



Making an Impact: Effective Parliamentary Committees

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Introduction

In this paper, I will reflect on my experience from both sides of the committee table – as a member and as a minister – on the most effective ways for committees to influence ministers and their ministries.

Having worked with parliaments and parliamentarians in a range of countries, I know there are differences in how committees operate and in the institutional relationships between parliaments and ministers. I am not, therefore, providing a ‘blueprint’ for all circumstances, but some personal reflections which I hope will help committee members to review their activities and to maximise their impact.

The topics you choose to examine, your questioning and your recommendations can ensure that not only are ministers held to account, but that you improve the process and outcomes of government. Your relationship with ministers will not always be comfortable, but with the right planning, timing, preparation and follow up you can ensure that you provide constructive challenge and deliver results for the people who elected you. In fact, several of my colleagues who were both committee chairs and then ministers believed that being the chair of a committee was more powerful and influential than being a more junior minister.

What are committees for?

In most parliaments committees have two roles – i) considering legislation ii) scrutinising and holding government to account.

The first of these roles tends to reflect the timetable and priorities of the government in presenting legislation to parliament. It is easy for committees to become swamped with examining the legislation placed in front of them by ministers – and, of course, ministers may have an interest in ensuring that committees are so busy working on the legislation they are proposing that they don’t have time to scrutinise how well the minister is doing and asking difficult or challenging questions.

However, the scrutiny/accountability role is crucial for parliament – and for effective government. Furthermore, it is what people expect their parliamentarians to be doing.

So in this paper, I will concentrate on the second role of committees - the factors, conditions and behaviours which are most likely to maximise the effectiveness and

impact of the committee, the inquiries they undertake and the reports and recommendations they produce.

What makes ministers take notice?

Ministers work under immense pressure and are in a hurry to make changes in the areas for which they have responsibility (not least as they may fear that they won’t be in their job for very long). For this reason, they don’t always welcome having to spend time with committees particularly not when they are coming under pressure to justify their decisions, to prove that their policies are working or even to change direction.

However in my experience, the discipline of having to explain policy thinking and justify decisions ensures that the minister and the ministry officials think more carefully about the decisions that they make. In other words, strong and effective parliamentary committees contribute to better government. It may be helpful to codify this relationship and its benefits in the Rules of Procedure or codes for ministers. However it is not written rules which are likely to make the relationship between the committee and the minister fruitful, but rather the attitudes and behaviour on each side.

General factors

Committee shadows one ministry

- As Home Secretary, my ministry was ‘shadowed’ by the Home Affairs Committee. Other cross cutting committees might also ask me to account for policy decisions, but I didn’t have a long term relationship with those committees. I knew I wouldn’t have to go back and explain why I hadn’t done what I’d said I would last time, so their impact on my ministry was less strong.

Minister’s experience of Parliament – If a minister has been or is a member of parliament, they will have some knowledge of how committees work. If they have not been, the committee and, in particular, the chair may want to meet with the minister to talk through the committee’s work and how they hope the minister will work with them.

Chair’s role - I built up a relationship with the Chair of the Home Affairs committee and was willing to share with him my planning on key issues. For example, I told him that I was working on a policy paper about policing and the committee was able to plan an inquiry to consider this.

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Experience and knowledge of committee members - As a minister, the longest I spent in any of my ministries was two years. The committee members (who served for a full parliament of four/five years) had as much, if not more, experience and understanding of the policy areas. If a committee member made reference to a policy decision of my predecessor, they demonstrated their knowledge. And in answering, I had to decide whether to accept the point or to create a ‘split’ with someone who may well still be a minister in another ministry – I was on the defensive.

A committee member who had experience of working with the police put me under pressure by talking about how a government ‘bureaucracy’ had made their work more difficult. Whilst it would have been possible for me to argue with the MP, I couldn’t argue with the views of the police officer doing the work on the frontline.

Inquiries

The committee’s role in scrutiny and accountability is usually and largely carried out through inquiries. The stages of an inquiry are outlined in the GPG paper on ‘Conducting a Committee Inquiry: main stages of the process’. What are the key points to consider at each stage?

Make a plan and be constructive as well as critical - An effective committee plans its work over time to ensure there is sufficient time for each inquiry. There should be a balance of reactive and proactive work. Whilst it is understandable that committees will want to review issues which have gone wrong and make recommendations, it is unlikely that a good relationship will be developed between the committee and the minister if they are only ever called to the committee to discuss things which have gone wrong.

When I was called to give evidence about something which had gone wrong, I spent a lot of time thinking about how to get through the session with as little ‘pain’ as possible. I’ve used a range of tactics in this situation – blamed earlier governments; blamed other ministries; blamed officials; apologised for getting things wrong. In all of these cases, the committee may have got a headline, but they weren’t really able to influence future policy directly.

I’ve known some Ministers announce an external inquiry into a problem just in advance of the committee hearing as a way of shifting the problem into ‘the long grass’ and removing the influence of the committee.

However, I welcomed the opportunity to talk about the ministry’s annual plan and priorities at a committee session. This enables the minister to talk more positively about their work, whilst also enabling the committee to get a fuller view of the work of the ministry, to challenge the priorities and to feed the minister’s plans into their committee work programme.

This may also mean that the committee is able to timetable an inquiry for maximum impact e.g. to influence policy thinking for future planned legislation rather than simply to wait until the legislation is published.

There is value in a committee choosing a subject which they want to put onto the minister’s agenda. Whilst I was a minister with responsibility for children, I was very influenced by a committee inquiry and report into the treatment of children who had been sent overseas for adoption. This had not been part of the work of the ministry, but after the inquiry, the government adopted the recommendations of the committee and changed the system of support for these children. This approach is unlikely to be successful where the issue is very controversial or would require major changes in legislation or funding.

Timetable the inquiry and get in early with ‘booking’ the minister to appear - Once the committee has decided on an inquiry and set the terms of reference, committee staff should make contact with officials in the relevant ministry to tell them about the inquiry and to discuss the timetable. In particular, they should agree a suitable date for the minister to come to speak to the committee. I usually had at least four weeks’ notice of an appearance in front of a committee. This gives the minister sufficient time to prepare, but it also makes clear that the committee expects the minister to attend and makes it more difficult for the minister to claim that they are too busy or that there are diary clashes.

The timetable also needs to include sufficient time for evidence gathering and hearings with others (see below). It is a good idea to timetable the hearing with the minister at the end of the other evidence hearings. This means that the committee can test the evidence with the minister and challenge their responses using the evidence already gathered. I welcomed this as it also gave me the chance to correct anything that I felt was a misrepresentation of government policy during the preceding evidence sessions.

Make your committee the voice of the public and the evidence - Committees become very significant when they are able to use evidence from a wide range of sources to inform their reports and recommendations. However hard a minister tries to stay in touch with the public and outside world, it is difficult. I was short of time; I found people keener to have a photo taken with me than to talk in detail about issues which they were involved with; formal consultations are often written more to get support for a policy than to really get evidence and views. So, a committee report which draws on evidence and hearings can provide new information and analysis for a minister and their officials.

A recent UK committee used Twitter to get the public to suggest questions for the minister. I'm sure some of those questions were ones that the committee members would have liked to ask themselves. However, whilst a minister can brush off a question from a politician, it would look very bad not to take a question from a member of the public seriously.

Furthermore a committee evidence hearing can get issues out in the open when the government may have been trying to ignore them. A recent committee inquiry into the accuracy of crime statistics in the UK heard evidence from police officers who claimed to have distorted their recording of crime. I can't imagine a police officer saying this directly to a minister. The effect has been a significant revision of the way that government collects and uses statistics about crime levels.

If the committee makes recommendations on the basis of this evidence, it is difficult for a minister to ignore or denigrate the recommendations.

Do your homework before questioning ministers - There are some very helpful tips in the paper on 'Questioning Ministers by Committees' produced by GPG. I will focus on how a minister is likely to respond and how to get the most from a ministerial questioning.

As a minister I often appeared in the parliamentary chamber answering questions; proposing a piece of legislation or responding to a debate. These were often high profile and, sometimes, noisy and controversial events. However an appearance in front of a committee was more likely to give me a sleepless night.

Before a questioning in the UK parliament, the Minister is asked to wait outside the committee room whilst the committee

makes the final decisions about who will ask which questions. I always asked my officials to make a 'shield' between me and other MPs or the public as I had to completely concentrate on the brief which I had been revising. It always brought back memories of my university final exams.

This is because a committee has the opportunity to question in detail; to pursue issues where there is a lack of clarity and to challenge the thinking of the minister. Whilst it is sometimes possible for a minister to use rhetoric or broad political claims and defences in the chamber, this is not possible or appropriate in a committee. The minister needs to be well briefed and clear about the issue on which they are being questioned.

It is usual practice in the UK parliament for the committee staff to let the ministry know which broad areas the committee will want to focus on. This is not 'cheating at the exam', but allowing them to properly prepare to provide helpful answers. In my experience, the most useful hearings are challenging to the minister, but not about trying to catch them out.

I can remember a committee questioning where one of the members opened the envelope containing his briefing in the committee room. I made a mental note that his questioning was not likely to be very challenging. It is vital to prepare in order to make the best of the minister's appearance in front of the committee. The committee, with the assistance of the committee staff, need to have carefully considered the written and oral evidence that they have received; they need to have sufficient background on the issue to be examined; they need to have planned and allocated questions amongst themselves so that all necessary areas are covered.

I have been questioned by committee members who have failed to prepare, don't seem to understand the background and who just read out a question provided by the staff. It is easy for a minister to avoid answering this sort of question or to give a very shallow response. The committee member is unable to pursue the issue with follow up questions.

Alternatively, there are some committee members who seem to be more interested in 'playing to the audience' – the media or other committee members – than in really eliciting a response from the minister. If a committee member makes their question too long or too obviously partisan, it is also easy for the minister to simply answer a small part or to dismiss the challenge or question as simply being argumentative.

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Making a headline or making a difference?

The committee should think carefully about what they want to achieve in the recommendations in the report. There is a balance between making demands which are unlikely to be deliverable for the minister or being too cautious and failing to provide new ideas or challenge to government.

Research in the UK showed that recommendations asking for the disclosure of information or which focussed on small policy changes were the most likely to be accepted.

However, the most important element in making a report influential is that the recommendations are clearly based on evidence and research.

Whilst there may be debate about the drafting of the report, the final report should be clearly agreed by the whole committee.

A recent select committee report in the UK on the regulation of newspapers was much weakened because members of the committee could not come to agreement on the final report. Some members of the committee seemed to think that getting their particular viewpoint on the record was more important than achieving unanimity. They received a lot of news coverage and TV interviews, but their report has failed to make an impact on ministers or the wider debate.

Publicise your work and make the most of your message

The final report should be widely published and disseminated. As a minister, I sometimes woke up to hear a committee report was in the news headlines. I knew that meant my first meeting of the day would be to consider the government’s immediate response and what we were going to say to the newspapers. This creates a wider pressure on the minister to respond to the committee’s recommendations.

The UK Health committee completed a report on Banning Smoking in Public Places which was very influential. It publicised the evidence in favour of a ban; it was published at a time when the government was discussing the issue and trying to come to a conclusion and it was actually used by the ministers who supported the ban in their arguments with colleagues who were resisting it.

This is an interesting example of ministers using committee reports to help them in pursuing their political objectives with ministerial colleagues or even with officials. My predecessor as Home Secretary used an appearance in front of the Home Affairs

Committee to describe part of the ministry as ‘not fit for purpose’. This gained wide coverage and helped him in his efforts to reform the ministry.

Keep up the pressure - There should be a clear expectation that the government/ ministry responds to the committee’s report to outline which recommendations it accepts and what action it intends to take in response. In the UK, we were expected to produce this within 60 days of the publication of the report.

However, in my experience this was often the end of the committee’s interest in the issue. There are plenty of committee recommendations which the government appeared to accept, but which are still not delivered several years later. Once the committee pressure moved elsewhere, the minister and their officials can go back to working on their own priorities.

In planning the programme of work, I would recommend that the committee sets aside time for follow up. This is difficult as committees want to cover a wide range of issues, but need to consider not just the number of issues covered, but also the impact of their reports on minister and government.

What should a committee do where the minister is uncooperative?

There is a range of ways in which a committee could make it more difficult for a minister to ignore them.

- Parliament should publicise the ministers who do appear before committees and those who don’t putting pressure on the non-attenders.
- Publishing the evidence of external organisations or academics who may be critical of the minister or government, exerts pressure on the minister to put ‘their side’ forward
- To gain information about policy development, calling a former minister can provide information for the committee and is likely to ‘get the attention’ of the current minister
- Some parliaments have formal sanctions for non-appearance of those called to give evidence

It should be noted that all these suggestions are a last resort. Whilst they may get ministerial attention and attendance, they are also likely to sour relationships between the committee and the minister so that discussion and information sharing is limited.

Broader impact

An effective committee will have an impact beyond the specific inquiries it undertakes. As a minister, I had a mental checklist when I was thinking about a new policy. One of the questions was ‘what will the committee think about this’.

Knowing that you will have to explain a policy to a committee certainly makes you consider it more carefully and I have sometimes revised a policy in advance of a committee hearing because the detailed consideration necessary before a committee hearing has convinced me that it is wrong.

This broader impact on the government and ministers is well summed up by the UK Parliament’s Liaison committee which includes all the Committee Chairs:

‘Our aim is that committees should be respected, listened to and feared by departments (ministries) and ministers for the quality of their investigations, the rigour of their questioning, the depth of their analysis, and the value of their reports. Their influence will go beyond the subjects they choose to inquire into: departments (ministries) will be mindful of the reaction of their committee when they make policy decisions and of the high probability of exposure of any administrative shortcomings. Committees will be routinely consulted by ministers and officials but will retain their detachment and ability to offer objective criticism’.

During my ten years as a minister, I often felt irritated, frustrated and worried by the committees shadowing me. On occasion, I used their reports to win an argument in parliament or government. On other occasions, I breathed a sigh of relief when a failure to prepare or question me properly let me off the hook.

Now I can look back without a questioning looming on the horizon or a pile of briefing in front of me, I know that the committees made me a better minister and the government a better servant of the people.

“Looking back, I know that the committees made me a better minister and the government a better servant of the people.”

Author's Biography



Jacqui Smith was the Member of Parliament for Redditch from 1997 until 2010, the first female Home Secretary and the third woman to hold one of the Great Offices of State. Jacqui entered the Government in July 1999 as a Parliamentary Under-Secretary of State at the Department for Education and Employment, working with the Minister for School Standards. She then held the positions of Minister of State at the Department of Health, Government's deputy Minister for Women, Government's Chief Whip, and Home Secretary. Jacqui also was a member of the Parliamentary Committee responsible for overseeing the Treasury. She has advised and trained politicians and senior officials in Jordan, Iraq, Tanzania, Egypt and Nigeria. She is a qualified executive coach with clients in the public, voluntary and private sectors. She is Chair of the Board of University Hospitals Birmingham – one of the UK's leading hospitals.

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