done at their own request. The IUS Committee wanted the word “Science” to feature in its name; the Business, Enterprise and Regulatory Reform Committee wanted the words “Regulatory Reform” to be dropped to avoid confusion with the Regulatory Reform Committee that already existed, with rather different functions.²²⁰

On 28 October 2008 a new committee, the Energy and Climate Change Committee, was appointed with effect from 1 January 2009:

Resolved,

That the following amendments be made in respect of Standing Orders, with effect from 1st January 2009:

A SELECT COMMITTEES RELATED TO GOVERNMENT DEPARTMENTS

That Standing Order No. 152 (Select committees related to government departments) be amended in the Table in paragraph (2) by inserting, in the appropriate place, the following item:

Energy and Climate Change	Department of Energy and Climate Change	14 ²²¹
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Further machinery of Government changes were announced on 5 June 2009, but the consequent changes to Standing Orders have yet to be made.

The full list of departmental select committees, the principal government departments with which they are concerned, and their size, as at 1 June 2009, is set out in Appendix 3.

²¹⁹ HC Deb 25 July 2007 c940

²²⁰ HC Deb 11 March 2008 c255

²²¹ HC Deb 28 October 2008 cc843-868

Appendix 3: Standing Order No 152 – Select Committees related to government departments

152.—(1) Select committees shall be appointed to examine the expenditure, administration and policy of the principal government departments as set out in paragraph (2) of this order and associated public bodies.

(2) The committees appointed under paragraph (1) of this order, the principal departments of government with which they are concerned and the maximum numbers of each committee shall be as follows:

<i>Name of Committee</i>	<i>Principal government departments concerned</i>	<i>Maximum Members</i>
1. Business and Enterprise	Department for Business, Enterprise and Regulatory Reform	11
2. Children, Schools and Families	Department for Children, Schools and Families	14
3. Communities and Local Government	Department for Communities and Local Government	11
4. Culture, Media and Sport	Department for Culture, Media and Sport	11
5. Defence	Ministry of Defence	14
6. Energy and Climate Change	Department of Energy and Climate Change	14
7. Environment, Food and Rural Affairs	Department for Environment, Food and Rural Affairs	14
8. Foreign Affairs	Foreign and Commonwealth Office	14
9. Health	Department of Health	11
10. Home Affairs	Home Office	14
11. Innovation, Universities, Science and Skills	Department for Innovation, Universities and Skills	14
12. International Development	Department for International Development	11
13. Justice	Ministry of Justice (including the work of staff provided for the administrative work of courts and tribunals, but excluding consideration of individual cases and appointments, and excluding the work of the Scotland and Wales Offices and of the Advocate General for Scotland); and administration and expenditure of the Attorney General's Office, the Treasury Solicitor's Department, the Crown Prosecution Service and the Serious Fraud Office (but excluding individual cases and appointments and advice given within government by Law Officers)	14

<i>Name of Committee</i>	<i>Principal government departments concerned</i>	<i>Maximum Members</i>
14. Northern Ireland Affairs	Northern Ireland Office; administration and expenditure of the Crown Solicitor's Office (but excluding individual cases and advice given by the Crown Solicitor); and other matters within the responsibilities of the Secretary of State for Northern Ireland (but excluding the expenditure, administration and policy of the Office of the Director of Public Prosecutions, Northern Ireland and the drafting of legislation by the Office of the Legislative Counsel)	13
15. Scottish Affairs	Scotland Office (including (i) relations with the Scottish Parliament and (ii) administration and expenditure of the offices of the Advocate General for Scotland (but excluding individual cases and advice given within government by the Advocate General))	11
16. Transport	Department for Transport	11
17. Treasury	Treasury, HM Revenue & Customs	14
18. Welsh Affairs	Wales Office (including relations with the National Assembly for Wales)	11
19. Work and Pensions	Department for Work and Pensions	11

Appendix 4: Relevant Library Papers

Standard Notes

Standard Note SN/PC/2725, [Modernisation: Select Committees – pay for chairmen](#)

Standard Note SN/PC/3719, [Nominations to Select Committees](#)

Standard Note SN/PC/3161, [Modernisation: Select Committees – core tasks](#)

Standard Note SN/PC/4411, [Regional Accountability at Westminster](#)

Standard Note SN/PC/4387, [Parliamentary Involvement in Public Appointments](#)

Standard Note SN/PC/2671, [The Osmotherly Rules](#)

Research Papers and Background Papers

Background Paper No 298, [Select Committees](#), 7 September 1992

Research Paper 02/35, [Departmental Select Committees](#), 10 May 2002

Research Paper 05/46, [Modernisation of the House of Commons 1997-2005](#), 14 June 2005

