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Bates, Stephen; Thompson, Louise; Goodwin, Mark; McKay, Steve

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Still deviant? The development and reform of the UK House of Commons committee system, 1979 to present

Stephen Holden Bates, Louise Thompson, Mark Goodwin and Stephen McKay

Introduction

The UK committee system has idiosyncrasies that have led to it being described as a ‘deviant case’ in comparison to committee systems elsewhere (Mattson and Strøm, 1995). The most important element of this deviancy is the operation of two distinct committee systems: Select Committees (SCs) mainly carry out scrutiny and hold government to account, while general committees, of which the most important are Public Bill Committees (PBCs), work on legislation. A second element is the weak formal powers of committees and, particularly with regard to PBCs, their lack of independence from government. Neither type of committee is able to initiate legislation and SCs cannot propose legislative amendments; neither can they compel witnesses to attend (although most do attend in practice); membership of PBCs is determined by party managers; both types usually have an in-built government majority; the government is not required to act on SC reports and sometimes does not respond to them; and, despite some recent gains in this area, the time available for PBCs and for debate on SC reports in the main chamber of the Commons is restricted and mainly controlled by government. As a consequence, the UK Parliament has most often been viewed as a chamber-driven, rather than a committee-driven, legislature (Arter, 2002).

As the two systems have quite different functions, powers, and processes, we discuss each committee system separately in the first three sections concerning formalities and structure, actors, and interactions. In the fourth section concerning committees in the policy process, we discuss each of the systems in turn and only when relevant to the different stages of the policy process. In the conclusion, we consider whether the UK committee system remains an outlier by evaluating

the reforms implemented over the past two decades with the aim of strengthening the influence, effectiveness, and independence of committees. We argue that, while recent reforms have added to the independence and resources of committees and while committees do often exercise influence both through visible, formal mechanisms and informal persuasion, the weaknesses resulting from the division between the legislative and scrutiny function and the lack of coercive powers with respect to government remain. As such, in terms of the strength of parliamentary committees, while the UK may well be playing catch-up with other countries around the world, it is very far from becoming a committee-driven legislature.

Formalities and structure

The two main and distinct classes of committees in the UK system are select committees and general committees¹. SCs are (semi-)permanent committees whose main business is to scrutinize and hold government to account. Their membership is renewed after each election but the committees themselves are established for an indefinite period. General committees (including PBCs and private bill committees) are legislative committees. In the House of Commons (HoC), they are established on an ad-hoc basis (with, therefore, a non-permanent membership) in response to the introduction of legislation on the floor of the House. They are dissolved once their scrutiny of the bill in question is concluded. In the House of Lords (HoL), general committees comprise the whole House, meaning that all peers may participate. The vast majority of legislative work done by committees in the UK takes place in PBCs. Due to issues of space, we focus below mainly on SCs and PBCs in the Commons.

Select Committees

Although SCs have existed in some form for centuries, the present system is a relatively recent innovation, having been established in 1979. Since 1979, there have been three main types of SCs: *departmental*, which are installed to scrutinize a particular government department (e.g. the Treasury SC scrutinizes the Treasury, etc.); *administrative/domestic*, such as Procedure and Backbench Business, which focus on matters internal to the running of the HoC; and *cross-cutting scrutiny*, such as Public Accounts and Science and Technology, which deal with specific aspects of government activity or issues which cut across government portfolios. The HoC has committees of all three types; the HoL only has cross-cutting scrutiny committees and administrative committees. HoC SCs are established following a general election for the duration of a Parliament. In the Lords they are established only for one parliamentary session, although by convention the renewal of committees during the course of a parliament is a formality, meaning that Lords SCs also tend to endure for a full parliament.

The number of HoC SCs has grown over time from 33 full committees in the 1979 to 1980 parliamentary session to 44 in the 2015 to 2016 parliamentary session (with a peak of 50 in 2009 to 2010 when regional SCs were also in existence)². The number of departmental SCs is determined by the shape and size of the government, and in recent times has been around 20 in number. The House of Commons Standing Order 152 states that there will be a SC for each of the principal departments of government (2017: 193). Beyond departmental SCs, the number of other SCs is determined by those established by the standing orders published at the start of each parliament. As a result, these numbers remain relatively stable over time, although the government can amend the standing orders to modify, create or abolish a SC³.

In 2010 there were a number of reforms of the HoC SC system (usually labelled the Wright Reforms). One of these reforms, introduced because of a concern that the size of committees was creeping upwards to unsustainable levels, was to set the number of departmental SC members at 11 (with the exception of the Northern Ireland Affairs SC which has a membership of 13 to accommodate members from the small Northern Irish parties). The size of other SCs is again determined by the standing orders with membership numbers usually ranging from eight to 16. Lords SCs usually have 12 members, with some variation.

Meetings of SCs are typically public although private sessions are also held, including for consideration of draft reports. Over the nine parliamentary sessions covering the period 2007 to 2017, there was an average of 38.5 meetings per session per committee. Of these 38.5 meetings, 28 (73 percent) were oral evidence meetings, or what might be called hearings, (98 percent of which were public meetings and 2 percent private) and 10.5 (27 percent) were private meetings for members (and clerks) only⁴. Minutes of both public and private meetings are made available and public sessions are televised and/or streamed via the internet.

The formal powers and responsibilities of SCs are set out in the standing orders. For those committees shadowing government departments, the role is described as follows in Standing Order 152:

(1) Select committees shall be appointed to examine the expenditure, administration and policy of the principal government departments ... and associated public bodies. ...

(4) Select committees appointed under this order shall have power

(a) to send for persons, papers and records, to sit notwithstanding any adjournment of the House, to adjourn from place to place, and to report from time to time;

Yet, despite the presence of standing orders relating to SCs, their precise role and function at Westminster is not always absolutely clear. Since 2002, the rather broad requirement outlined above has been supplemented by a list of core tasks drawn up by the Liaison Committee – a committee made up of the chairs of the main SCs. The current five core tasks concern scrutinizing policy, implementation, administration, expenditure, and matters of public concern. In the main, the latest iteration is simply a re-structuring of previous iterations, the exception being the introduction of a new core task related to matters of public concern. This addition is a formal codification of trends witnessed in (some) SCs over the past decade or so.

In practice, the main task of SCs is to undertake inquiries on specific topics by gathering evidence and producing reports. Most SC meetings are ‘evidence sessions’, or what might be labelled ‘hearings’: meetings at which witnesses are invited to answer questions put to them by the committee in relation to a specific topic of inquiry. SCs invite government ministers, senior officials, policy experts, interest groups representatives, and other figures of public importance to attend. Alongside the oral evidence given by these witnesses, SCs also invite submissions of written evidence from these groups and the wider public. The combined evidence is then compiled into a report with recommendations for government, to which the government must respond within a specified period, and that may also be debated by the HoC as a whole. SCs also hold pre-appointment hearings for public appointments within the area of competence of the committee. Committees may make recommendations on candidates, but these are not binding on the government, which retains final discretion over public appointments.

Public Bill Committees

Legislative committees in the HoC were introduced by Liberal Prime Minister William Gladstone in 1882. Although associated today with the scrutiny of legislation, their introduction was based on the grounds of efficiency and the avoidance of parliamentary obstacles. Gladstone's legislative agenda was being delayed by obstructive behaviour from Irish MPs. Legislative committees were intended to expedite the passage of the government's legislative programme and to free up time on the floor of the House for other parliamentary business. From 1906 all bills, apart from finance and appropriations bills, were sent to a bill committee following their second reading on the floor of the HoC, and this was confirmed through changes to the standing orders.

Contemporary bill committees bear little relation to their predecessors in terms of size or appointment (Thompson, 2015: 31-44). Early standing committees were very large, with up to 80 members, and only covered specific policy areas. In the mid-twentieth century, membership consisted of two tiers; a core of specialist, permanent members, and an outer circle of ad-hoc members. Today, PBCs are central to the legislative process and are responsible for scrutinizing around 30 to 50 pieces of government legislation each session. All bills which pass their second reading debate and vote in the HoC will have a committee stage, which, for most, will take place in a small ad-hoc PBC of around 14 to 19 members⁵. In all parliamentary sessions, the committee stage accounts for more parliamentary time than any other stage of the legislative process (Thompson, 2015: 1).

The principal work of a PBC committee is to scrutinize the bill before it on a 'line by line' basis to ensure that it is generally acceptable and has no unintended consequences. MPs may attempt to add, amend, or remove any words, phrases, clauses, or schedules within the bill, though any

changes require either the acquiescence of the government minister or the assent of the majority of the committee. Committee debate proceeds through amendments and what are called ‘stand part’ debates on particular (sets of) clauses. In the 1980s, bill committees gained an additional capacity to take oral evidence, though these evidence-taking powers were very rarely used. It became a much more comprehensive procedure from 2006 when the legislative committee system underwent a major reform. Bill committees were given the power to send for ‘persons, papers and records’ (Standing Order 83A) and could therefore take oral or written evidence at the start of the committee stage of any bill. Committees typically hold three or four oral evidence sessions, bringing government ministers, officials and representatives from business, charities, lobby groups, and other external organizations before them. Oral evidence cannot overlap with line by line scrutiny; the latter cannot begin until the former has been completed. When the whole bill has been scrutinized or when the time set aside for scrutiny in the programme for the bill has elapsed, the bill will be reported back to the House. MPs will then debate and amend the bill again at report stage.

As ad-hoc bodies, the membership and duration of PBCs are tailored to the piece of legislation being scrutinized. A committee is appointed each time a bill completes its second reading stage and is disbanded when the bill is reported back to the House. The number of bill committees in operation at any one time, or indeed in any one parliamentary session, is dependent upon the frequency, size and complexity of the government and private members’ legislation being introduced and is therefore highly changeable. There is no limit on the number of committees which may sit at any given time, though only one Private Members’ Bill may have its committee stage at any one time.

The membership of PBCs mirror the party balance of the HoC. Therefore, committee size varies partly due to the need to maintain party proportionality. Mirroring the party balance in the HoC means that the government will ordinarily have a clear majority.

Just as PBC membership mirrors the composition of the House, the layout of the committee room takes shape according to the Commons chamber. MPs sit facing each other in an adversarial fashion, with government MPs on one side and opposition MPs on the other. Seating at the back of the committee room is allocated for members of the public and anyone can attend, although public attendance at committee sessions is very low (usually just a handful) and these seats tend to be filled by representatives from lobby groups, officials and the staff of committee members.

Actors in committees

Select Committees

Before 2010, members were assigned to SCs by party leaders. Since 2010 and the Wright Reforms, committee chairs and members have been elected; the former by all MPs in the HoC through a secret ballot, the latter by party caucuses. This has reduced the ability of government to either appoint loyalists or to block the appointment of ‘troublemakers’ to SCs. The greater independence of committees from government following these reforms has been credited with raising the profile and effectiveness of SCs, although Bates et al. (2017) suggest some of these claims may be lacking empirical support.

The turnover rate of departmental SCs between 1979 and 2015 ranges from a low of 1 percent during the 2004 to 2005 parliamentary session to a high of 39 percent in 2010 to 2012. The mean

average of turnover per parliamentary session for departmental SCs is 13 percent, with turnover tending to be lower at the beginning and end of a parliament, especially when turnover is weighted to take into account the length of parliamentary session (Bates et al., 2017). As reported in McKay et al. (2019), the median duration of committee membership for an individual member is a little under two years for each type of committee. About a quarter of MPs only remain members of a committee for about a year, while another quarter stay on their committees for at least three and a half years. Of all MPs elected since 1979, 69 percent have sat on a departmental committee at some point during their parliamentary career (with 16 percent not sitting on any SC during their time in the House of Commons). 27 percent of MPs have only ever sat on a departmental SC, 15 percent have sat on at least one departmental SC and at least one domestic/administrative committee, 14 percent have sat on at least one departmental SC and at least one other scrutiny committee, and 13 percent have sat on all three kinds of committee at least once during their parliamentary career.

MPs will normally only sit on one departmental SC at a time but may well also sit on other scrutiny or domestic and administrative committees. Chairs of departmental SCs also automatically sit on the Liaison Committee. SCs are intended to represent the voice of backbench MPs, scrutinizing and holding government to account so MPs with a government or opposition frontbench position, however junior, do not serve on SCs.

The four main roles in SCs are: (i) chair; (ii) member; (iii) witness⁶; and (iv) clerk⁷ - civil servants who support the work of parliamentary committees. The chair has significant powers over agenda-setting, chairing meetings, allocating media work, choosing witnesses and drafting reports. In the HoC, chairships are distributed between parties either by convention (for example, the Treasury SC is always chaired by an MP from the main party in government and the Public Accounts

Committee is always chaired by an MP from the main opposition party) or through discussion between party whips at the beginning of the parliament. The distribution of chairs is in proportion to the strength of parties in the House. Since chairs are designated for a particular party, elections are only ever contests between members of the same party, although members of all parties may vote⁸.

The role of chair has become more prominent since the 2010 Wright Reforms and many believe it has become more powerful too (Fisher, 2015; Goodwin et al., 2016; Kelso, 2016). One of the aims of the Wright Reforms was to create a career path for MPs outside of government and for the position of HoC SC chair to be a sought-after career destination. Whether this is now the case is a moot point: witness for example the resignation in 2019 of Nicky Morgan from the position of Chair of the Treasury SC, one of the most prestigious and high-profile committees, to take up a relatively low-profile ministerial position in the Johnson Government. However, it is certainly the case that SC chairs have received a higher media profile since the Wright Reforms and, due to the introductions of elections and the subsequent legitimacy bestowed on incumbents, it is probably the case that chairs have increased independence and authority since 2010 in terms of how their committees are run and the choice of inquiries that are made (Kelso 2016).

Other committee members may advise, make proposals, vote, and amend the recommendations of the chair on the committee agenda, reports, and recommendations. Committee memberships besides the chair are distributed among parties according to the party composition of the House. As a result, the majority of members of any given SC will nearly always be members of the governing party. While nominations and results of elections for chairs are made public, this is not the case for the internal processes by which parties nominate their committee members. As with

elections for chairs, contests for committee memberships are always among members of the same party, although in this case, only members of the relevant party may vote.

Membership of departmental SCs is gendered⁹. Goodwin et al. (2020) find that, over a near forty-year period since 1979, some committees have consistently had disproportionately fewer or more female members than would normally be expected given the overall gender balance of MPs. For example, the Treasury, Foreign Affairs and Defence SCs are consistently very disproportionately male and the Home Affairs, Education and Health are consistently very disproportionately female. Moreover, while there has been some improvement in the proportion of female Chairs since the 2010 reforms (see also O'Brien, 2012), the available evidence on candidacies for chair suggest that women do not put themselves forward as often for committees which cover high-status, traditionally masculine policy areas.

Public Bill Committees

In contrast to the SC appointments system, members of PBCs are not elected, nor do MPs necessarily put themselves forward for membership. Whereas SC membership is considered by many to afford high status to MPs, bill committee membership is traditionally seen as something to be avoided. Indeed, MPs themselves have described PBC work as 'enforced labour' (Wright, 2010: 302).

At least one government minister will be required to take the bill through each committee, but this number may increase to three depending on the size and nature of the bill. Spokespersons from the two main opposition parties will also have a guaranteed place and at least one government whip will join, as will the minister's Parliamentary Private Secretary (PPS). The frontbench membership

may be constant for bill committees which fall under the same broad policy area, but the backbench membership will change. Opposition MPs will be appointed in line with party size in the Commons, but given the size of committees, small opposition parties rarely receive a place unless the larger party whips agree to forego one of their own members.

Backbench appointments are made formally by the Committee of Selection which is, on paper at least, required to take Members' qualifications into account (SO 86). In practice, the Committee of Selection is composed of party whips, whose appointment criteria are more strategic. While some MPs do request to be appointed to the committee stage of a bill on the basis of their particular interest and expertise, particularly if the minister handling the bill is amenable (Thompson 2016: 40), many appointments made by government whips have the aim of facilitating a clean and easy passage. Newly elected government MPs will usually find a bill committee to be one of their first tasks, particularly if they have contributed to the second reading stage debate on the floor of the house. Though party loyalty may be the chief criterion for appointment, this does not mean that committees possess no policy expertise. Indeed, Thompson found that around two-thirds of committee members hold some form of specialization in the policy area under discussion (2016: 40). This is particularly true if an MP also serves on a relevant SC, which is a not uncommon occurrence, especially for opposition members. Furthermore, collecting evidence can boost the knowledge of appointed backbenchers and ensure a more level playing field compared to the better resourced frontbench team (Thompson, 2014).

Interactions in committees

Select Committees

The dominant culture operating in SCs is one of consensus-seeking and non-partisanship. The existence of SCs, and the support they enjoy, undoubtedly owes much to the belief that some of the work of parliament is better undertaken in a more consensual mode of operation, rather than the adversarial, partisan style that otherwise dominates (Wollaston 2019).

The relative absence of cross-party modes of working within Parliament was a key theme of Anthony King's 1976 study of executive-legislative relations, and a feature that distinguished Westminster from other governing models. For King, the relationships within and between parties was the key to understanding British government, rather than the relationship between the executive and legislative branches understood as discrete corporate entities. While party relationships dominate according to King's schema, parliamentary committees can operate on a non-party basis, providing a venue for Parliament to act corporately in relation to the executive, in the way that standard models of executive-legislative relations posit (incorrectly, according to King). Committees would then allow members of the legislature to cast off their partisan role (principally to support or to oppose the government) and adopt a non-party, or private members, role (principally to check and hold the government to account or to represent citizens for example). Ideally, committees would create an environment wherein:

Those who participate in the work of non-party committees (usually SCs) change their perception of their own roles. They cease to see themselves as members of the Conservative party or the Labour party, concerned with scoring points off the other

side, and come to see themselves simply as backbench Members of Parliament, concerned with investigating the quality of the performance of the executive (of whichever party), with protecting the rights of the citizen against the executive (of whichever party) and with asserting the prerogatives of backbench MPs (irrespective of party) (King, 1976: 19).

While King was discussing a very different committee system to the one that exists today, much of his analysis remains apt. The self-image of present-day SCs is that they are non-party bodies owing their primary loyalty to 'Parliament' as a corporate entity. Yet due to the combined effect of committees' lack of resources, and the dominance of partisanship in British politics, the importance and influence of committees is limited. For example, SCs are (mainly) excluded from some of the key aspects of the work of Parliament, such as legislation, by virtue of their non-party character. Furthermore, as Hindmoor et al. (2009) note, these non-party committees do not exercise any delegated powers on behalf of Parliament.

Russell and Cowley (2016) revisit King's work and identify the SC system as a direct attempt to overcome the weakness of the 'non-party' mode in the British system. Alongside other measures such as the creation of the Backbench Business Committee and the Wright reforms to membership and selection of committee members, Russell and Cowley point to the much-increased institutionalization of the non-party mode since King's paper. These institutions have become established with a norm of non-partisanship and a strong presumption towards consensus and the presentation of a united front among the membership. For example, official minority reports are not produced by SCs (although unofficial ones sometimes are, usually in the form of alternative drafts that are proposed in committee and then, if a division takes place, are included in the minutes), and divisions (formal votes) are not especially common and are decreasing (Holden

Bates et al., 2019). For Russell and Cowle therefore, *contra* King, 'It can therefore no longer be said that the non-party mode in the House of Commons is underdeveloped'. (2016: 6) They go further, claiming that, in relation to SCs, this is a direct consequence of their separation from legislative work (i.e. this separation is a positive attribute of the system and not a deficit).

Public Bill Committees

The strategic nature of the appointments system for bill committees and the way in which the layout and conduct of committee proceedings largely seek to mirror business on the floor of the Commons chamber, promotes adversarial interactions and militates against explicit bargaining and deal making in the committee rooms themselves, although backroom bargaining does take place informally elsewhere. Such bargaining usually involves individual MPs and the government minister, with interest groups sometimes being involved also. The nature of the parliamentary system means that any changes will be introduced by the government, usually (but not always) with credit given to the MP involved.

Line by line stages are far more adversarial than the oral evidence taking stage (Russell et al., 2013: 14). Government ministers generally feel a sense of ownership of the legislation in question and will stoically resist its amendment. Opposition appointments aim to ensure that controversial elements of the bill are opposed and that both the legislation and the minister are properly scrutinized. This scrutiny process is dominated by the opposition frontbench given the very detailed nature of legislation and the lack of any additional resources for backbench members, however active and knowledgeable. Contrastingly, government MPs are encouraged not to table amendments and not to speak and, if they do, to make sure that they support the bill. Whips and PPSs rarely speak, preferring to work behind the scenes to ensure that business runs as planned.

This is not to say that all committee appointments are successful; government backbenchers do occasionally cause trouble for their ministers (Russell & Gover, 2017: 139).

This general set-up does not mean that discussions are not constructive. Debate in the vast majority of committees proceeds congenially, with a recognition from most participants that formal changes will not be accepted by the government minister in this particular parliamentary venue. Ministers are regularly pressed for clarifications and explanations of aspects of the bill and often commit to writing to MPs if their queries cannot be answered without further discussion and clarification with officials. We can also see ministers making informal concessions or commitments to MPs at committee stage. Ministers may agree to make changes to the guidance or explanatory notes which accompany the legislation in question, they may promise to ‘look again’ or ‘reconsider’ an amendment, or a particular section of the bill, or they may make a firmer commitment to table an amendment at the bill’s report stage, on the floor of the House. This enables the minister to come back to the House, often with the very same amendment proposed by an MP in committee, but without the humiliation of being seen to capitulate to the opposition. Finally, ministers may agree to a meeting with MPs or outside groups to discuss issues of concern (Thompson 2015: 79; Kalitowski 2008: 698). All four of these types of commitments will be noted by ministerial officials attending the committee (Cabinet Office 2017: 224), but, as they necessitate bargaining outside the committee room itself, there is no public record of them beyond the printed transcript of committee proceedings and, as such, they often go unnoticed.

Committees in the policy process

Problem definition and agenda setting (Select Committees)

As their pattern of work is not dictated by legislative programmes, SCs have a great deal of autonomy over their own agenda and assignments, especially since their core tasks were updated to include reference to investigating ‘matters of public concern’. Inquiry subjects may be chosen by members without reference to, or interference from, the government, while the timing, style, and duration of inquiries is also at the discretion of the committee. Sometimes committees will be encouraged to undertake a particular assignment by government (for example, the Science and Technology SC were asked to look at developments in assisted reproductive technologies by the then government (Goodwin and Bates, 2016)) but, in general, committees (in discussion with the Clerks), and especially the chair, have considerable leeway in choosing topics for investigation.

A small number of committee tasks are, however, automatic and non-negotiable. These mainly pertain to pre-appointment hearings. For example, the Treasury SC will automatically hold pre-appointment hearings for any nominee to the Bank of England’s Monetary Policy Committee. SCs are also obliged to scrutinize departmental accounts as part of their work and, although not dictated by a formal rule, some SCs will produce a report on regular government events and processes (for example, the Treasury SC will produce a report on every Budget). On balance, then, SCs enjoy strong agenda control as a function of their separation from the legislative process.

This discretion over the agenda can express itself in quite different forms of scrutiny across SCs. There are arguably two ideal types with regard to how SCs approach assignments: a systematic, *police patrol* model of scrutiny whereby SCs scrutinize a specified range of areas repeated at

regular intervals. Under this model, the committee's actions are predictable and regular. The alternative is to understand SC scrutiny as a *fire alarm* model, with committees responding to unpredictable events and developments. Of course, all committees fit somewhere between these two ideal types but certain committees, for example, the Defence SC, are consistently closer to the police patrol model and others, for example, the Digital, Culture, Media & Sport (DCMS) SC are consistently closer to the fire alarm model (at least in the recent past). The difference in style between the committees could also be understood as a difference in interpretation of the SC role. 'Inward-looking' committees like Defence work principally to oversee government ministers and officials and engage few outside interests. They are more likely to interpret their role as 'critical friends' seeking to hold the government to account rather than exerting influence over the agenda of their corresponding ministry. 'Outward-looking' committees like DCMS place more emphasis on incorporating interest groups, raising the profile of matters of public concern through their work, and influencing the public agenda or moving issues of public concern on to, or up, the government's (legislative) agenda.

SCs do indeed move issues on to the government's legislative agenda but not necessarily consistently and possibly only when certain conditions apply. Goodwin and Bates (2016) suggest that this agenda-setting power of SCs may be facilitated by a combination of five conditions: a long legislative time frame; dedicated pre-legislative scrutiny by SCs (and outside PBCs); proactive and sustained involvement by SCs including the synchronization of their work with legislative timetables; the low political salience of the issues under consideration; and high scientific or technical content of legislation.

However, the (formal) links connecting backbench institutions such as SCs with government policy and legislative work remain very weak and clear agenda setting by committees is likely to

be exceptional. Nevertheless, Russell and Benton (2011, 2013) and Russell and Gover (2017) have demonstrated that recommendations made in SC reports are taken up in legislation relatively often. Russell and Benton (2013) found that 40 percent of Commons SC recommendations were accepted by government with a similar proportion going on to be implemented¹⁰. However, they also report that the impact of committees in this area is often indirect, non-linear, and reliant on ‘soft power’ or anticipated reaction rather than any more assertive, formal mechanism.

Policy formulation (Public Bill Committees)¹¹

Unlike some legislatures, UK legislators must consider and vote on all legislation in plenary before it is sent to committee. Therefore, the appointment of a PBC after the passage of a bill at second reading on the floor of the House inhibits any real form of control or agenda-setting and, of course, by the very nature and timing of their appointment, PBCs cannot initiate legislation. PBCs cannot reject the bill as a whole and they cannot put forward amendments which do not fit within the bill’s long title or which go against the general principles which have been agreed at second reading. These limitations are firmly expressed within *Erskine May*, the book of parliamentary procedure. In practice, the limitations go much further than this. Goodwin and Bates (2016: 248) argue that once a bill has been presented to Parliament the opportunities for amendment are ‘drastically reduced’.

Formal changes to the text of the bill do occur – approximately 88 percent of bills leave committee stage in an amended form (Thompson 2015: 52) – but the overwhelming majority of these amendments originate with the government. The in-built government majority means that defeats on government amendments are rare. Non-government amendments (those from government backbenchers or opposition MPs) occur in less than 20 percent of committees and typically

concern very minor issues. Government ministers are prohibited from agreeing to any amendments at committee stage without collective agreement from the bill team (Cabinet Office 2017: 224).

PBCs also find themselves constrained in terms of time. While they can, if they wish, scrutinize every line of a bill, a programme motion debated and voted upon by the whole House after the bill's second reading vote sets out the date by which the committee must report the bill back to the House as a whole. There is no capacity for a PBC to delay a bill (indefinitely), or to veto it. If scrutiny of the bill has not been completed by the end date, the bill will simply move to its next legislative stage with whole sections being left unscrutinized by the committee (Brazier et al., 2005: 16).

Despite these formal constraints, PBCs do remain important to shaping policy, although this may only become apparent later in the process, at the bill's report stage or beyond. For example, ministerial commitments made in PBCs (as described above) are important for considering the effectiveness of policy change in legislative committees. Around two-thirds of the commitments made by ministers during committee stage find their way into legislation at report stage (Thompson 2015: 80). Moreover, a behavioural change has occurred among PBC members lately, with fewer amendments being pushed to a vote in committee to ensure that they can be tabled again at report stage (Thompson 2015: 91). MPs want to maximize their chances of success and ensuring that a formal decision has not been made in PBCs heightens the likelihood of the same amendment being selected by the Speaker for discussion at report.

Measuring policy impact on the basis of committee stage alone is thus ineffective. Stages of the legislative process should not be considered as discrete entities; PBC influence can extend much further than this.

Implementation and evaluation (Select Committees)

One of the core tasks of SCs refers to post-legislative scrutiny but, as noted by the Liaison Committee (2019), this is something that is often ignored or undertaken neither systematically nor particularly successfully by departmental SCs in the Commons. Norton (2019) argues that Commons committees are not well suited to post-legislative scrutiny; the HoL is better placed to conduct this kind of work both because of the level of expertise within the Lords and because its non-elected character means that its role in the policy making process is more detached, reflective and, generally, has a greater independence from party concerns (see also Caygill, 2019a; 2019b).

Conclusions

The UK system of parliamentary committees has been described as a deviant case due to its separation of legislative and scrutiny work into two distinct committee systems, and due to the weakness and lack of independence of committees in relation to government. Both of the main committee systems have undergone substantial reform during the 21st century. In each case, the aim has been to go some way towards strengthening the ability of committees to challenge and hold the government to account.

The system of membership assignment for SCs in the Commons was changed from appointment to election. Along with other reforms implemented at the same time, the purpose of this change was designed to loosen the grip of party managers over SC membership by curbing their ability to install government placeholders or to reward the loyalty of reliable party-line supporters. Whether this has been sufficient to overcome the historic weakness of the UK committee system is, however, moot. The reforms have certainly met with strong approval from parliamentarians and

analysts; one of the main conclusions of the Liaison Committee's 2015 Legacy Report is that 'Public opinion, commentators and academic critics have all recognized that select committee work is the most constructive and productive aspect of Parliament' (2015: 40). SCs are often and increasingly viewed as Parliament at its best.

One of the reasons for this view of SCs in comparison to other parliamentary scrutiny mechanisms such as Question Time, and Urgent and Written Questions, lies in the abilities of SCs to send for persons, papers, and records in a way that other parliamentary institutions cannot. SC can be considered a more effective way of achieving the scrutiny function of Parliament than chamber-based activities such as debates or Question Time, as the latter tend to be organized around elaborate procedural conventions that reduce the intensity of scrutiny of ministers and allow them to evade and avoid questions, as well as tending to exhibit a greater degree of partisanship. These activities are, of course, also restricted to questioning ministers, rather than officials, representatives of public bodies, or other external actors, as can routinely occur in SC hearings.

Yet research evidence concerning the efficacy of SC reforms is mixed and should temper any sweeping conclusions on this point. Bates et al. (2017) find that the impact of the reforms on MPs' engagement with SCs has been minimal to non-existent. Dunleavy and Muir (2013) argue that the Wright Reforms contributed to a substantial growth in media visibility for SCs. However, Gaines et al. (2019), focusing on a longer time frame, conclude that, while SCs have become more visible in the media over time, it is not yet clear whether the Wright Reforms and the 2012 changes to the Core Tasks caused an increase in this media visibility, or simply helped to codify a focus on work within the SC system that would garner more media attention that was already on an upwards trend pre-Wright reforms (see also Kubala, 2011). O'Brien (2012) finds that the new system of selecting members has favoured the election of chairwomen but Goodwin et al. (2020), while confirming

O'Brien's finding, also find that the reforms have had little if any impact on making SCs more gender balanced at a membership level. Furthermore, the reforms did not make any substantive changes to the powers or responsibilities of SCs, which still rely on persuasion rather than power to influence the course of events and must continually battle to have their voice heard by government.

Turning to the other committee system, the key change to PBCs was the introduction in 2006 of oral and written evidence-taking as standard committee procedure. This has enhanced the scrutiny capacity of PBCs, acting as an information provider as well as assisting MPs with the identification of errors and inconsistencies in legislation. Thompson (2014, 2015) argues that this reform has helped to overcome some of the key criticisms of the legislative committee system as being filled by generalists. Russell et al. (2013) suggest that other significant reforms are needed to inject greater permanence and specialization into the system. For example, there is a broad consensus that more transparency is required in the method of appointment. Moreover, the novelty of minority government in recent years has generated discussion around whether there should be the presence of a government majority on PBCs. However, the PBC system remains overshadowed by that of SCs and, as such, the work and importance of the legislative committee system is still often overlooked. This means that further changes to the PBC system are not necessarily a priority for parliamentary reformers.

One source of the UK's deviancy – the separation of the legislative and scrutiny functions of committees into two discrete systems – clearly remains. While this may have some advantages, particularly in terms of allowing committees control of their own agenda, and fostering a non-partisan ethos among SC members (if non-partisanship is deemed beneficial), it can also be viewed as contributing significantly to the weaknesses of the UK parliamentary committee system *in toto*.

The separation of the scrutiny and legislative functions, as well as the ad-hoc nature of PBCs, impedes the development of specialization and of institutional memory, and contributes to the legislative function being overshadowed by the scrutiny function. This may all be seen as (potentially) detrimental to UK public policy. Moreover, despite reforms regarding evidence taking for PBCs and increasing independence for SCs, both systems retain weak formal powers. Therefore, while both committee systems can and do influence government, policy, and legislation both formally and informally, this is perhaps *despite* their institutional architecture, rather than *because of* it., while recent reforms may have narrowed the gap with other countries in terms of committee strength, the deviant, outlier status of the UK almost certainly remains.

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¹ The other kinds of committee in the UK Parliament are: (i) Grand Committees, which focus on the regions of the UK; (ii) Joint Committees, which are made up of members from both Houses, can be both permanent or ad hoc, and which operate in a very similar manner to other SCs; (iii) ad-hoc draft bill committees; (iv) Statutory Instruments committees which are SCs but which differ from other SCs in being primarily legislative committees that consider secondary legislation.

² Much of the data on SCs used for this chapter is taken from Goodwin *et al.* (2019).

³ There are currently six main SCs in the HoL – a figure which has remained relatively stable over time – and also approximately six cross-cutting Joint Committees with members from both Houses.

⁴ Data taken from HoC Sessional Returns and compiled by the authors and Wang Leung Ting.

⁵ Bills which are either very minor or considered to be of major constitutional importance, will have their committee stage in a Committee of the Whole House. Occasionally, a bill will be scrutinized partly in a bill committee and partly in a Committee of the Whole House. In the HoL, the committee stage takes place in a grand committee (away from the main chamber) or in the chamber through a committee of the whole House. All peers can participate in these proceedings.

⁶ On witnesses, see Beswick & Elstub (2019), and Geddes (2017).

⁷ On committee clerks, see Geddes (2019).

⁸ Lords committees nominate a chair from among their membership.

⁹ As is the profile of witnesses (see Bates *et al.* 2019).

¹⁰ Although the authors of this chapter have been told anecdotally that ‘good’ Clerks will seek to include ‘recommendations’ in SC reports that they know have already been looked at and accepted by departments.

¹¹ SCs may also take on this legislative scrutiny role at times, whereby draft bills are sent to them for scrutiny (Kalitowski 2008: 695). Occasionally a SC may be convened for the specific purposes of legislative scrutiny, as happened in the House of Lords during the scrutiny of the Trade Union Bill (2016) but this is rare.