

Inquiry into the Effectiveness and Influence of the Select Committee System

Evidence to the Liaison Committee from

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My own experience

I believe that I was first appointed to act as a specialist advisor to the then Environment Select Committee late in 1979 for their Inquiry into the Private Rented Sector. I was one of three advisors - the others being Tony Bovaird and Michael Harloe. It was a very long enquiry – indeed it became the first report of the Committee for the Session 1981/82. The advisors were expected to write the questions in discussion with the Chair; we were also asked to write a number of technical annexes for the main report; and the Committee Chair wrote the final report with our help. The Clerk, (there was as far as I remember, only one) a ‘retired’ senior civil servant who had been involved in negotiations with Argentina over the Falklands, long before the war, organised the evidence process and kept us under control – but I do not remember him ever taking part in the substantive discussions around the topic. The evidence sessions were long and unpredictable as members rapidly moved away from the questions they had been given and witnesses had anyway very little understanding of what to expect. The experience could hardly be more different than today. But it was new and exciting and we all had high expectations in terms of the potential for the Inquiries to impact on policy as well as political understanding.

Today, I am again a specialist adviser for the same Select Committee – now called Housing, Communities and Local Government. I am however appointed for a time period rather than for a specific inquiry. Again there are three of us - but we cover a whole range of topics- in my case over the last months these have included High Streets and Town Centres in 2030; housing for the elderly; Land Value Taxation; Leasehold reform; Homelessness Reduction; modern methods of construction; social housing; and indeed once again, for at least the third time, the private rented sector. At any one time there may be half a dozen enquiries in play – and a ‘long’ enquiry will probably only have six or so evidence sessions. The initial drafts of questions and reports are written by Committee specialists who have to bone up on each topic extremely rapidly. The Chief Clerk is hands-on – taking a core facilitating role with respect to Inquiry topics, evidence and report writing and particularly in supporting the Chair. He also has wider duties within the select committee system. Everything is very programmed and streamlined. In the oral sessions members keep pretty closely to the questions and the witnesses are given more support in preparing for their sessions. Many have appeared quite regularly because of the number and range of topics covered so are

conversant with the process. The organisational shifts between the early years and now, have been gradual and reflect both increasing professionalization and massively expanding workloads of members. The biggest issue for me remains the same – how to make the government take notice of the reports and to ensure they are as widely read as they deserve by practitioners, policy makers and civil servants?

In the intervening years I have been involved in quite a large number of Inquiries both for House of Commons and House of Lords committees - and in a range of capacities mainly as specialist advisor but also as a witness and in submitting written evidence. (My favourite memory is of answering a question at an early morning session when the House had sat all night and the witnesses before me had been excessively long winded with a simple 'no' – the MPs approved!) I am also a regular reader of the reports and the evidence provided which is up to date and wide ranging.

The main difference between the House of Commons and the House of Lords Inquiries from my point of view has been that the members are much more disciplined in the House of Lords Committees and have far more time to get really involved in the topics, which are often a matter of particular interest to a high proportion of the members – and the Inquiries now last a lot longer. But it is mainly the House of Commons reports which can hit the headlines and sometimes have immediate impact.

Effectiveness and Influence of the Select Committee System¹

The starting point for any discussion of effectiveness and influence is that for the first time the Select Committee system gave backbenchers a voice and a location for learning about how they might influence policy more directly as well as a means of building specialist knowledge. Looking back to before 1979 it has been an amazing change. Even so, there has been continuing disappointment in that most committees have nowhere near the influence of their much more established American standing committee cousins.

Chairmanship

Initially Chairs in the Commons tended to be people who were nearing the end of their Parliamentary life but increasingly becoming Chair is a successful part of a career path for backbench MPs who for one reason or another cannot expect to gain a senior position in government. There have been a number of examples of highly successful Chairs in this mould who have become major national players with very considerable individual power – as well as being great individuals (for instance Gwyneth Dunwoody). But equally, around a quarter of current Chairs have either had or later have taken a senior government position so that option is by no means ruled out.

¹ Most of my comments relate to the House of Commons Select Committees where I have more experience. I include some comments on the House of Lords committees when I have points to make.

The fact that they are now elected has given them a significantly stronger position. Putting in place the potential for a limited tenure has been less successful because both Chairs and MPs in general tend to favour continuity.

Membership

In the Commons Committees members are mostly relatively early career MPs except for a small number who are particularly interested in specific policy areas. Those with a relevant professional interest and a strong commitment to improving their particular policy area are especially useful - but it can be equally valuable to have members with an interest and a wish to learn and make a name for competence. Involvement by MPs who have past experience as a Minister is also to be valued – even though there is always an issue about their political experience in a context where the objective is to build unanimity.

House of Lords committees are usually made up almost entirely of people with very particular experience, knowledge and interests. This makes for a very different approach both to the topic and to witnesses. The result is often a very detailed report with considerable analysis – perhaps more like the earliest reports by Commons Select Committees. The results are complementary to the current Commons experience and can result in reports which potentially have long life and may provide an effective slow burn – particularly in terms of public attitudes rather than specific recommendations.

Quality of written evidence

The terms of reference for a particular Inquiry are the starting point which helps to determine the focus and quality of each Inquiry. There appears to be a sort of protocol as to how these should be drawn up but my impression is that they are often too general and do not help potential witnesses to develop a clear understanding of the most important issues - as opposed to the witnesses simply reiterating their own positions.

What is a pity is the lack of time for the Committee to meet to discuss more general issues around the chosen topics, rather than mainly now meeting for a specific Inquiry. A bit more time looking at relevant policy overall would almost certainly deepen understanding of particular issues as well as help to build important relationships. Equally meeting with people with relevant specialist knowledge in private can be very effective in helping to address complex issues.

Attempts to try to make written evidence more focussed (by government in terms of consultations as well as by select committees) have not been entirely successful. More time and energy spent on sorting out the Terms of Reference would undoubtedly be helpful.

Specialist advisers

It is clear that the academic environment has changed to make it more difficult to bring in early career specialist advisers with detailed knowledge/understanding of particular topics ,

which was the option chosen in the early days of the system. Even so it would be valuable to find a better way of tapping a wider range of expertise – either by asking relevant people to put in written evidence early on in the process or by setting up private meetings for particular for some of the topics.

Choice of witnesses

Shorter Inquiries mean that high proportions of witnesses have to be the usual suspects – and to be carefully balanced. If they are not asked, it is felt that the topic has not been adequately covered. But this means much of the evidence says relatively little that is new and the witnesses may be expert in avoiding problem issues. It has become more difficult to bring in people who might have more interesting things to say.

Choice of topics

Here the most important issue is the relative lack of following through after the Government makes their response. While it may not be sensible to build in a review of the Government's response for every Inquiry it should at least be a regular event – and maybe not just once. That would make it much more likely that Government would take Inquiry recommendations more seriously.

Reports

There are normally two stages – Heads of Report which identify the main themes and set out recommendations in draft and the Final Report.

There have been significant attempts to shorten reports which at least in my experience have generally proved unsuccessful. The Committee specialists are very competent – and work extremely hard but they do have to work within what is determined by the Terms of Reference, what the Chair regards as particularly relevant, what can be accepted unanimously by the Committee and to a rather more limited extent what might be likely to catch the wider press and public interest.

The Members generally have relatively little time in which to read either the Heads of Reports or the Final Reports and the discussion in committee is usually rather limited. This is a major area of concern and leads to a situation in which often the only things raised are around consistency or about one or two members' specific interests. Undoubtedly the reports are both clear and well presented – but the format does not lead to the sorts of animated discussion one would like to see. Equally they tend to enable the Government response to be pretty unexciting, simply accepting elements which are in line with current policy and rejecting those where they would rather not take the recommendations seriously.

I used to think that this was in part an outcome of the need for unanimity. But I now think it is rather that here is no occasion where the members can initially sort out the issues and then clarify the rationale for their most important recommendations. It may be it is time to think a bit more about whether the traditional format could do with some tweaking. It is certainly causing some frustration among those most involved in writing and finalising the reports. It would make it more obvious what the Committees care about and make it more difficult for the Government to take a rather standardised approach in their responses. Being clear that there would be one or more short updates on a rather higher proportion of Inquiries would also be helpful.

Conclusions: Effectiveness and Influence

My evidence could be read as somewhat negative – it is not. Rather it reflects some frustrations about how to make the reports more accessible and more certain to result in significant responses from Government which help to move things on.

Where the Committee system has been very obviously successful is in terms of changing the environment in which MPs and Lords operate and thus more effectively influencing the whole way in which Parliament works. They have had continuing major impacts – but they could have more.

Christine Whitehead,

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