

Effectiveness and influence of the select committee system inquiry

Evidence provided to the Liaison Committee
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The work of select committees

Select Committees have developed in a number of ways in the past 40 years. The decision, in 1979, to re-configure and extend the remit of Parliamentary scrutiny has had profound impacts, most notably by creating a mechanism to oversee and investigate both the use of £800bn+ worth of public expenditure annually but also the policies successive governments pursue using this substantial sum.

Government in the UK has grown and changed its orientation since 1945. Spheres of government activity in health, education, welfare, social care, transport, housing, law & order, environmental protection and the regulation of utilities have expanded to the point the State intimately affects the daily lives of all UK citizens. Defence, foreign relations and local government have changed their purposes, though have grown less. The primary purpose of government has moved from concentrating on defence, public protection and the delivery of local council services towards being a vast welfare provider with substantial regulatory intervention.

The Select Committee system has been important in providing more effective oversight and scrutiny of this expanded governmental machine. Departmentally-based committees have examined issues such as policy effectiveness, use of resources and outcomes. Of course, the Public Accounts Committee and National Audit Office have long provided high-quality, evidence-based, analysis about the efficiency and effectiveness of government. What departmental select committees have been able to add is a capacity to challenge ministers about outcomes and service quality while also to highlighting unmet policy needs. It is easier for departmental committees to look forward and also to highlight public demands because they can collectively determine a wider remit than the PAC alone.

Looking forward, the Liaison Committee has posed a series of questions about how Select Committees might improve their functioning. A number of possible improvements might be made. For example:

- Greater consistency in the oversight of departments' budgets and past spending
- Publishing reports which demand consistent (both across Whitehall and over time) presentation of information, statistics and performance indicators

- Longer-term (or at least for the life of each Parliament) planning of the scope of committees' inquiries so as to ensure comprehensive coverage of the full range of policy, expenditure and planning by departments
- A periodic analysis (of the kind being undertaken here by the Liaison Committee) of the role of select committees and their achievements. Possibly every ten years, so as to allow meaningful comparison of changing trends

Select Committee inquiries include many which directly scrutinise the department they oversee plus other ones which are of broader public interest. The latter type of inquiry allows committees greater opportunities for public relevance, though can risk diverting time from their main scrutiny objectives.

Membership

Membership of select committees reflects, across all committees, the relative strength of parties elected to the House of Commons. Similarly, the distribution of committee chairs reflects the parties' numerical strength. These principles, which also extend to other types of committee, are both fair and look sensible to the public. The 2010 decision to allow (a) MPs to vote for their own parties' members of most committees and (b) for all MPs to vote for committee chairs strengthened the system. Reducing party managers' capacity to determine the membership of committees has had the effect of giving Parliament as a whole rather more authority and party leaderships rather less. This was a good move and must have (though this is hard to prove) ensured committees could act with somewhat greater independence. The convention that the chair of the Public Accounts Committee should be an Opposition member is also a good one, as is the fact the National Audit office is an institution of Parliament not the government.

Other potential principles might be considered, though given the relatively small number of MPs on many committees, this would be challenging. Representation of different parts of the country, for example, might be thought to be important. All party groups can offer alternative ways of representing particular regions or interests. But, overall, the arrangements for determining balance and electing members are sound.

Witnesses, evidence and select committee powers

Evidence-giving, either orally or in written form, is both an essential way of pursuing an inquiry and also a way of demonstrating Parliament is open to a range of views and policies. The openness of the process of evidence-giving lends credibility to the idea that Parliament as a whole is transparent and operates in the national interest. Put the other way, encouraging a broad range of individuals and organisations to give evidence helps to dispel the idea that politicians operate 'behind closed doors' or are subject to inappropriate lobbying.

Some individuals and organisations are directly invited to give evidence. When it comes to oral evidence sessions (whether at Westminster or elsewhere in the country), time dictates that only a limited number can be made available. There is thus the risk that the 'usual

suspects' will be invited. Of course, there are a number of organisations, such as relevant government departments, quangos, think-tanks and bodies such as the CBI, TUC or the Local Government Association where it would be impossible not to invite them give evidence on a particular subject. But there is probably a case for select committees actively to seek new and different evidence-givers, particularly from under-represented groups such as the young, or those where there is no obvious representative body. The Brexit referendum result was heavily suggestive that a number of sections of the population feel distant from the power to influence government. Select Committees could have a role in articulating such voices in future.

Committees appear to have most of the powers they need to require people and papers to be made available to them. The PAC, via the NAO, has significant investigatory capacity. There is no compelling evidence that a more legally-enforceable set of powers to reach unwilling witnesses or protected papers would benefit Parliament, though it might enrich lawyers. Whether strengthened research and investigation machinery for select committees (analogous to the NAO, but bigger than the existing Scrutiny Unit) is a possibility worth consideration. Given the scale of contemporary government and public expenditure, enhanced research capacity would surely be worth the cost. The success of institutions such as the existing Scrutiny Unit, the Office for Budget Responsibility, the Institute for Fiscal Studies and House of Commons Library in providing in-depth analysis suggests select committees might benefit from an enhanced, permanent, analytical capability.

Public engagement and profile

This issue has been touched on above. Committees have already taken steps such as hearing evidence away from Westminster and by employing Parliamentary officials to help promote reports so as to achieve impact. Reports which consider controversial or topical subjects have a greater chance of achieving media coverage (and thus more public awareness) than more mundane ones. But mundane inquiries must also be undertaken and reports published if government departments are to feel the permanent threat that any or all of their activities are to be scrutinised and investigated by committees.

Steps to increase engagement and a higher profile might include: further raising the profile of committee chairs by explicitly promoting them to the media as a counterweight to government ministers; much enhanced use of social media to promote the work of committees and by targeting regional TV and radio in relations to evidence sessions in different parts of the UK. Parliament Live TV is available to anyone with a computer or smartphone: it too could be promoted to allow member of the public to follow committee sessions on particular topics.

Joint working, cross-cutting scrutiny and the role of the Liaison Committee

The departmental, generally service-oriented, nature of UK government has advantages and disadvantages. Among the most obvious disadvantages are: wasteful competition for resources during spending reviews; the near-impossibility of transferring resources from one department to another; failures to co-ordinate services so as to maximise public benefit and the difficulty of agreeing common objectives. Various efforts have been made over the

years to reduce the problems caused by this 'siloed' Whitehall approach. Cabinet committees, inter-departmental initiatives, joint targets, pooling of money and financial incentive mechanisms have all been attempted. 'Departmental' committees, paradoxically, must reinforce the narrow focus of individual departments.

Select Committees can undertake joint inquiries far more easily than departments can cooperate. Indeed, they already undertake joint initiatives. Parliamentary committees face fewer barriers to working together. Clerks have, in many cases, previously worked with other committees. The public would see joint working by committees to improve the effectiveness of government as a major benefit. The Liaison Committee should encourage such efforts.

The Liaison Committee, more broadly, could assume a role as a reviewer and champion of the select committee system. In particular, the Liaison Committee could work with committees to analyse themes, challenges and obstacles faced as inquiries are undertaken. External researchers at institutions such as the Constitution Unit (UCL) and the Institute for Government could (as in the past) be encouraged to analyse and report on the functioning of the select committee system.

It might even be possible for the Liaison Committee to go further than in the past and to take a view on the fitness for purpose of the machinery of government. Such a role might be undertaken under the part of the Standing Orders of the House of Commons which states: "to give such advice relating to the work of select committees as may be sought by the House of Commons Commission". The impact of the way Whitehall operates insofar as it facilitates scrutiny and analysis by select committees would surely fall within the terms of the Standing Orders.

The process of legislating for Brexit has created tensions between Parliament and the executive. Parliament might well come to the view that Brexit provides a prompt and an opportunity for MPs, via the Liaison Committee, to have an enhanced role in shaping the future processes and effectiveness of UK government. Such a role could include issues such as how to distribute powers formerly handled in Brussels and, in the longer term, how best to configure the machinery of government to deliver for all parts of the UK, including within sub-national jurisdictions in England.

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