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# The Development of the Select Committee System in the British House of Commons

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by Nizam Ahmed

*Committees of the British House of Commons predate other important parliamentary techniques such as questions and adjournment debates used mostly to require the government to account for its actions. Select committees conventionally enjoy an "exalted" status and are treated with some deference. The idea of using departmentally-related select committees (DSCs) as a means of keeping the government on its toes is however, of recent origin. The committee reforms described below marked the beginning of a new trend in parliament-executive relations in Britain. This paper examines the working of the departmentally-related select committees in the British House of Commons. Its objective is to see the extent to which they have made the government more accountable and strengthened the Commons vis-à-vis the executive.*

Select committees are almost as old as British Parliament itself. Until recently, however, the Parliament did not make much use of departmentally-related select committees (DSCs). They were seen more as characteristics of the Congressional system; an alien device inappropriate to parliamentary government.<sup>1</sup> The initial proposal for setting up DSCs on a government-wide scale was first made by the Study of Parliament Group. In its submission to the Procedure Committee in 1965, the Group argued for the creation of specialised select committees, as the means to strengthening the control of the Parliament over the executive. It was alleged that the executive government had prospered at the expense of Parliament. Specialist committees were thus seen as a way to redress the

imbalance between the two organs of the government. The Procedure Committee, however, did not agree to the proposal for specialist committees apparently on the grounds that they would detract attention from the chamber and might elevate some members to new positions of influence.<sup>2</sup>

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**Editor's Note:** In Britain the term *Select Committee* refers to permanent committees which are known in Canada as *Standing Committees*. The term *Standing Committee* in Britain is used for temporary or special committees.

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But the then Leader of the House, R.H. Crossman, was willing to experiment with specialist committees. Two committees, a "subject" specialist committee on Science and Technology and a "departmental" specialist committee on the Ministry of Agriculture, Fisheries and Food, were set up in 1966. The Agriculture Committee had, however, a premature death following its clash with the Foreign Office on issues related to European Com-

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munity; while the activity of the Science and Technology Committee remained mostly limited. Four new committees, one each on the departments of Education and Science, Scottish Affairs, Overseas Aid, and Race Relations and Immigration, were created subsequently. But they also did not prove to be much effective. Their mandate was too limited and the executive government was mostly hostile to them. They achieved only the most minor influence on policy-making and administration; their chief role was to provoke discussion and provide information.

The beginning of the 1970s witnessed the growth of new backbench activism and assertiveness, reflected mostly in backbenchers willingness to break ranks with party leaders and to vote independently of party dictates when they felt that their advice was ignored.<sup>3</sup> This marked a sharp departure with the past, when backbenchers mostly followed the party leadership and were seen as deferential to leaders. What was thus needed was to find alternative means to give backbenchers a sense of participation in the parliamentary process; to create institutional means to involve them more frequently and more constructively in the policy cycle. One important way to do so was to set up a network of committees. The initial lead in this respect was taken by the Procedure Committee, appointed on June 9, 1976. It was given a wide-ranging mandate to consider the practice and procedure of the House in relation to public business and to make recommendations for the more effective performance of its functions. The Procedure Committee issued its report in 1978.

The report proposed to set up of one select committee to shadow each major government department and to examine all aspects of its expenditure, administration and policy. It specifically proposed to allow the select committees to investigate the actions of the government at "every" stage in the development of policy. Recommendations were also made to entrust the responsibility for the selection of members with a Committee of Selection; not to whips, to provide staff support to committee members and to empower the committees to demand the presence of all persons, papers and records deemed necessary to carry on their inquiries. There was overwhelming back bench support for the proposal for DSCs but the front-benchers were dubious.

Michael Foot, Leader of the House, strongly opposed the idea of setting up of DSCs on the grounds that they would be a powerful potential channel through which the latent back bench power could be exerted. He also opposed the committees on the ground that they would reduce the party struggle to technical matters and coalition politics.<sup>4</sup> As the Leader of the House he successfully blocked for months any debate on the report and its rec-

ommendations. Prime Minister Callaghan was also opposed to the reform; so also were most of his cabinet colleagues. But the then Conservative Shadow Leader of the House John Stevas showed strong interest in the recommendations of the Procedure Committee. He in fact succeeded in convincing the Conservative Party leadership to insert a clause in the 1979 election manifesto, pledging to introduce new measures with a view to making the Parliament effective in its job of controlling the executive. Following the Conservative victory in the 1979 elections, John Stevas was appointed the Leader of the House. He played an instrumental role in convincing a reluctant Cabinet including the Prime Minister Margaret Thatcher to accept the recommendations of the Procedure Committee to set up the DSCs. The enthusiastic backbenchers found an ally in John Stevas. The Commons approved the report of the Procedure Committee in June 1979.

In March 1980, fourteen DSCs were set up, with each having the responsibility of monitoring the expenditure, administration and policy of one or more government departments. Since then, their numbers have changed following changes in the organisation of departments. But their scope of operation in terms of powers, functions and responsibilities has remained mostly the same. As a natural rule, the scale of activities of the different committees has varied; so also has their overall impact. The response of different government departments has also varied. In general, however, the DSCs have become an integral part of the House of Commons. As Professor Norton observes, they have added a new dimension to the life of the House of Commons and it is difficult now to imagine life without them.<sup>5</sup>

### **Membership and Support**

Formally, all committees are similarly composed. Most have eleven members. The members and chairmen of different DSCs are selected by a Committee of Selection and not by whips, as is the practice with standing committees. One of the important objectives underlying this change in procedure was to limit the influence of party politics and to allow the members to look into issues and problems from an objective standpoint. In other words, the goal is to lessen the influence of adversarial politics, which was alleged to have reached its height and caused major harms. In assigning members to different committees, the Committee of Selection, however, takes into account the background and interests of members, and attempts are made to have a combination of new and old members. This is intended to have a fusion of expertise and energy to ensure continuity with the past as well as to recognise change.

Moreover, the two main parties have made some new arrangements. The Conservative Party now limits the membership of an MP to a committee to a maximum of three parliamentary terms; while the Labour Party, until its recent election to the government, did not allow any front-bench spokesperson to be the members of any DSC. Although the initial intention was to keep the DSC outside the influence of the party, there has been a tendency over the years among the whips to become involved in a subtle way in the selection of members of DSCs.

The members and chairmen of different DSCs are chosen from the ruling and opposition parties in accordance with their strength in the Commons. In fact, the practice of allowing the (official) opposition MPs to chair different DSCs is essentially a British innovation. Other established democracies following the British tradition such as Australia, Canada and New Zealand have deviated from this principle. One exception is India, which follows the British practice of distributing the chair positions of DSCs between the two benches in proportion to their strength in the parliament. It is argued that opposition chairmanships could be a means to whittle away at the adversarial nature of parliamentary politics. It could also place a premium on consensus and question the utility of party government. The initial strategy to allocate some chairmanships to the opposition was based on the premise that the opposition leaders would be hard pressed to denounce these committees as tools of the government when fellow party members were chairing them. The activities of different committees including DSCs are co-ordinated by a liaison committee. It was initially composed of the chairmen of all select committees who, in turn, elected a chairman from among themselves. The problem with this practice was that it could occasionally result in the chairman of the Liaison Committee having a conflict of interest when representing his own select committee. In the 1992-97 Parliament, the Liaison Committee elected an independent member as its chairman.

Unlike many other countries, there is no statutory restriction in the House of Commons on members serving in more than one committee. It is, however, unusual for an individual member to be associated with more than one DSC. What is usually found is that a member of a DSC may be made a member of standing or other select committees. However, once appointed, a member of a DSC enjoys freedom up to a certain limit to express himself and assert his or her views without any intervention of the party. Select Committees have always jealously guarded their independence, not least because that is their main weapon in seeking to achieve influence. The Select Committee on Procedure, which evaluated the experience of the working of DSCs in the first ten years, ob-

served in 1990 the most committees were relatively free of the influence of the whips.

Each committee has a clerk and other support staffs. Most clerks have acquired a degree of professionalism. While some hold the rank of Deputy Secretary or Under Secretary in the civil service hierarchy, most clerks have the ranks of Assistant Secretary or Principal. Some committee also employ research officers. The main expert advice to DSCs is, however, provided by specialist advisers employed temporarily. The number of advisers required by committees varies depending mostly upon the nature and number of inquiries they make. In general, it has been observed that the Environment Committee employs a large number of advisers probably for the reason that it conducts more specialised and technical inquiries than many other committees. The Treasury Committee also employs a large number of specialist advisers. The actual job of the advisers varies substantially at different stages of committee activity, with most playing partly proactive and partly reactive roles.<sup>6</sup>

### Scope and Methods of Work

Select committees in Britain have traditionally enjoyed important status and extensive powers. The DSCs are thus no exception. A DSC, as is the case with other committees, can regulate its sittings and the way it conducts its business. As observed earlier, it can obtain co-operation and advice from specialists and experts in its field, if deemed necessary. The power to appoint sub-committee is, however, restricted. Only three of the fourteen committees originally set up in 1979 were given the power to appoint a sub-committee. Although a number of committees later suggested that they be authorised to appoint sub-committees, the government has refused to budge from its policy of restricting the number of sub-committees. DSCs are permanent in that they are appointed for the duration of the whole Parliament. This is intended to restrict the choice of the government to "wind up" committees that it considers hostile. A DSC is appointed under Standing Order No. 130 to examine the expenditure, administration and policy of the department it shadows. It has power 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. It can meet concurrently with any other such committee for the purpose of deliberating, taking evidence, or considering draft reports.

The House of Commons has followed a principle of separation, assigning the tasks of scrutiny of legislative policy-making and overseeing the activities of the executive government to different sets of committees. DSCs

are not allowed to examine bills and other legislative proposals, which are performed by *ad hoc* standing committees. The Procedure Committee, in its 1978 report, however, recommended to empower the DSCs to scrutinise bills and other proposals. It asserted that the House should be involved at every stage of policy development and administration. Parliament must be involved and seen to be involved in influencing national policies. But the House did not accept the proposal. The responsibility of the DSC thus remains confined to scrutinising the making of non legislative policy as well as overseeing the administration and expenditure of the department.

The dominant practice followed by almost all DSCs is to exercise what can be called "deterrent power" conducting inquiries into different aspects of the working of the departments they parallel. By having the power to conduct an inquiry, the committees are as important for what they can do as much as for what they actually do. The topics of inquiry are selected by the chairman of a DSC often in consultation with the members and the clerk of the committee. Outside groups also have strong influence in choosing the topics of inquiry by a particular committee. They also provide important inputs to the committees by giving evidence and supplying other information. Many members of the DSCs also belong to different groups, thus having an intrinsic interest in promoting their causes and attending to their concerns. The sources of policy influence in the committee are thus two-fold: inside and outside. The extent to which one is more important than the other is difficult to ascertain.

The members of the DSC decide the topics of inquiry on a consensual basis. An important strength of the reformed committee system is that it operates on a genuine all-party basis. Issues that have strong partisan overtones are thus mostly avoided. However, once a decision is taken to inquire into a certain issue or irregularity, the Committee publishes press notices, inviting submissions from individuals and groups who have an interest in them. Normally a committee receives a large number of submissions. Some of those making submissions are invited to give oral evidence. Outside groups give the maximum number of written evidence and oral evidence. Professor Rush observes that more than two-fifths of the oral and written evidence in the 1985-86 session was generated by outside organisations, mostly pressure groups.<sup>7</sup> Both DSCs and outside groups have found such interaction mutually helpful. Committees mostly meet in public.

Ministers and officials of the concerned departments also appear before the DSC as witness, defending their actions or responding to other queries raised by members. The amount of time needed to take evidence varies from issue to issue and from person to person. Some dis-

agreements still exist over the proposal whether DSCs be empowered to force the attendance of ministers and named officials. Professor Johnson has examined the advantages and drawbacks of summoning ministers. He argues that, while the practice has sharpened the House's control of the political side of the executive, the [widespread] attention paid to ministers may not add that much of substance to most enquiries, 'Ministers are too politicians, and almost by definition have rather more skill and experience in debate than the majority of backbenchers on select committees. So a confident minister can see an appearance before a select committee for his purposes too. Indeed he may welcome such an appearance and even from time to time prompt it, reckoning to use the committee as a sounding board for gaining reactions to initiatives he wishes to take.'<sup>8</sup>

Under the existing system, a committee, however, cannot force the production of documents or the presence of named officials. Even though a committee can name an official to appear before it, it is the Minister who actually decides the officials to represent the department. In a number of cases, named officials have been prevented from giving evidence to a select committee when invited to do so. There are also examples when departments have also refused to provide documents sought by committees. It is also often argued that the departments do not voluntarily submit papers. Nor are committees always aware of the information and documents available in the departments which are germane to their inquiries. These issues have been debated in different forums. The Procedure Committee, in its report in 1990, and the Liaison Committee, in its report in 1997, have thus recommended that it should be the duty of the departments to ensure that select committees are furnished with any important information which appears to be relevant to their inquiries without waiting to be asked for it specifically.<sup>9</sup> The extent to which the various departments have complied with these suggestions is difficult to ascertain. In general, departments are rarely charged with withholding information affecting the outcome of inquiries.

### **The Nature of Committee Activism**

There are several ways of measuring the nature of activism of a parliamentary committee. Some of the important measures are the frequency at which committee meetings are held, the regularity of members' attendance, the number of reports prepared over a particular time, the number of hours spent on deliberation, the scope for agenda setting by members, the nature of issues raised and discussed and the quality of decisions reached. Three such measures deserve particular mention: the number of meetings held, the number of reports pre-

pared and the number of enquiries conducted. As a general rule, the various committees differ from each other in these respects.

Professor Rush provides a comparative account of the performance of different DSCs in these respects for three parliaments elected between 1979 and 1987.<sup>10</sup> Throughout the period, the Foreign Affairs Committee outdistanced the others in holding meetings; while the Treasury and Civil Service Committee consistently produced more reports. On the other hand, the Agriculture Committee remained the least active of all committees in both respects: holding meetings and producing reports. What is also noticeable is that the number of reports produced by different committees has consistently shown an upward trend, although the number of meetings held by a committee varied from one parliament to another. It is to be mentioned here that a DSC normally meets once in a week. Most committees hold their regular meeting on Wednesday afternoon. An average member spends about four hours per week for committee-related work; while a chairman has to spend at least ten hours. None receives any salary or honorarium for committee work.

Although both reports and meetings can reveal the extent of seriousness of committee members, they nevertheless are not sufficient to ensure positive outcomes in the long run. What is especially important is the number and, in particular, the nature of enquiries, conducted by a particular committee. Over the years, the committee behaviour has changed in both respects. Most committees initially looked into politically divisive issues and preferred long inquiries. But members now concentrate more on short inquiries on topical issues and also very often avoid issues that are potentially divisive. The shift in emphasis can be attributed to a number of factors such as the tendency of the members to gain more visibility, their eagerness to respond to problems promptly and to require the government to respond at frequent intervals. Although there is a risk that *depth* may be lost to *breadth* in this kind of exercise, committee members still prefer short inquiries.

***The problem with long inquiries is that, by the time their findings are available, the "informed" public may lose interest in the issues. Many members also find long inquiries as boring.***

On the other hand, there is growing realisation that the more a committee selects a politically contentious issue, the less is the prospect of producing a consensual re-

port.<sup>11</sup> The more there are differences of opinion over the content of a report, the greater is the danger that departments may ignore its recommendations. Hence, emphasis is now given more on issues that are politically less divisive and less controversial. As one observes, ministers find it difficult to ignore the unanimous recommendations of a bi-partisan select committee, particularly when the minister's own party has a majority on the committee and in most cases the chairmanship as well. There is however, a risk with over-stressing consensus. It can lead to recommendations which, although agreed unanimously, lack conviction, because the approval of each side of the Committee is premised on mutually contradictory views.

The level of activism of the DSCs is also to be measured from another standpoint: the extent to which they have used their permissive powers in a balanced way. As observed earlier, committees are required to examine the expenditure, administration and policy of the departments they shadow. As with other measures, widespread variations in this respect can be observed between different DSCs. Where similarities are more evident is in their explicit preference to focus more on policy issues than on other functions (expenditure or administration). In particular, the examination of expenditure has received less attention. Only those expenditures, which generally have substantial policy content, attract the attention of the members. The members are generally more at home dealing with policy issues than with the minutiae of detailed financial issues. The examination of estimates also do not appeal to the members much for the [main] reason that they do not engage greater public and media interest as enquiries do.

However, some changes in the behaviour of members of the DSCs both in respect of the choice of topics for enquiry and deliberating over issues relating to administration and expenditure of departments can be detected in recent years. In the 1992-97 Parliament, some committees have enquired into more politically contentious issues without raising much controversy. Unlike its predecessors which focused mostly on environmental protection issues to avoid partisan conflict, the 1992-97 Environment Committee enquired into issues related to local government, planning and health, which have traditionally been considered to be conflict-prone. Reports from the Employment Committee are also virtually unanimous, despite the high political content of its enquiries into industrial relations and trade union issues. The Clerk of a DSC, in a recent interview with the author, has observed that the committees are now enquiring into politically contentious issues without raising any serious uproar or controversy is reflective of the fact that they



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have crossed their adolescence and are now achieving maturity.

### **The Impact of Committee**

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Committees are essentially advisory bodies. They lack any formal authority to enforce their recommendations/decisions. Much of what they can actually do depends upon the ways other important actors in the political arena, in particular, the government, and the chamber that appoint them, perceive their role. Besides, any attempt to assess the impact of select committees is beset with methodological and technical problems. Yet, when the committees are evaluated by "preordained objectives", they can be considered a success in almost every respect.<sup>12</sup> There is a universal recognition that the DSCs have strengthened the accountability of ministers to the House for the discharge of their responsibilities. A House of Commons report observes that the holding of ministers and officials to account for their policies, actions and decisions is now carried out by the committees in a far more rigorous manner than is feasible on the floor of the House. The fact that ministers and civil servants can be examined-extensively, and sometimes, roughly, in the full glare of television cameras, serves as a reminder to other ministers and officials that they may be subject to the same fate. They therefore anticipate possible reaction to the policies they pursue and the actions they take. Committees have been a success in altering the perceptions and behaviour of Whitehall.

The different government departments routinely respond to the reports and recommendations of the DSCs. The maximum time to respond has been fixed at sixty days. The number of recommendations are accepted by the various departments, however, varies. In general, about one-third is accepted straightway. The effectiveness of a committee must be measured not only in terms of a government's response to its recommendations but also its actions over a longer span of time. In other words, reports and recommendations made by a committee can lead to policy changes in the department concerned. This is obviously a difficult task. Some have also raised the question whether committees should seek to influence government policy.

While there are several well publicised cases where the recommendations of select committees have actually precipitated major policy changes. There are also instances when some major recommendations have been ignored by departments. The committees have, however, apparently learned the way of keeping the departments under constant pressure. Most now conduct follow-up enquiries to check progress with the implementation of recommendations or when the committees think that de-

partments try to sideline their recommendations. This acts as a deterrent, making the departments more careful in considering the recommendations of committees.

Any attempt to evaluate the achievements of the select committees only on the basis of their scope to influence policy or oversee administration is partial. Committees have provided several other important benefits. For example, they have served as possibly the most important tool for generating more open government, helped the House to become a more informed policy influencer and provided a safety valve for organised interests. They have also provided an alternative career structure for MPs and allowed them to specialise in particular sectors of public policy. The sheer volume of information published by the committees brings government policy and administration more fully into the public domain than ever before.

### **Conclusion**

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That the select committee system is, as a whole, a success, is widely recognised and without dispute. All those who are associated with committees directly or indirectly have acknowledged the positive impact of committees. Where substantial disagreement exists is on the way(s) of making them more effective. For example, governments have traditionally been reluctant to agree to give the committees the power to order the attendance of named officials which, as many argue, is a *sine qua non* for making them effective. The Select Committee on the Public Service has also recently recommended for such power for committees. Governments have also not been enthusiastic about more time for debating the reports of select committees. Traditionally three estimate days are allocated for debating the reports of select committees. In the 1992-97 Parliament, three hours on three Wednesday mornings were also allocated for the purpose. One major problem, however, is that members do not apparently find much interest in the debates on Select Committee reports..

***Very often only members of committees who produce reports take part in the discussion on them.***

There is also no universal agreement on the proposal for allowing the DSCs to have any significant role in the legislative process. But members are especially keen to contribute to policy development. Many have proposed that bills introduced in the House be referred to DSCs before the second reading. Others argue that a formal involvement by DSCs in legislation would not only attract

increased attention from the Whips, thereby placing a risk at the consensual approach that they adopted, but might also have deleterious effects over their investigatory role. Disagreements also exist on whether committees should have more staff and resources. While some argue that the staff and other resources of committees be increased to cope with their increased workload, others find them unnecessary. Even members of select committees are also divided on the issue. Yet notwithstanding disagreements, there is a general recognition that the select committees now form an established part of the parliamentary landscape. They enjoy a degree of respect from the informed public at large as well as from those who have direct dealings with them. Herein lies the resilience of the departmentally-related select committees.

This does not imply there is no scope for improvement. But the initiative in this respect has to come from the parliamentary parties. The major parties contesting the May 1997 general elections pledged to reform the House to make it a more effective legislature and a better scrutineer of government. The new House of Commons has appointed a 15-member Select Committee on the Modernisation of the House, with the Leader of the House Mrs Ann Taylor as its Chairperson, to review the workings of the House and to recommend a programme of reform that will enable it to scrutinise legislation more effectively, restore public confidence in its procedures and give all Members the opportunity to provide a better service for their constituents.<sup>13</sup> The Committee initially has focused on identifying the alternative ways of improving the legislative process. The reform of the DSCs has yet to attract the attention of the members. DSCs are, however, unlikely to have any major role in the pre-legislative process. "Departmental select committees already have a heavy workload scrutinising departments...[they] could be encouraged to carry out more systematic post-legislative scrutiny to assess whether an Act is working as Parliament intended"<sup>14</sup>.

## Notes

1. Michael Rush. "Parliamentary Committees and Parliamentary Government: The British and Canadian Experience", *Journal of Commonwealth and Comparative Politics*, 20 (2,1982), p. 141.
2. Alfred Morris. "Introduction" in Alfred Morris (ed.), *The Growth of Parliamentary Scrutiny by Committee*, (Oxford, Pergamon Press, 1970); p. 3.
3. Philip Norton provides the best authoritative account of the backbench rebellion in Britain in his *Dissension in the House of Commons: 1945-74* (London, Macmillan, 1975); *Dissension in the House of Commons: 1974-79* (Oxford, Oxford University Press, 1980).
4. Priscilla Baines. "History and Rationale of the 1979 Reforms" in Gavin Drewry (ed), *The New Select Committees* (Oxford, Clarendon Press, 1985), p. 17.
5. Philip Norton. "Select Committees in the House of Commons: Watchdogs or Poodles", *Politics Review*, 4 (2, 1994), p. 31.
6. Peter Laugharne. *Parliament and Specialist Advice* (Liverpool, Manutius Press, 1994), pp. 194-95.
7. Michael Rush. Select Committees' in Michael Rush (ed), *Parliament and Pressure Politics* (Oxford, Oxford University Press, 1990), p. 145.
8. Nevil Johnson, "Departmental Select Committees" in Michael Ryle and G. Richards, *The Commons Under Scrutiny* (London, Routledge, 1988), p. 175.
9. House of Commons, *Second Report from the Select Committee on Procedure*, Session 1989-90. pp.xxxix-xl, *First Report from the Liaison Committee*, Session 1996-97, pp.xi-xii.
10. Michael Rush, "Parliamentary Scrutiny" in Robert Pyper and Lynton Robbins (eds), *Governing the UK in the 1990s* (London, Macmillan, 1995), pp. 121-26.
11. As an example, reference can be made to the Environment Committee of the 1979-83 Parliament, which continually produced majority and minority reports. There were 159 divisions on the Reports of the Committee mainly because of the issues selected by it had strong political and partisan overtones. In the next Parliament (1983-87), the number of divisions dropped to 30 mainly because the Committee shifted its focus to environmental issues *per se*.
12. See Jaqui Nixon, "Evaluating Select Committees and Proposals for Alternating Perspective, *Policy and Politics*, Vol. 14 (No.4, 1986) p. 416.
13. Ann Taylor, "A New Approach to Government", *The House Magazine*, July 7, 1997, p.22.
14. *Ibid.*, p. 22.