

GOVERNMENT AND POLITICS CLASS

3 P.M. MONDAY 27 FEBRUARY ROOM 73

RESEARCH FROM TEXTBOOKS/INTERNET THE FOLLOWING:-

1. Changes made in the House of Lords since 1997

reforms in 1999

parliament.uk

2. List ideas and proposals for further changes

Nick Clegg 2012 HoL reform

3. Arguments for and against further change.

Baroness Boothby - "an elected chamber would be a

Human Rights Liberty chair, Shakeribati - "should remain in its current form"

→ too complicated → it works as it is.

→ fairer balance → bishops

→ elected members → hereditary

→ but, if elected, could become another HoC

→ so, elect by a different system or at different times.

"HoL reform package"

Will of the Commons will prevail

December 2011

→ Affront to modern democracy + principles of openness.

→ second session of Paul
There will be a Lords reform

→ Not held to account by the people.

→ removal of religion (i.e. bishops of C of E)

Assess the arguments for and against further reform of the House of Lords.

Isabell Long

March 5, 2012

For centuries there has been much discussion surrounding reforming the House of Lords, but apart from Labour's measures after their election in 1997, where in 1999 they got rid of many hereditary peers, not very much has been done. After the 2010 General Election, during the campaigns for which every party declared to work towards reform of the House, much noise was generated, and now Nick Clegg, Deputy Prime Minister of the UK, in this Coalition government, has started to draw up concrete plans.

The House of Lords exists to scrutinise laws passed by government, and the workings of the government. Disrupting the process now, some may argue, may lead to a lot of bills being passed without proper scrutiny—the mess the reforms will cause would potentially leave the House of Lords in limbo while new lords are appointed and procedures and laws to govern the Lords are passed, a potential upset to current practice and an upset to tradition that they might not be willing to accept in the current climate with the current, shaky state of the Coalition Government.

Nick Clegg's reforms, announced in 2012, are an attempt at restarting the reform process started by the Labour party decades ago when they reduced the number of hereditary peers in the House, to 92, via an election of the previously present Lords. Even after that election, most of the Lords, hereditary or otherwise, do not turn up to the House to vote or sit in on bill debates—some just use their title for their own benefit.

A big case for reforming the House of Lords is that they have always been unelected, therefore unaccountable to the people, and for a chamber that scrutinises and passes legislation, for them not to be accountable and for parties just to push high members into the second chamber on a whim, when they need to win a vote or urgently pass a bill that they do not expect to get through at that time without a few extra votes, is a serious issue. The Lords are deemed often to be experts in certain fields, to know what they are talking about when it comes to debating and amending legislation, more so than the MPs in the Commons who, despite being elected, may not be necessarily competent or with the times—especially MPs in historically 'safe seats'. Going back to the Lords' unfairness, some argue the age old "if it ain't broke, don't fix it" for every aspect of proposed Lords reform, not only this one: it has worked very well for the past decades, despite a slight dwindling where it almost served no purpose just before Labour reformed it, and now it is doing its job, so some might question

important - demonstrate ?

you seem to be skimming the surface of many issues here.

why the Government would mess that up—some may be sceptic and think that it is a smoke screen for other debates going on while the Lords' reform ones are that are much worse for the country. For the case against, related to the impracticality of having an elected chamber, the United States often suffers from gridlock: the principle of having the two elected chambers. In our case, if there was one with a Conservative majority, the other with a Labour majority, there would be a possibility that no bills would get passed because of ideological and policy-based disagreements.

Following on with the "if it ain't broke, don't fix it" argument, the House of Lords' scrutinisation and amendment process is very efficient: take the recent welfare bill: it has now been passed, under threat from the Commons of the use of the Parliament Act, but this bill went backwards and forwards to and from both Houses, being discussed and amended. The House of Lords benefits from having more time to discuss bills, and less pressure to be seen to be dealing with everything all at once, and is not often in the media spotlight, unlike Parliament. With regard to the Lords' ability to delay the passing of bills, it can do so for up to a year, however after that year the bill must be passed. Also, related to the Salisbury Convention that is no longer officially applicable due to the 2010 Coalition and them having to make up an agreement that no voter actually voted for, the Lords' cannot refuse to pass a bill that is directly related to something a Party said it would do in its election manifesto, as the people voted for it, and, equally, though not under the same law, they cannot refuse anything to do with finance—hence the controversy surrounding the welfare and NHS bill's benefit caps and reductions, and the bedroom tax.

An advantage to the House of Lords as it stands now is that there are cross-benchers: Lords who do not belong to any party, who are independent, so in theory as objective as they can be and therefore not affected by potential party whips when it comes to a vote. Another of Nick Clegg's reforms is to have a partly elected House of Lords, 60% elected and 40% unelected: on the one hand, this would be brilliant for democracy as long as the votes for the Lords were held at different times, but on the other, it might be disastrous as every Lord would have to stand for election and the chances of independents getting into power is slim. In addition, a fully elected or partially elected second chamber may just turn into a glorified, richer, House of Commons, which would not be good for the country: we need some differentiation in order to properly scrutinise, and if the Lords are competing between themselves for seats in the chamber, they may not want to agree or scrutinise legislation quite so carefully when they get into the chamber. Also, what about voter turnout for Lords elections? It is highly unlikely that already disillusioned voters (as voter turnout at General Elections shows) want to vote, even at a different time of year that does not coincide with a General Election every fifteen years, for old Lords who they would not think would represent them. Another important thing to consider is that Commons MPs are split up and given a constituency to represent—what would happen with the Lords? In practice, there are far too many of them to each represent a corner of the country. However, to reduce the sheer number of Lords in the country, Nick Clegg is proposing going further than Tony Blair did and cutting the number of Lords in general—not just the hereditaries—to a fixed three hundred. If this went ahead, there would be fewer Lords than Commons MPs, which, some would argue, would be good for ending quite so much elitism in

Cont...

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least 7 ideas
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not really related
to each other.

So?
Aren't

80:20 no?

politics.

The House of Lords has always been populated by usually middle-aged or old, middle class, suited white men. Of late, the United Kingdom has become obsessed with racial, gender, and religious equality, however these principles wished for in modern life have not made their way up into the political chambers. Both the House of Commons and the House of Lords have the same percentage of females: 22%. This is a shocking figure if we think about the proportion of females in society. If we consider the underrepresentation of ethnic minorities (their representation is 5% in the House of Lords), some may argue against the House of Lords' very existence due to it not even beginning to represent society today, so again being "out of touch". This consideration extends to religious representation in the House, too, as bishops are represented (and female bishops are not allowed in the Church of England), but no leaders from other faiths such as Islamic Imams and Jewish Rabbis. Nick Clegg's reforms suggest that Lords will be required to sit for fifteen years, which is an awfully long time for keeping already retired (most probably), old Lords who are almost certainly out of touch with current goings on in rougher parts of the UK, and this may disadvantage the UK's law making and scrutinising process—at least now there is a relatively good influx of new Lords, albeit very few considerably younger.

Some extremely radical minds may think that the House of Lords needs abolishing altogether, as as many as one third of democracies around the world work perfectly well with a unicameral system. Another idea that would restore the Lords' representitiveness is that "normals" are invited to be a part of the chamber (but not become Lords because that would boost their egos and they would no longer be "normals") to give a more real-world view. It could be argued that this latter measure would increase voter turnout because voters percieve politicians to be above them, and so having people of the average social class of the non-voter involved may boost morale and lead to more confidence and an increase in votes, if indeed the House of Lords switches to elections.

In conclusion, reform is a hot topic which is not easily resolvable: there are many arguments in favour, and many against. It remains to be seen how far this Government get, how hard the Lords fight against reform, how many of them come out of the woodwork, but Nick Clegg said in a conference speech laying out his proposals that if there is resistance, "the will of the Commons will prevail".

(Isabell, there are lots of important ideas here but the narrative is almost impossible to follow, too many ideas in each paragraph, no real flow, no real spine/argument.

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You must plan your essays ³ deciding on the 6-9 most important ideas + then devoting 1 paragraph to each. Let your conclusion indicate the most sensible paragraph order. PLANNING WILL MAKE 2 GRADES DIFFERENCE!

successful pressure group activity.

Government U-turn on work scheme (01/03/12)

The government abandoned a central plank of its work experience scheme on Wednesday when it was forced to bow to pressure from businesses to drop benefit sanctions against young people on the programme. Amid threats from some of Britain's largest employers that they would withdraw from the scheme, which has been criticised for exploiting young people, the Department for Work and Pensions announced that participants would now keep their benefits even if they left a placement.

The announcement by Chris Grayling, the employment minister, came after business leaders raised concerns that involvement in the voluntary work experience scheme was damaging their reputations. Participants in the scheme, which offers 16- to 24-year-olds eight weeks of work experience, receive their benefits while on the scheme. Until the government's change of heart, they would have lost two weeks' jobseeker's allowance if they withdrew after a week.

In a statement issued by the DWP, which announced that Airbus, Center Parcs and HP Enterprise Services were joining the scheme, Grayling claimed the "sanction regime" would remain in place, because participants would lose their benefits if they were guilty of gross misconduct. Grayling had earlier acknowledged the change, but later issued the carefully worded statement amid unease from Iain Duncan Smith, the work and pensions secretary, over dropping the sanctions.

News of the change was conveyed by Anne Marie Carrie, chief executive of Barnardo's, one of those who attended a 90-minute meeting with Grayling to discuss the scheme. She told Channel 4 News: "Two things that have come out of it are really important. One is the removal of sanctions for anyone at any time if they leave this voluntary work experience scheme, to make sure we understand it is completely voluntary.

"The second thing that Barnardo's proposed is that we produce a young person's guide to work experience, so they understand what is expected of them."

Grayling acknowledged that the sanctions had been withdrawn. He said: "The employers said to us: 'Look we would like to modify it. At the moment you've got a situation where people can leave voluntarily after the first week. We would like them to be able to sit down later with us in the work placement if it is not working out and say we want to opt out.' We thought that was reasonable. We want to keep the scheme going. It is a positive scheme for young people and so we said fine, we will accept that." The government's change of heart, which follows a series of investigations by the Guardian into the work placements, came shortly after David Cameron denounced as "Trotskyites" some of those campaigning against the scheme.

"It is time for businesses in Britain, and everyone in Britain who wants to see people have work experience, to stand up against the Trotskyites of the Right to Work campaign, and perhaps recognise the deafening silence there has been from the Labour party," he told MPs. *→ pressure group.*

However, the prime minister was forced to announce a review of Whitehall procedures over the appointment of Emma Harrison, the former chair of A4e, as his troubled families tsar. Some employees of her company, which finds work for the long-term unemployed in the separate Work Programme, were subject to a fraud investigation before her appointment. There is no suggestion that Harrison did anything wrong.

Grayling amended the rules for the voluntary work scheme, which falls outside the new Welfare Reform bill, after business leaders expressed their frustration to him in their 90 minute meeting.

One executive, who was present but asked to remain nameless, said: "They were not angry with Grayling himself, but they were very concerned that they had been trying to do 'the right thing' for unemployed youngsters and yet it had turned into bad publicity. The protests were threatening to damage the reputations of their businesses and undermine morale among their existing staff through accusations that working for some employers was 'not a real job'."

Some of the large supermarkets were particularly vociferous, added the executive, who said there was a feeling that the debate had been lost by the DWP to protesters in the media. "Most people at the meeting told Grayling they supported the general scheme and said their local managers got positive feedback from the youngsters, but they

made clear the government had to make changes to it or they would be forced to pull out." Brendan Barber, the TUC general secretary, said: "We welcome the government's climbdown on the use of sanctions in work experience. Of course proper work experience can be useful and helpful for many young people, but it needs to be designed to help the young person, not provide free labour for employers or displace paid staff. Making absolutely clear that it is voluntary at all times will help safeguard against abuse."

Grayling denied he had caved in to the "Trotskyists", saying: "The real argument of the Trotskyist is that unpaid work experience is wrong, and is denying people the right to work; they are wrong." Grayling pointed out that only 220 participants in the scheme had had their benefits withdrawn. This sanction was at the discretion of jobcentre staff.

Critics of Grayling and the DWP will say that they should have acted earlier to get rid of any accusation that the scheme amounted to "workfare", since he has been under pressure from employers for more than a week on the issue. Mark Dunk, from the Right to Work campaign, said: "The dropping of sanctions for the work-experience scam is one battle won, but the wider fight goes on. Forced unpaid work still continues in the form of the mandatory work activity and community activity programme. We demand that the government immediately drops not just one of its forced labour schemes [but] all of them.

"There should not be any young person anywhere forced to work for no pay. Everyone on any training scheme should receive minimum wage or above. We demand real jobs now for all."

Katja Hall, the CBI's chief policy director, said: "It's good to hear that many more employers are signing up to give young people a chance to get experience of work."

"Gaining hands-on experience of the workplace is vital to giving young jobseekers a foot in the door, and it can make such a difference when they are applying for interviews. The advantage of this scheme is that they gain work experience while remaining on benefits."

From the UCL Report (June 2014) into Select Committees (Russell and Benton)

→ hopelessness

Recent years have been characterised by scepticism – sometimes verging on cynicism – about the effectiveness of the British House of Commons. Particularly during the time of large government majorities following the 1997 and 2001 elections, MPs came to be characterised as 'poodles', and doubt was expressed about the extent to which the Commons could have a genuine impact on government policy. This was reinforced by the fact that during the entire period of Tony Blair's premiership, the government was defeated only four times in the House of Commons (though far more frequently in the House of Lords).

Whether this picture of the Commons' limited legislative influence is justified has been called into question (e.g., Hansard Society 2008), and the issue is certainly worthy of further research. But it is notable that one aspect of the House of Commons' operation is almost universally viewed more positively: the departmental select committees, responsible for scrutinising government departments and conducting inquiries. Rush (2005: 239) notes that these '[i]nvestigatory committees... are widely regarded as the most effective form of scrutiny' in the Commons. Even those who have expressed strong concerns about parliamentary effectiveness in general note that '[o]ne of the most important innovations in Parliament in recent years has been the establishment of many more Select Committees... [which] has greatly enhanced the capacity of MPs to scrutinise the decisions taken by individual departments' (Power 2006: 140). Since the establishment of the departmental system of committees 30 years ago, they have come to be highly regarded both inside and outside parliament.

There is less certainty, however, about the degree to which these committees are influential on government policy. For example one popular textbook on British politics notes that 'Few departmental select committee reports are debated on the floor of the House of Commons, and ministers can (and generally do) ignore them' (Leach, Coxall and Robins 2006: 234). Yet while it is true that many committee reports are never debated, assertions about government responses to them are made on the basis of very limited evidence. There has been relatively little study of the select committees in the past 30 years, and an assessment of their policy impact is difficult. Nonetheless, given the growing profile of these committees, such an assessment is clearly needed. If the committees are influential this may change our view about the effectiveness (or otherwise) of parliament. And if they are not, or if that influence is limited only to certain committees, or certain committee activities, then this is something that the parliamentary authorities need to know.

What do select committees do?

[Select committees are appointed to examine the spending, policies and administration of government departments.]

The Liaison Committee's agreed list of core tasks for the committees includes a wide range of activities. In addition to annual reports and responses from the Government, select committees produce a number of reports:

❑ **Inquiry reports:** Inquiries are the primary tool that committees use to evaluate and contribute to government policy. The subject of inquiries may be long-lasting areas of interest that the committee returns to periodically or one-off investigations into specific decisions. Inquiries usually take evidence from ministers, experts and the public in order to scrutinise policy proposals or identify and examine areas of emerging or deficient policy. The resulting reports generally include a set of conclusions and/or recommendations. However, a small number of inquiry reports make no recommendations, or take no evidence.

❑ **Departmental annual reviews:** Most committees conduct regular scrutiny of departmental annual reports. These provide an opportunity for committees to fulfil their core task of scrutinising the expenditure of the department. They also allow committees to question senior civil servants and ministers on a broader set of issues than during an inquiry. Examples include The Creation of the Department for Business, Innovation and Skills and the Departmental Annual Report 2008-09 (BIS, 2009) and the Foreign Affairs Committee's Foreign and Commonwealth Office Annual Report.

❑ **Other regular monitoring reports.** This category includes all other monitoring reports, scrutiny of estimates and arm's length bodies. Examples include the Defence Committee Major Procurements Projects Surveys, and the regular PASC report Ministerial Accountability and Parliamentary Questions.

❑ **Pre-legislative scrutiny.** Another of the core tasks of select committees is to scrutinise draft bills published by the department. Examples include the report by PASC on the Freedom of Information Draft Bill (1999) or the Home

Affairs Committee on the Extradition Bill (2002). Occasionally committees report on bills presented to parliament rather than draft bills

▣ **Pre-appointment scrutiny.** The last few years have seen an increase in pre-appointment or confirmation hearings, including chairs of regulators, inspectors and other arm's length bodies. Reports of this process include PASC's Selection of a New Chair of the House of Lords Appointments Commission (2008) and reports of The Monetary Policy Committee of the Bank of England: Confirmation Hearings by the Treasury Committee.

▣ **Informing the House.** Select committees formally issue all of their reports to parliament, but most committee work is aimed at and concerns government. However sometimes committees direct reports very specifically at the House of Commons, for example to provide material for debate in Westminster Hall or the chamber, or simply to provide information to other MPs. These reports tend not to make recommendations, but may take the form of reporting on an overseas trip, announcing interim findings of an inquiry, or updating the House on an issue previously reported on. They do not in themselves constitute reports of an inquiry. For example the BIS Committee report Enterprise Policy in the Regions (2001), the Foreign Affairs Committee reports Visit to Turkey and Cyprus (2007) and the Home Affairs Committee report Bulgarian and Romanian Accession to the EU: Twelve Months On (2008)

• **Review of government response.** Sometimes committees produce reports which follow up the government's official response to a previous report, usually because the committee is dissatisfied with the quality of this response. Entering into a dialogue with government in this way rather than just moving on to the next inquiry demonstrates that the committee is not prepared to let the issue die. It may therefore help keep the department on its toes. Examples include the Foreign Affairs Committee's Human Rights Annual Report 2000: Follow-up to Government Response (2001).

Conclusions

▣ Some of the key findings here are that committees are producing increasing numbers of reports, and most of these respond to government policy initiatives. Fewer than one in 10 reports could be considered 'agenda setting'. We estimate that over this period select committees produced around 1450 inquiry reports (approximately 110 per year), and almost 40,000 recommendations and conclusions, of which 19,000 (around 1450 per year) were recommendations aimed at central government.

▣ Select committee recommendations call for a wide variety of actions by government. Relatively few (around 20%) relate directly to flagship policies as identified in government manifestos and Queen's speeches. Around 40% of recommendations call for only a small policy change or a continuation of existing policy, while the remainder call for larger changes.

▣ Contrary to the beliefs of some sceptics, around 40% of committee recommendations are accepted by government, and roughly the same proportion go on to be implemented in practice. Calls for small policy changes are more likely to be accepted and implemented, but around a third of recommendations calling for more significant policy changes also succeed.

▣ In terms of other factors associated with the success of recommendations, those calling for disclosure of information have a higher success rate than others, as do recommendations coming from a committee with an opposition chair. This latter effect may occur, somewhat counterintuitively, because opposition chairs make greater efforts to avoid knee-jerk criticism and to build cross-party consensus.

▣ There was general consensus, however, that adoption of committee recommendations is only one form of committee success, and perhaps not even the most important one. Select committees influence the policy process in many other more subtle, and less measurable, ways. We suggest seven forms of non-quantifiable committee influence: contributing to debate, drawing together evidence, spotlighting issues, brokering between actors in government, improving the quality of government decision-making through accountability, exposing failures, and perhaps most importantly 'generating fear'.

▣ Although select committees are in many ways very successful, there is still room for improvement. We identify a number of problems, some of which have been widely commented on before. These include committees' frequent failure to follow up their recommendations; committees' relative inability to commission their own research; poor

attendance and attention to detail by some committee members; and a failure by some in government to take committees sufficiently seriously. These last two points are interlinked: if committees can resolve the first, the second may resolve itself. An additional challenge is how to manage committees' relations with the media: media attention may benefit committees' status and influence, but being too media-driven can become a problem.

☐ Although this report focuses largely on committees' influence on government, we also find that some committees can have significant influence outside government, including on industry. This influence comes in particular through 'exposure'.

Some examples of successful committee reports

Smoking in Public Places (Health Committee, 2005)

Labour's 2001 manifesto promised a partial ban on smoking in public places. A 2004 white paper consulted on a ban excluding membership clubs and licensed premises that did not serve food. Following consultation, Cabinet decided to stick with this policy, despite Health Secretary Patricia Hewitt reportedly favouring a more comprehensive ban. It was then included in the 2005 Health Bill. In response to the bill, the committee produced a report based on evidence from 40 witnesses, over 1000 responses to the chair appearing on Radio 4's *You and Yours*, and a visit to Ireland to view effects of a comprehensive ban. It argued against a partial ban for various reasons, including logistic problems and the need to protect all workers from second hand smoke. Parliamentary pressure mounted: committee members tabled an amendment for a total ban and 90 backbench MPs signed a motion to the same effect. Negotiations between the committee chair and whips helped secure a free vote at report stage and the committee worked with the health lobby to persuade MPs to vote for a comprehensive ban, which they did overwhelmingly. The committee was not unique or even agenda-setting in calling for a full ban, but it provided crucial political reinforcement for the mounting medical evidence, and MPs took its endorsement seriously. As one put it, the committee 'crystallised an idea whose time had come'. The then Chief Medical Officer has described the committee as 'highly influential' due to the perfect timing of its intervention.

The Welfare of Former British Child Migrants (Health Committee, 1998)

The Health Committee described former child migrants – British children mainly in the care of voluntary organisations who were emigrated to former Dominions in the 1920s-60s – as 'a group whose fate had largely been forgotten'. Its inquiry received 300 pieces of written evidence, many handwritten from previous child migrants, and it visited Australia and New Zealand. The report argued that child migration was a 'bad, and in human terms, costly mistake' and made recommendations for reparation and reunions. In direct response to the committee's recommendations, the Department of Health set up a central database of records and a support fund of £1m to pay for family reunions. Frank Dobson, then Health Secretary, claimed that the committee influenced him 'significantly' and that policy changed as a direct result. Revisiting its recommendations in *The Committee's Work, Sessions 1997-98 to 1999-2000* (2001), the committee concluded that the government had accepted and implemented most of its recommendations. But developments did not stop there, as Gordon Brown apologised on behalf of the nation in February 2010 and pledged a further £6m for travel and reunion costs. The committee thus, as one interviewee put it, was 'not just a catalyst' but also a 'major player in the long-term process'. This inquiry was described by a member as one of the committee's biggest successes.

Cash Machine Charges (Treasury Committee, 2005)

This was one of a series of inquiries carried out by the committee into transparency and value for the consumer in the financial services industry. The report is relatively unusual (though not untypical of the Treasury Committee), in aiming many of its key recommendations at industry, rather than government. The committee took evidence from industry figures, drawing attention to the rising number of cash machines that charged for withdrawals, particularly in low-income areas. It saw risks of free cash machines increasingly being squeezed out, expressed concern about lack of transparency in charging, and called on the industry to agree and enforce tougher standards. Such standards were accepted by the industry during the course of the inquiry, though the committee report called for these to go further. It also concluded that 'an absence of effective self-regulation beyond this year would not be acceptable', leaving the threat of greater government intervention clearly hanging over the industry. The exposure provided through industry and other figures giving evidence, combined with this threat, was sufficient to result in several of the committee's main recommendations to industry being adopted. This issue clearly has a major impact on the lives of the British people, and cash machines which charge for withdrawals must now be clearly labelled.

Domestic Violence, Forced Marriage and 'Honour'-Based Violence (Home Affairs, 2008)

This was a busy policy field with lots of work being undertaken by government including a national domestic violence delivery plan, inter-ministerial group on domestic violence and dedicated Forced Marriage Unit. Nonetheless the inquiry led to concrete policy changes, including a 'Together we can end violence against women and girls' strategy. Both specialist advisers on the inquiry were involved in implementing the strategy – one at the Home Office and one through the Association of Chief Police Officers. Domestic Violence Protection Orders recommended by the committee were also due to be piloted, but were deferred by the coalition government in August 2010. The evidence sessions also led to changes: the reluctance of some schools to display posters from the Forced Marriage Unit received a lot of media attention, and led to revised guidance to schools even before the committee reported. During the inquiry the government also announced measures to help victims of domestic violence with insecure immigration status and no recourse to public funds. It 'felt like the government was listening' said one of those involved with the committee. In a follow-up evidence session in early 2010 the chair described the original recommendations as having been received 'very warmly at the time'. This evidence session found that many of the committee's concerns had been addressed but there was still considerable progress to be made.

The Second Chamber: Continuing the Reform (PASC, 2002)

Reform of the House of Lords was rarely off the agenda during Labour's time in office. The hereditary peers were removed by the 1999 House of Lords Act, and a Royal Commission was asked to consider the 'second stage' of reform, reporting in 2000. In 2001 government produced a white paper, *The House of Lords: Completing the Reform*, accepting the Commission's proposal that the reformed chamber should be largely appointed. PASC examined the white paper, and this report was its critique. Based in part on a survey of MPs which showed that only 7% supported the mainly appointed option, while 66% favoured a largely or wholly elected second chamber, the committee urged that the government proposals be dropped in favour of a 60% elected house. Under this and other pressure the proposals were abandoned, and free votes held in 2003 with inconclusive results. Further Commons free votes in 2007 favoured a largely or wholly elected chamber, and a 2008 white paper *An Elected Second Chamber: Further Reform of the House of Lords* proposed to bring this into effect. The same policy is supported by the current coalition. PASC's report was influential in debate, and several of its detailed recommendations were adopted many years later by government. Its proposal that 'the next step would be the production of a draft Bill for consideration by a joint committee of both Houses' was finally acted upon in 2011, nine years on. The committee therefore achieved both negative and positive effects: firstly, in helping block government policy in a major area, and second by providing alternatives which went on to be adopted far later.

Overseas Territories (Foreign Affairs Committee, 2008)

In 2007-08 the committee conducted a major inquiry into the UK's overseas territories (OTs), for which the FCO has responsibility. The committee received a large quantity of written evidence from inhabitants, and in mid-March 2008 visited several overseas territories, including the Turks and Caicos Islands (TCI). It found that there was a 'palpable climate of fear' on TCI, and received serious allegations of corruption. As a result, the outgoing Governor announced the appointment of a commission of inquiry and in 2009 the minister responsible for the OTs announced a need to suspend parts of the TCI constitution and restore direct British rule. In a follow up report in 2010 the committee warned of the failure of government to put in place adequate funding arrangements for the work of the Special Investigation and Prosecution Team. The new government has agreed to delay the elections due to be held in August 2011 in TCI, and accepted the committee's analysis that there is a 'serious and deteriorating problem in the Turks and Caicos Islands'. This inquiry is widely cited as the most influential by the Foreign Affairs Committee over our study period. One interviewee described it as a 'clear case of influence on government policy, which – at least to staff and members – feels unusual'. But a former minister claimed that the committee influence was a matter of luck: they stumbled across the problem because they had time and resources to visit, so 'it was not the mechanism of the select committee... the all-party group would have found the same thing'. It is clear that the capacity of the committee to go on visits made a difference here: one clerk described this type of committee influence as 'turning over stones'.

1. How effective do you think Select Committees are in scrutinising the work of Government?
2. What changes have been made to Select Committees since 1979 to improve their effectiveness?



THE LONDON SCHOOL
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The select committee system is more effective than ever before. Now, a thorough review of their core tasks and resources is needed, to avoid them being bogged down under the weight of increasing workload and expectations.

Select committees in government are not new, but they have recently had a boost to their status and reputation – in July, millions watched the Culture, Media and Sport select committee question Rupert and James Murdoch over phone hacking. The Hansard Society's Matt Korris argues that the increasing role and public expectations of select committees now places them with an unprecedented workload. A thorough review of the system is needed to ensure select committees can build on their successes and remain effective.

Select committees are one of the great success stories of Parliament. Over the last 30 years they have become the principal mechanism through which the House of Commons holds the executive to account and have influenced the direction of government policy and legislation. Reforms in the past decade have increased their status and sharpened their operation, particularly the recent change to elect committee chairs and members, and events such as the banking crisis and the phone hacking scandal have given committees and their work a higher profile than ever before. However these successes mask underlying questions about the functioning of the select committee system. Many new demands have been placed on committees in recent years, their workload is increasing and public expectation of them has been heightened, and yet resources are finite and will come under increasing pressure in the future as a result of budget cuts.

The workload of committees

Committees have a set of 10 core tasks, set out in 2002 (following a recommendation of the Hansard Society's Scrutiny Commission), to guide their work. These include examining government policy proposals (white papers, green papers etc.), departmental decisions and outputs, pre-legislative scrutiny of draft bills, scrutiny of the implementation of policy and legislation (post-legislative scrutiny), departmental expenditure, the workings of Executive Agencies, Non-Departmental Public Bodies (NDPBs) and regulators, and major appointments made by the department.

The sum total of these tasks, for even a medium-sized government department, represents a huge workload for a committee of 11 MPs (and four or five staff). And while no committee can be expected to cover everything during the course of a parliamentary session, there are concerns that an impending increase in the weight of work is going to stretch their ability to cover even a sensible, representative fraction of it.

The new or expanding areas of work cover a variety of the core tasks, the most high profile being an increase in pre-appointment hearings for appointees to senior public offices. These were introduced in 2008 on a pilot basis, and after more than 30 hearings in three years, are here to stay. The Treasury Committee last year secured the right to veto the Chancellor's appointment, and crucially also the dismissal, of the head of the new Office of Budget Responsibility. The Liaison Committee has recently set out a list of just over 60 posts that it believes select committees should hold veto-enhanced pre-appointment hearings for (while leaving to the committees' discretion whether to hold hearings for the many other lesser posts).

Committees are also likely to be burdened with more pre-legislative scrutiny as the government embarks on its second legislative programme from May next year. Ministers in both Houses have repeatedly stated their intention to bring forward more draft bills in subsequent sessions, and while similar undertakings were made and not realised under the previous administration, an increase in the number of draft bills is likely and will put significant pressure on committee time and resources.

Another reform that potentially brings with it extra work is the new system for post-legislative scrutiny. In 2008 the government committed to publishing a review of every Act of Parliament (other than financial measures) between three to five years of Royal Assent to assess their impact, with the intention being that select committees would analyse these reviews and undertake their own investigation if required. This was backdated to start with Acts passed in 2005, so only recently have these reviews started to be published in any number for select committees to consider.

A number of other reforms also have significant workload implications; improved financial reporting by government departments will heighten expectations that committees undertake detailed scrutiny of public spending, especially during a time of economic uncertainty and austerity measures, while the 2008 Planning Act requires committees to scrutinise proposals for National Policy Statements on planning.

The expansion of the role and function of select committees in this way, and the extra demands and opportunities that arise as a result raises questions about the extent to which committees are in command of their own agenda. There is a danger that the very success of committees makes them the default option for all additional parliamentary activity that arises and that government may have too much influence upon them by adding new tasks to their workload. The increasing demands on select committees and their members have been explicitly referred to in the last 18 months both by the Reform Committee and the Liaison Committee, with both recommending that a review of the core tasks is needed. It is now essential that this takes place.

Reviewing the select committee system

A review must balance the case for a more prescriptive approach with the clear predisposition of committees to retain their ability to set their own agenda. While the current formulation of core tasks has helped move select committees towards a more systematic form of scrutiny, any attempt to expand them would bring the system up against both its own limited resources and in conflict with the members who perform these roles.

Greater definition of the core tasks is therefore essential for committees to plan their work more effectively over the course of a parliament, ensuring that they are making the best choices possible about what policy areas and bodies to scrutinise, and providing some form of accountability and transparency for those choices. For example, scrutiny of the work and expenditure of 'executive agencies, NDPBs, regulators and other associated public bodies' referenced in Tasks 5 and 7, and 'major appointments' in Task 8 leave it entirely open to each departmental committee to decide which bodies and appointments it will focus on. As a consequence some bodies and appointments attract more attention than others, and large areas of departmental operations go unscrutinised. The review should also examine how committees follow-up their work. The current model encourages committees to undertake inquiries, hold hearings and produce reports, but then often leave the subject entirely and move on to other things. Committees should seek to maintain a watching brief on areas they have scrutinised, examining whether their recommendations have been implemented, and calling ministers to fresh evidence sessions to account for progress.

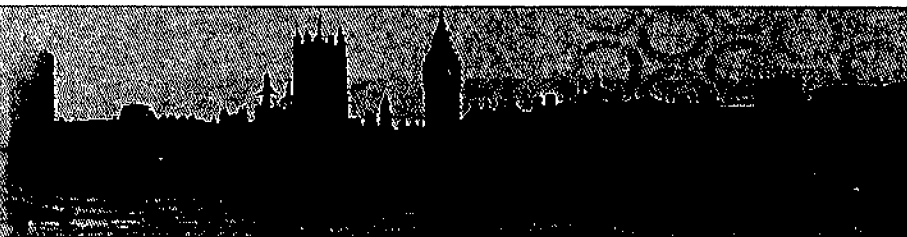
This should go alongside some self-examination by committees. They should review the inquiries they have undertaken and recommendations made, and reflect upon their coverage of the core tasks over a parliament. Committees in Scotland produce legacy reports at the end each parliament that perform this function, setting out the areas they have covered, the progress made, and a possible roadmap of future work for their successors. Committees in Westminster should look to maximise the value of such a system both for self-evaluation and improvement and also the cementing of institutional memory.

The review should also consider whether cross-cutting policy committees, involving members and resources from a number of committees, would be beneficial to tackle cross-departmental issues (such as government policy on young people). There is the potential for committees to take a more innovative approach to the use of their resources and the harnessing of external support.

The select committee system is more effective than it has ever been. But to maintain their development, and avoid being bogged down under the weight of increasing workload and expectations, a thorough review of their core tasks and resources is needed for them to continue to develop and prosper in the future.



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MPs exert their most effective influence on UK public policy via the network of select committees in the Commons that monitor each Whitehall department and the cross-departmental Public Accounts Committee. Last boosted in 1979 by the Thatcher administration, select committees have just won enhanced autonomy from government and party control, with the election of their chairs and choice of their members by all MPs. But Patrick Dunleavy and Chris Gilson argue that they also need to increase their salience in attracting MPs' attention, and to urgently find a better way of researching the implementation issues they investigate.

It was the elegant Tory 'wet', Norman St John Stevas, who in 1979 founded the modern select committee system, by setting up a committee to shadow each of the main departments of state. A minister despised by (and eventually sacked by) Margaret Thatcher, St John Stevas none the less made the most important advance in Parliament becoming a more effective policy-making influence ever since. The Committees became more influential over time, forcing government ministers and departments to explain how policy implementation has been undertaken and to explain where things have gone wrong. The committee Chairs began to be paid a small token salary on top of their MPs basic pay, reflecting their increasing importance in UK governance. And the Liaison Committee of chairs under Tony Blair began to quiz the Prime Minister every six months.

One of MPs' biggest grievances about the Committees, however, was that they were too open to control by the party whips (especially the government whips, since governing party members are in a majority on each committee). In particular, the whips could select the members (often apparently selecting perverse choices) and try to rig the choice of committee chairs to give the government an easier ride. Some of the Blair era manipulations of committees' deliberations were breathtaking, such as the attempt to deny Gwyneth Dunwoody the Chair of the Transport Committee in 2001. There were also concerns that former ministers had on occasion been given the committee chair as an extension of the already pervasive system of party 'patronage'. And Labour ministers rarely missed the opportunity to delay setting up committees or calling their first meetings for months after each general election.

Now with another liberal Tory, Sir George Young, as Leader of the House of Commons, a programme of reforms drawn up by the Labour MP Tony Wright in the last Parliament has been fully implemented which should curb future abuses. Essentially the key changes enhance the committees' independence and their ability to form a 'corporate' or cross-party identity to counteract the ever-present partisanship in the Commons and to push for information and explanations in the interest of better scrutiny and good government.

The Committee chairs have now been elected for the first time, producing a balanced set of government party and opposition chairs, and with MPs as a whole clearly opting for the more independent-minded and dedicated candidates. The next stage will be that MPs as a whole settle the committee memberships, a complex task that has now been taken out of the whips' control. Parliament also has until 29 July to actually form the Committees, and with rumours washing around Westminster that actually almost no legislation is ready to be considered, this seems like a good opportunity for the committees to kick off their activities promptly.

The reforms enacted have also done a little to address a second problem that has plagued the committees, namely the difficulties of attracting the active participation of even those MPs appointed to them. A recent study of the longest-lived and most influential committee, the Public Accounts Committee, showed that over a long period up to 2009 the average attendance of its members was just 45 per cent of meetings. Yet the PAC has a critically important role, scrutinizing public spending and reviewing more than 60 reports a year from the National Audit Office. The new rules enacted by the Commons mean that any member of PAC or one of the select committees who fails to show up for 60 per cent of meetings will be automatically removed from the relevant Committee.

<http://blogs.lse.ac.uk/politicsandpolicy/2010/06/15/the-house-of-commons%E2%80%99-select-committees-are-now-more-independent-of-government-but-are-they-any-better-informed/>

A third key problem remains untouched, however, namely the plain obsolescence of the predominant way in which committees operate, without any capacity to do research or independent information-gathering of their own. Each committee has a Clerk (usually a generalist official), whose role is mainly procedural and focuses on keeping the committee's secretarial staff on top of its many papers and activities. In addition there is a researcher called 'committee specialist', often in fact a not too well-qualified and fairly junior staff member. The committee Chair will also recruit two or three 'specialist advisors', usually outside professionals or university academics, who are paid tiny amounts to advise the chair and clerk on issues and people for the committee to talk to. This leaves the committees very reliant on calling witnesses, taking oral evidence, and making the odd visit here or there, as their main ways of gathering evidence – an essentially nineteenth century model of investigation.

It would not be hard to bring in better methods of information gathering, at little or no net additional cost. The National Audit Office already has teams of researchers covering each of the Whitehall departments, and masses of information that never gets considered by PAC or makes its way into the public domain via the NAO's now increasingly abbreviated and rather vague reports. The whole of the NAO's £80 million annual budget (covering 750 staff) also produces just 60 'value for money' reports that funnel through one single Commons committee, PAC. Given the fiscal stress on UK government for the next five years, an attractive way of NAO beginning to deliver more value for money for taxpayers would be for their departmental-monitoring teams to also begin to advise the relevant select committee on where to look and what to ask about policy implementation.

A more far-reaching reform would be for the Public Accounts Committee to stop trying to consider any single-department reports, which should be handled by the relevant select committee instead. This would leave the PAC free to develop its really critical and unique roles of covering all cross-departmental issues (like monitoring spending cuts, or combating the information technology disasters plaguing UK government), taxation and the some big-spending zones (like defence spending and the Department of Work and Pensions benefits systems) in a more professional and focused way.

1 Summarise in 100 words the 3 key problems with Select Committees according to this LSE Blogger.

2. Major revision Task:

Identify all of the ways in which parliament attempts to hold government to account. For each, research and note down an example of successful action and ineffective action.

In 150 words, explain how parliament could be more effective in holding the government to account.