



Holding Government to Account: Parliamentary Committees and Oversight Inquiries

By Alex Brazier

Introduction

This Guide to Parliaments looks at how parliamentary committees undertake their oversight functions; notably how committees can use their oversight functions to make government accountable for its policies and laws, for the way it runs public services and the way that it spends the public's money.

The Guide looks in detail at how committees undertake oversight inquiries and publish reports based on the findings and conclusions of these inquiries. It provides step-by-step guidance to the main stages of an oversight inquiry. The main subject areas covered in this Guide are:

- What are Oversight and Accountability?
- Parliament and Oversight
- The Importance of Committee Oversight Work
- Representing the Public
- Good Practice in Committee Oversight
- The Main Stages of the Inquiry Process:
 - » Stage 1: Deciding to Hold an Inquiry
 - » Stage 2: Agreeing Terms of Reference
 - » Stage 3: Devising a Timetable for the Inquiry
 - » Stage 4: Collecting Written Evidence and Factual Material
 - » Stage 5: Holding Hearings
 - » Stage 6: Collating and Analysing the Evidence
 - » Stage 7: Drafting the Report
 - » Stage 8: Final Report Publication and Dissemination

» Stage 9: Undertaking Follow-Up.

What are Oversight and Accountability?

Parliamentary oversight aims to shine a light on the workings of government and to guarantee that its policies and legislation are implemented in a well-run and responsible manner. Oversight can improve the quality of governance by enhancing transparency and by assessing the efficiency and probity of government.

Oversight and accountability are crucial elements of the relationship between Parliament and government. The Global Parliamentary Report 2017 states that effective oversight has two positive outcomes, namely improved process and improved policy:

- Effective oversight brings more people into decision-making so that decisions better reflect the interests of the society as a whole; it improves accountability and transparency and reduces corruption; it enhances Parliament's legitimacy as a responsive, inclusive and representative institution.
- There is also a strong link between effective oversight and economic and human development: policy and legislation are strengthened and governance becomes more effective as a consequence of review and amendment.¹

Contents

| | |
|--|---|
| Introduction | 1 |
| What are Oversight and Accountability? | 1 |
| Parliament and Oversight | 2 |
| The Importance of Committee Inquiries | 2 |
| Representing the Public | 2 |
| Building Constructive Relationships with the Executive | 2 |
| Good Practice in Committee Oversight | 2 |
| Conducting a Committee Inquiry; Main Stages of the Process | 3 |
| Stage 1: Deciding to Hold an Inquiry | 3 |
| Stage 2: Agreeing Terms of Reference | 3 |
| Stage 3: Devising a Timetable for the Inquiry | 3 |
| Stage 4: Collecting Evidence and Factual Material | 4 |
| Stage 5: Holding Hearings | 4 |
| Stage 6: Collating and Analysing the Evidence | 5 |
| Stage 7: Drafting the Report | 5 |
| Stage 8: Final Report Publication and Dissemination | 6 |
| Stage 9: Undertaking Follow-Up | 6 |
| Conclusion | 7 |
| Footnotes | 7 |

Parliament and Oversight

There are many ways in which Parliament can exercise oversight of the Executive: through written and oral questions, by requesting formal information and government statements, by initiating debates in the Plenary Session, and through the party-political process of government and opposition. Frequently it is the work of parliamentary committees that represents the most searching way to achieve real oversight and can lead to improvements in policies, legislation, public services and government spending.

The role and structure of individual parliamentary committees can vary, reflecting the different procedures and circumstances of each Parliament. The most well-known form of committee is tasked to look at a specific policy subject or to shadow a certain government ministry e.g. Health, Education, Transport, Foreign Affairs.

Other committees may have cross-governmental or social themes, such as Environmental Protection or Public Accounts Committees, which consider the probity and value-for-money of government expenditure.² Many committees have responsibility to deal with both legislation and oversight, while some Parliaments have separate committees to look at these distinct functions.

Committee work allows its members to develop in-depth knowledge about their subject area. Committees can bring together Members of Parliament (MPs) who may represent different communities and political views to find common ground and work together, as far as is possible in a consensual way, on subjects of public concern and to promote the national interest.

The Importance of Committee Inquiries

Generally, the central function of a committee, and its most effective way of working, is to conduct an inquiry on an aspect of government policy, administration and expenditure. The result of an inquiry is usually a written report which contains the committee's conclusions and, where necessary, makes recommendations for change and improvement. Committees can then use their parliamentary legitimacy to press government to act on its proposals with the aim of improving policy and service delivery.

Representing the Public

Parliament carries out its oversight functions on behalf of the people and committee inquiries can help to address and rectify issues of public concern. MPs, as representatives of the people, can use their unique position to ensure that government is ultimately responsible and accountable to the people it serves. A committee which is seen to make a difference on the issues that matter to the public will enhance the profile and reputation of Parliament and of the democratic system more generally.

Furthermore, committees can invite the public, experts or representative bodies to provide views and evidence on the subjects of their inquiries. In this way, committees can provide a channel for the public to input their views and concerns directly into the political and parliamentary process.

Building Constructive Relationships with the Executive

It is important to recognise that the relationship between a committee and government is not necessarily confrontational; it can be constructive. An effective committee, having taken time to study a specific area of policy, can produce a report that is helpful to government.

Committees are able to use their inquiries to bring together a range of political views and expert and public interests to propose workable solutions. Government may welcome a collaborative, practical and non-partisan approach which provides solutions to issues of national concern. Nonetheless, it is vital that committees always maintain clear independence from government.

Good Practice in Committee Oversight

For committees to have influence over the Executive, they need to be authoritative and respected, acting with independence and integrity. They should be strategic and rigorous, and base their work on evidence. They should be accessible and responsive to the needs and experiences of citizens. Committees should operate in a way that maximises the impact of its oversight and accountability work by:

- Ensuring that inquiries seek a range of

evidence and views, from the relevant Ministry, and from experts and individuals affected.

- Making use of evidence received to reach a considered opinion with final recommendations based on evidence and fact, rather than simply opinion. In this way, recommendations will be more influential and more difficult to refute or ignore.
- Developing knowledge of the subjects within the committee's remit and demonstrating high quality legislative, policy and financial scrutiny techniques.
- Building the culture and skills within the committee required to maximise its effectiveness as a scrutiny body.
- Ensuring that the committee has sufficient support from officials and advisors to fulfil its objectives and duties effectively.
- Developing good relationships with stakeholders (e.g. civil society organisations, academics, businesses) to build two-way communication and increase public engagement and impact.
- Devising an Annual Plan each year (or parliamentary session) to describe the aims, objectives and areas of work that the committee wishes to undertake. The Annual Plan will provide a framework for its activities and help the committee make best use of time and resources.
- Organising its work to deliver a balanced and comprehensive programme of legislative, policy, administrative and financial scrutiny.
- Undertaking analysis and evaluation of its own work and demonstrating its progress in meeting the objectives in the Annual Plan, including producing an Annual Report describing its work and the impact achieved.
- Developing a media strategy to promote and explain its oversight work to print, broadcast and on-line media and using this coverage to engage with the public.

Conducting a Committee Inquiry; Main Stages of the Process

Committees may undertake more than one inquiry at the same time. There is no standard length of time that an inquiry process should take. It may take a shorter or longer period, according to the subject or if there is an urgent issue to address. Some inquiries may take many months to complete; others may take much less time. A well-run oversight inquiry will usually have these main features:

Stage 1: Deciding to Hold an Inquiry

The decision to conduct an inquiry and which subject to investigate will take account of several factors:

- Have problems been identified with law or policy within the committee's subject area?
- Have the Chair or committee members expressed an interest in a subject?
- Has a pressing issue been raised within Parliament or the media?
- Is there a good possibility for influencing policy or administration at this time?

The committee staff may draw up a list of potential inquiries to discuss with the Chair. The committee will hold a discussion, led by the Chair, in which the various options will be considered. The committee's future plans for an inquiry (or a number of inquiries) will then be agreed.

Stage 2: Agreeing Terms of Reference

The Chair, supported by committee staff, will write the Terms of Reference (ToR) to guide the course of the inquiry. The ToR will be short in length and will describe the subject areas to be looked at and the intended outcomes i.e. to make recommendations for change. An example of ToR might be:

Inquiry into Reform of the Railways:

The Transport Committee has decided to hold an inquiry into reform of the railways, to consider the following issues:

- *What are the Government's long-term plans for the railways?*
- *How should rail fares and the ticket structure be reformed?*
- *What is the public level of satisfaction with the rail system?*
- *How will efficiency savings be achieved? What will be the consequences?*
- *Should train companies be publicly or privately owned?*

The report will make recommendations for change to policy and legislation in this area. The Committee would like written evidence on these and related subjects, which should be sent to the Committee by 12 March. (Committee contact details provided).

Stage 3: Devising a Timetable for the Inquiry

As part of the planning process, the Chair and staff should work out an outline timetable for the course of the inquiry. There should be adequate time set aside for each stage to be carried out effectively. A provisional date for

the publication of the report should be established well in advance.

Stage 4: Collecting Evidence and Factual Material

This is a crucial stage of the inquiry so that the committee can be sure that the inquiry is based on solid foundations of evidence and facts, not simply on conjecture or political opinion. It is also much more likely that committee members, who may have different views on the issue in question, will be able to reach consensus on the final report if it is clearly based on evidence.

The ToR should be sent to the media stating that the committee has decided to hold an inquiry on this subject and should include a request for written evidence. The ToR and any material related to the inquiry should be placed on the committee's website. A request for evidence will usually be sent to the relevant Ministry asking for a description of its policies and plans on the subject and for any factual and statistical information that it has. Individual requests for evidence can also be sent to:

- Representatives of civil society organisations.
- Subject specialist experts or groups.
- Academics and Research Institutes; Private Sector Business and Employee Bodies.
- Individuals and Representative Organisations from different localities and communities who can provide a perspective on how various stakeholders are affected by the policy.
- Any other individual or organisation that may have interest or knowledge of the subject.

If the committee maintains updated lists of contacts for relevant organisations, the task of requesting evidence will be much more efficient.

The committee staff can also draw up papers based on existing information and published material on the subject. Sometimes Special Advisers who are experts in the field can be appointed, on a short-term basis, to assist the committee in the operation of the inquiry.

Stage 5: Holding Hearings

The committee will usually hold oral Hearings to obtain the views of organisations or individuals with knowledge of the subject. Holding Hearings with a Minister, government

officials or expert witnesses is a crucial part of a committee inquiry, enabling questioning of key individuals and experts and uncovering facts. The Hearing will also help to raise the profile of the committee. The main stages required for a Hearing to be successfully undertaken are:

Preparation: The Chair, after discussion with committee members, will decide who to invite to a Hearing. Hearings should seek a broad range of different views and expertise, including minority groups and opinion, since it will want to avoid criticism that the committee has been biased towards certain groups or that its approach has been unbalanced.

Devising a Strategy for the Hearing: The committee should devise a strategy to make the most of the Hearing, to consider:

- What is the purpose of the Hearing?
- What are the intended outcomes of holding the Hearing?
- How will the committee use the information obtained?
- What questions should be put to witnesses to obtain the most useful information for the committee's report?

Organisation and Administration of the Hearing: Committees should decide a suitable date, time and location for the Hearing, with reference to any necessary security arrangements.

- Provide adequate notice to the person providing evidence and give all necessary information about what is expected.
- Most Hearings will be held with open access to the media and public. It is good practice that Hearings should be as open and transparent as possible. Occasionally it may be necessary to hold the Hearing in private if there are concerns about confidentiality or security.
- If the Hearing is taking place in public, the media should be notified with information on the individuals attending, the subject and purpose of the Hearing and the date, time and venue.
- Allocate staff roles and responsibilities, such as drafting briefings and questions, organisation and administration of the Hearing, inviting and liaising with witnesses and taking a written record of the Hearing.

Drafting a Briefing Paper: A Briefing Paper should be prepared and circulated to the committee which contains background

information about the Hearing. The Briefing Paper should be circulated in advance of the Hearing to allow committee members to read and digest it.

The Briefing Paper should also contain some suggested questions for MPs to ask at the Hearing. There should also be supplementary questions to allow MPs to follow up the question in some detail. Where possible, questions should make use of factual and statistical material and information obtained from written evidence. Using such information will make the questions more rigorous and make it less likely that the person appearing before the committee will be able to avoid giving a direct answer.

Role of the Chair; Conduct of the Hearing:

The Chair, in consultation with committee staff, will devise an agenda for the Hearing. This agenda will establish a structure for discussion and ensure that the Hearing runs smoothly.

- The Chair may open the meeting by welcoming those attending and by outlining the subjects of interest to the committee.
- The Chair will usually begin the questioning and then subsequently invite other committee members to ask questions.
- Sometimes the people giving information to the committee will make an opening statement. On other occasions, questions may start immediately without any statements.
- The Chair should make sure that MPs' questions are brief. Certain questions may be allocated to MPs who have an interest or expertise in the subject.
- It is essential that the Hearing is conducted in a courteous and constructive manner, avoiding personal attacks or allegations (unless, in very rare occasions, there is evidence of wrongdoing that the committee wishes to raise).

Follow-up: During the Hearing, if the person providing evidence does not know the full information, the committee may suggest that a written paper containing additional information is sent subsequently to the committee. A written transcript or record of the Hearing should be prepared. A copy of the transcript should be sent to all those who appeared before the Committee.

Stage 6: Collating and Analysing the Evidence

The committee staff, and any Special

Advisers, should analyse the transcript and notes from the Hearing as well as analysing the written evidence and information received by the committee. The staff may draft a paper which summarises the main points and themes, potential conclusions and options for recommendations for discussion with the Chair. This paper will form part of the deliberative process for discussion by the committee as it prepares its report on the subject.

Committee work should be based as far as possible on evidence and research material. The information and oral testimony gained from the Hearing will be original material and will strengthen the committee's work on the subject. Interesting quotations from the Hearing should be identified to be used in the committee's report.

Stage 7: Drafting the Report

Following the Chair's instructions, the staff will then produce the committee's draft report. The draft report will consist of an outline of the subject and the committee's reasons for the inquiry, main points from the written and oral evidence, key facts and statistics and present the report's findings, conclusions and draft recommendations. Once the draft report has been prepared, it should be given to the Chair who will give his or her opinion and advice.

The draft report will then be circulated to committee members, who will discuss and formally consider it. Sometimes the draft report will be accepted by the whole committee without any amendments. On other occasions, amendments can be proposed by committee members, to the text of the report or to its recommendations. Under the Chair's supervision, the staff may produce an amended report which seeks to meet any concerns raised by committee members.

The aim should be to produce a report that all members can agree on. The amended report will be circulated to the committee for discussion. Sometimes the report may have to be amended again and returned to the committee. On occasion, votes are taken to resolve differences between members. Eventually the report will be approved, hopefully unanimously, by the committee. The final report will be much stronger and more persuasive if it is unanimously agreed by all committee members.

Good Practice in Report Writing:

Following good practice guidance can help to ensure that the committee's report is well-structured and evidence-based. Before starting to draft the report, committee staff should produce an outline plan showing the structure and main parts of the report, which will tend to have the following features:

- Title page: showing the name of the committee, report title and date of publication.
- Table of contents: listing the contents, chapters or sections in the report, with page and paragraph numbers to guide the reader.
- Executive Summary: a short summary of the report's most important points and conclusions.
- Introduction: outlining the report's context, background and purpose and stating the Terms of Reference.
- Main chapters, sections or paragraphs: which contain most of the report's content.
- List of Conclusions and Recommendations: for changes, solutions or further action.
- Any Formal Minutes of the committee relating to the report.
- List of written evidence and information collected.
- List of Hearings held and meetings convened, including transcripts of the hearings.
- Appendices: Additional information including relevant papers, surveys, glossary.

Using Evidence and Factual Material:

The main text of the report should be based as far as possible on the written and oral evidence. A range of factual sources and evidence and opinions should be used to reflect the differing views presented to the committee. The report's findings, conclusions and recommendations should also be based on the evidence and information presented in the report.

Writing the draft report: Some guidelines are useful in drafting the report:

- Present a range of views and then state the committee's position.
- Ensure all quotations, facts and statistics have full references.
- Aim for clear and straightforward language.
- If possible, be brief. Good committee reports do not have to be lengthy

although sometimes, to cover all the issues raised and evidence received, it may be necessary to produce a more substantial report.

- Devise clear recommendations which should state clearly to whom the recommendations are addressed and what exactly is being requested.

Stage 8: Final Report Publication and Dissemination.

When the final report is published (online or hard copy), committee staff should alert the media. The Chair and committee members may comment to the media about the report or give interviews.

Copies of the report should be sent to interested organisations and individuals. A copy should always be sent to all those who provided written material or information to the inquiry and to those who appeared at a Hearing. Copies may also be sent to the Parliament's Speaker and to other relevant committees or parties within Parliament. Sometimes it may be possible for the report to be debated in the Plenary Session of the Parliament.

A copy of the report should be always sent to the Ministry responsible for the subject area with a request to respond to the report's recommendations within a fixed period of time. In the United Kingdom, the response is expected within 60 days.³ When the Ministry responds to the report, the committee may meet to consider whether the response is adequate and may issue a further statement to the media.

Stage 9: Undertaking Follow-Up

In the longer-term, it is important that committees undertake follow-up on earlier inquiries to consider:

- Has the Ministry done what it was asked by the committee to do?
- Has the government fulfilled any undertakings it has given to Parliament or to the committee? If not, why not and when will it do so?
- Have circumstances changed so that a new approach to this subject area is now needed?

As part of the follow-up process, the committee may write to the Ministry for further information or hold further hearings to raise the subject with the Minister or government officials.

Conclusion

This Guide to Parliament has described the important function of inquiries by parliamentary committees and how they can be used to exercise oversight of the actions, policies and expenditure of government. This oversight can lead to greater transparency and accountability of government to the people. Parliament as the representative body of the people is the institution that is best placed to achieve this accountability.

The Guide provides practical information about how committees can run an oversight inquiry and produce oversight reports. These inquiries are effective in bringing together a range of views and evidence to make the case for government to respond to parliamentary and public concerns. Committee inquiries enable Parliament to have real impact and to make a difference to the operation of government on behalf of the people.

About the Author



Alex is a specialist in parliamentary procedure and reform, including legislative process and financial scrutiny, parliamentary committees, parliamentary and constitutional reform. He was the Hansard Society's Director of the Parliament and Government Programme. Previously, he was a Committee Specialist for a House of Commons Select Committee and also worked in the House of Commons Library.

Alex has published a wide range of books and articles on parliamentary issues including: *Systematic Scrutiny, Reforming the Select Committees* (2000), *Parliament and the Public Purse* (2000), *Parliament, Politics and Law Making*, (main contributor and editor, 2004), *The Fiscal Maze; Parliament, Government and Public Money* (lead author, 2006), *Law in the Making* (co-author, 2008). Alex holds a M.Sc. in social policy from the London School of Economics.

Footnotes

¹ Global Parliamentary Report 2017: Executive Summary, Inter-Parliamentary Union and United Nations Development Programme (2017)

² For further information on the work of Public Accounts Committees and on parliamentary oversight of government expenditure, see Global Partners Governance Guide to Parliament Number 4, *Show Me the Money; Improving Financial Oversight*.

³ For further information about the structure and operation of oversight committees at the United Kingdom House of Commons see <https://www.parliament.uk/about/how/committees/select/>

Publication design by
Joe Power

+44 (0) 207 549 0350
gpgovernance.net
hello@gpgovernance.net

© Global Partners
Governance, 2017

