



Liaison Committee

Uncorrected oral evidence: Review of Investigative and Scrutiny Committees

Wednesday 9 May 2018

11.10 am

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Members present: Lord McFall of Alcluith (Chairman); The Earl of Courtown; Baroness Garden of Frognal; Baroness Hayter of Kentish Town; Lord Low of Dalston; Lord Smith of Hindhead.

Evidence Session No. 3

Heard in Public

Questions 20 - 27

Witness

I: Professor Matthew Flinders, Professor of Politics, University of Sheffield, and Founding Director, Sir Bernard Crick Centre for the Public Understanding of Politics.

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Examination of witness

Professor Matthew Flinders.

Q20 **The Chairman:** Professor Flinders, welcome to the Committee. Can you identify yourself for the Hansard writer first, please?

Professor Matthew Flinders: Sure. I am a professor of politics at the University of Sheffield and director of the Sir Bernard Crick Centre.

The Chairman: Thank you for the paper that you submitted. It has been very helpful to us. Maybe I can start off by asking you how you would define “effectiveness” for the House of Lords committees and, in particular, how the House of Lords can ensure its work reflects the rapid change that we are seeing in society. I notice from your submission, in paragraph 1, you said that the House of Lords undertakes an incredibly valuable role to the highest standards, but its work generally remains hidden to the wider public.

Professor Matthew Flinders: I can follow up from the last witnesses on this notion about the value added to the public. In many ways, the work of the committees has two related dimensions. One is the internal scrutiny work undertaken in relation to specific inquiries, but, quite separately from that, those committee inquiries play an additional role in promoting the public understanding of politics and particularly what the House of Lords does. In many ways, in recent years, the role of the House of Lords has increased massively in terms of influence and the standard of its reports, but there is almost a breakdown of that relationship with the broader public.

That is interesting, because I spent the last year working for a House of Lords inquiry. When I am beyond SW1 and out of the metropolis, in Sprotbrough in Yorkshire, if I say to people, “I am currently working in the House of Lords”, their first reaction is rather dubious. When I explain what I am doing and what most Peers do, they are pretty impressed—so there is a real missed opportunity. There is a double dynamic here: a dimension of reaching out to a broader audience in order to improve the information entering the scrutiny process, and a very positive spillover dimension, which is that, through that reaching-out process, you will by definition increase public understanding.

It is very interesting to look at the research on attitudes to politics. If you ask most members of the public, “What do you think of politicians, political institutions and political processes?” the responses are generally very negative. However, if you ask exactly the same people, “Have you ever met your local MP? Have you ever taken a complaint to your local councillor? Have you met a member of the House of Lords?”, where they have, their response is generally overwhelmingly positive. There is a breakdown in the relationship. If the House of Lords can engage more vibrantly with the broader ecosystem of society, the benefits will ripple out far beyond the specific inquiry itself.

I often think there is an issue about institutional confidence. The House of Lords might think that, because it is not an elected Chamber, it has less legitimacy with the public. The public, in my experience, are far more sophisticated than they are often given credit for, and understand that legitimacy takes many forms. There is an opportunity for the House of Lords, and particularly the inquiry system, to develop a far more vibrant, mature and balanced public discussion about some of the challenges that we as a society will face. The Lords can do it in a way that the Commons cannot.

The Chairman: You have facilities at your university for this and you have been doing a lot of work on it. It has been suggested to me informally that it would be worth a visit to your place. I will ask you: is it worth a visit?

Professor Matthew Flinders: Sheffield is always worth a visit.

The Chairman: What can we learn if we go there? That is what I mean.

Professor Matthew Flinders: I am going to throw that back at you because, being a Yorkshireman, I think the challenges are about not overcomplicating. I have done a lot of work on deliberative society, citizens' assemblies, mini-publics and digital democracy. That is all well and good, but the challenge for the House of Lords committees is far simpler: at the moment you tend to produce documents that are, if I am honest, almost designed to put off large sections of the public. That is not to say that they are not valuable for the core purpose for which they are designed, but the biggest benefit for House of Lords committees is to embrace what I call the art of translation, which is basically being slightly more vibrant in how they translate their main, core inquiry documentation, so that it is simply accessible to a much broader audience.

If I can give you one example, working for the House of Lords Committee on Citizenship and Civic Engagement, we went into the normal process of agreeing the issues and questions paper that went out to set the agenda for the report and to call for evidence. The language that we use is very scary for lots of members of the public, particularly the very members of the public you really want to engage with. I was listening to the issue about witnesses agreeing to come and give evidence. Often, the challenge I face with witnesses is that they are scared. They are intimidated. They do not have the support. People in this room come to this sort of building all the time. Think about the layout of the room and the language: we call for evidence; you will be a witness.

With the House of Lords call for evidence, I translated it into one page of A4. It said, "This is what we are doing, this is what we are interested in and this is why we want to hear from you". What I found most interesting was that somebody doing that caused people to say, "Whoa". That takes us back to the issue around the changing society. This is not unique to this legislature or this House. Around the world, Parliaments and their component elements are trying to work out how to engage in a process of

catch-up with a society that is increasingly fast paced. There has to be a shift, I would imagine, in how the House of Lords approaches its role and its engagement with that broader society.

I suppose my core point is that that shift is not about institutions or adding on citizens' assemblies; it is a cultural shift. It is a cultural shift on the part of the Members of the House of Lords, and among the staff of the House of Lords, to understand that the public have a core relevance and role to play in our political discussions. One of the dangers of engagement is that it becomes overwhelming and you drown. In the academic world, there is a condition called "going MAD", which organisations often face: multiple accountabilities disorder. You are held accountable by so many bodies that you never get round to getting on with your core tasks.

The real point is that, in the House of Lords, I sense that Members are really keen to innovate. Staff often feel quite frustrated: they want to innovate but need to be more empowered to innovate and to take a few risks. In terms of working more smartly but not necessarily harder, there is this notion of translation. The public do not think, "I do not want to engage because I am not going to get what I want out of the process. The Committee is not going to recommend what I think". What is more important—and this is the great problem with the rise of populism around the world—is that too many sections of society feel, wrongly or rightly, that those in political control are not listening. In fact, my understanding is that many politicians—people in office, like in the House of Lords—are listening and are trying to listen. One of the challenges is how to mediate all the noise. That is where the House of Lords might think about being slightly more sophisticated in how it harvests information, being slightly more dynamic and having a little more confidence.

Q21 Baroness Hayter of Kentish Town: Perhaps I could bring you back to our particular inquiry, which is about how our committees work. You are clearly a man of great taste: you say we are authoritative, we have experts and we are well considered. Your judgment is impeccable. But one of the things you raise here is our choice of looking at issues in committees, and that is what we are focused on. You say it might, for example, be appropriate to include an emphasis on issues of particular public concern, which, as you probably took from my question before, I thought was important. I happen to concur with that, but what is the way of making sure we have a more thematic approach that would reflect that? It sounds very good, but what is the mechanism for being able to achieve that?

Professor Matthew Flinders: In terms of House of Lords committees and where they go in the future, it seems that a broad consensus is emerging in a number of key areas about where they might close certain accountability gaps. That might be around post-legislative scrutiny or long-term horizon scanning. The issue that was closed off there around devolution is critical. There is not a clear structure for bringing the component Assemblies and Parliaments of the UK together.

The core of your question is about whether the House of Lords wants to consider, to some extent—and this is an innovation—democratising the selection of topics for some of its ad hoc committees. It would be possible and quite easy for you to do that using a number of mass-access online platforms.

Baroness Hayter of Kentish Town: I am really not asking that at all. I do not want to take you down a line that I did not intend to. I am talking about what our method is, not the examples of it. What would make a change in the way that we work to enable us to do that? We are not going to go out and consult all the public on this. We have to stay where we are at the moment. You have seen the size of our Committee. What could we shift in order to change our criteria, which at the moment are ideas brought to us by active Members of the House of Lords, so they have a focus on issues of public concern? I do not mean by asking the public; I really do not.

Professor Matthew Flinders: I am slightly stumped by the question. In a sense, at the moment, the ideas for the selection of topics come from quite an internalised pool. If you want to broaden the spectrum of ideas coming into that pool, at some point you will have to think more innovatively about how you get at least a longlist of those ideas. In a sense, there are similar processes in similar areas, but, in terms of getting those initial ideas on the table, particularly if you are keen to think creatively about the effectiveness of committees and identifying the gaps, there will have to be an experiment in thinking beyond the Palace of Westminster in some way. I am thinking particularly of the recent issue with going out to the public when naming the new boat for the Antarctic Survey.

Baroness Hayter of Kentish Town: I rest my case.

Professor Matthew Flinders: There is still a reasonably simple way in which you could harvest a whole range of ideas, themes or issues from a broader range of the public, without it being a huge amount of work, because the digital skills now are very advanced, which would at least provide you with a number of counterpoints that might not have come up from those internal processes.

Baroness Hayter of Kentish Town: You are saying that the only way to address public concern is to talk to the public.

Professor Matthew Flinders: I am sorry; I think it is, yes.

Baroness Hayter of Kentish Town: Possibly I am in a different position from that, but that is really what you are saying. You are saying that the only way you get public concern is from the public.

Professor Matthew Flinders: Yes.

Q22 **Baroness Garden of Frognal:** You have partly answered my questions about the scrutiny gap, because you say in your evidence that there is a real scrutiny gap in follow-up and subsequent investigations. I want to

ask your advice on how we go about doing that. We have limited staff and limited resources at our disposal to follow up all the committees. It is something that we certainly recognise. It is all very well producing a brilliant report, but you really want to know whether it has been implemented—which is the same with legislation as well. I have to say, there is very little that goes on with that, too. Surely it would be possible to get ideas of particular public concern without asking the public directly, because there are issues that crop up generally, are there not?

Professor Matthew Flinders: There are, but there is one interesting thing that might help. An ad hoc committee has just been approved on intergenerational issues. How will that committee make sure it understands what issues it needs to deal with? In terms of getting to the heart of that, there is really no way, with all the best research and advice from the House of Lords Library and the support staff, that you can ever understand. A lot of the issues that you are dealing with, when it comes to public engagement, are about emotions, feelings and understandings of multiple publics in multiple parts of the country. It is very hard to get that from harvesting the available data on paper that is put in front of a committee.

One of the most powerful things, and by far the most beneficial thing, we did with the House of Lords inquiry was that the whole Committee spent a day in Sheffield. We went to the leafy suburbs and to the not-so-leafy suburbs. We went to the old industrial parts. In the staffroom of a very challenged local school, we met people from local communities. That engagement lifted the lid and got beneath a lot of the deeper challenges and issues that would have been very hard to get at in any other way. It is going to be difficult without innovating in relation to building new relationships and using digital technology to do that.

With the follow-up, particularly with the ad hoc committees, that is a real issue at the moment. There is an accountability cliff that it goes off. I might recommend that the Committee does a pilot study, following one of the recent ad hoc committees. I do not know if it is possible, with standing orders, to use a sub-committee of the Liaison Committee or some other mechanism. But an experiment around following an ad hoc committee over the next 12 to 18 months, in order to test the procedures through which you can put in place and follow up scrutiny, seems vital.

It just came to me that, if you want to know about accountability gaps, there was all the work done in the Commons a few years ago, which Paul Evans will be aware of, around systemic scrutiny and the introduction of core tasks for Select Committees. To some extent it is still there as a framework, but the focus on it has gone out of vogue. Looking at those core tasks was a very useful experience, and there will be some core tasks that, for one reason or another, are not felt to be particularly attractive topics for Select Committees. The House of Lords might provide increased attention to close that gap.

It is not just about the gaps; it is also about the accountability loop. In politics more generally, there is often a great emphasis on consultation

and engagement. People go in and try to play a role, and they never see anything coming out of it. Making sure that all the people we engage with receive some recognition—not that they got what they wanted but that they at least played a role—is crucial to maintaining those relationships.

- Q23 **The Earl of Courtown:** Professor Flinders, I had a look through your written submission. Under point 5, you say that the ad hoc post-legislative scrutiny committees perform an incredibly important role that could potentially be developed. How could that be developed? Going on from there, we have also had—although I do not know how many—not many pre-legislative committees. I find that a very difficult thing to go forward with, because of the management of bringing legislation forward. I really do not know how easily these can be developed, but I would be interested to hear your ideas.

Professor Matthew Flinders: Interestingly, beyond the Palace of Westminster the House of Lords committees do not really receive a huge amount of recognition, given that the reports they produce tend to be far more extensive, mature and developed than those coming out of the House of Commons. In terms of developing that work, there is a tension, and this is a perennial theme. If you really wanted to develop the work of the committee structure, you would have to increase the support capacity around those structures. There has always been a tension between the amount of staff resources that the committees possess and a concern among members, who are wary of becoming staff-driven rather than member-driven.

In terms of where you go from here, particularly if you want to take issues around engagement more seriously and in a more innovative, vibrant manner, I cannot help but think that that would require at least some discussion about additional resources for committees.

The Earl of Courtown: What about pre-legislative scrutiny? How can you see that being developed?

Professor Matthew Flinders: The pre-legislative scrutiny is vital. There is lots of scope to undertake that work, and particularly to make sure that the legislation coming through is of the required standard. But the bigger gap is probably in relation to post-legislative scrutiny.

The Earl of Courtown: You think that is more important.

Professor Matthew Flinders: Absolutely, yes. There is very little reflection on whether policies are working until something goes wrong. There is a very interesting point there. Accountability processes in a Westminster context are generally of the blame-allocation sort: “got you”. People are scared, generally, to sit in this seat, although the House of Lords has a less partisan, more mature approach. Other countries are much better at learning from failure, analysing issues that are seen as problematic and looking back at what can be learned through that process to prevent it in the future. That sort of learning and evidence-based approach could be incredibly helpful.

Q24 Lord Smith of Hindhead: The ad hoc committees of the House of Lords are seen as an area where we perform extremely well. The time-limited nature of them—limited to 12 months—can cause difficulties, not least because it sometimes does not give us enough time to deal with the subject at hand. I served on the Political Polling and Digital Media Select Committee last year, and I know that we really struggled to get through it all. We dealt with the first bit but had to leave the second bit alone. It also causes difficulty for the follow-up work. What do you believe is the best way to improve the follow-up work of ad hoc committee reports?

Professor Matthew Flinders: On timing, there needs to be more flexibility. Constitutionally, any ad hoc committee could come back and ask for more time but, in my experience, members and staff are reluctant to do that, if at all possible. This is one of the big areas that the committee has to grapple with. Some capacity needs to be created, either with the committee office or through a sub-committee structure, to allow, even at a fairly low level, a formalised review of ad hoc committees at a certain point after they are completed.

A lot of that would be fairly light touch. It is a bit like the notion of fire alarms: in most cases there would not be a problem and it would become very clear what had happened subsequently after the report. In some cases there would need to be a follow-up process, which is really about closing the accountability loop. The question I am not sure about is what capacity there would be within the committee office to provide that post-report review process, under what sort of structure, in terms of the overview of that, and how that would take place. It strikes me as one of the most obvious shortcomings at the moment, in terms of filling a real need.

Q25 Lord Low of Dalston: I have a question here. Before that, can I ask another question that is not on the sheet, but is more relevant to what we have just been talking about? I am going to ask you about the structure of Select Committees. One of the other people who submitted evidence to us proposed a structure for the major House of Lords Select Committees that reflects both the main strategic and thematic challenges facing the nation and the functions of government today. They said they had identified six strong themes. I will just read you these six strong themes, and I would be interested in your comment on these themes as providing a basis for a structure of Select Committees. The six strong themes are: the economy; home affairs; health and welfare; foreign affairs, including Brexit and post-Brexit issues; defence and security; and the constitution and local government, including the nations, regions and cities of the United Kingdom. Those were the six strong themes, and I would be interested in your thoughts on that.

Professor Matthew Flinders: Instinctively, I think the British constitution works through a rather Whiggish, incremental muddling through. There has historically been almost pride in a sense of amateurism. Where we are now with the House of Lords Select Committees is a professionalisation and development of that process. There would be a case for a more stable structure of the investigative

committees that did not overlap with the Commons, but the challenge with reading out those thematic areas is that they sound to me to mirror the main committees of the House of Commons.

Lord Low of Dalston: They are a bit broader and not just departmental.

Professor Matthew Flinders: Yes, they are. It does not strike me as having the added value or innovation that you might have with committees that were looking at big questions of post-legislative review or big issues of horizon scanning. I can see the value of a more systemic approach, but I am not totally convinced that those six areas are the way to go.

Lord Low of Dalston: Are you suggesting that it needs to be freed up a bit more?

Professor Matthew Flinders: It does. In a sense, the benefit of the House of Lords is that it is not caught within certain silos that reflect the departmental model. My fear with those areas is that, as an unintended consequence, they might constrain what the committees were doing. If you look at the big social challenges, they tend to be cross-departmental and more thematic.

Lord Low of Dalston: Thank you very much. It was good to get your reaction to that. I am now going to ask the question I was supposed to ask you, which is about engagement.

Professor Matthew Flinders: Go for it.

Q26 **Lord Low of Dalston:** You mention in your written evidence that House of Lords committees should be more proactive in their outreach and engagement. What engagement techniques do you believe would be most beneficial to House of Lords committees, particularly in developing a dialogue?

Professor Matthew Flinders: At the moment, as far as I understand, a large number of House of Lords approaches are what I would call fairly passive. They rely on large numbers of distribution lists, and emails and letters going out to a large number of people who are already within the system. It would be far more useful to complement that with, as I said before, new ways that will allow the public to recognise and engage with what is going on in the House. If you really want to reach out to people who are likely to be totally disconnected and, at first, disinterested in the work that is going on here, one of the simple things, which my students do within seconds nowadays, is to use short informatic videos which allow you, through a whole range of mediums, to suddenly access millions of people.

Funnily enough, one of the challenges I have had in the past is the risk that a Select Committee might become overloaded with responses and how it would cope with that sudden influx. It has to be around the innovation of translating documents so that they are much shorter and more accessible, and they think about language. Often it is about where

you host the meetings, particularly getting out of London, and even the design of the room can be critical when dealing with certain groups.

Thinking slightly more creatively about that, I could probably give you no more than 10 online mass social platforms that would be happy to host short, informative, accessible pieces of information about the work of committees, which would then get them out to millions of people. The problem at the moment is that the information coming out of the Lords is not of the right type to be hosted on those sorts of platforms.

Lord Low of Dalston: How would you go about putting a short video of that kind together? I was thinking as you were talking. You could have a presentation of the findings of the committee by the chairman in the House of Lords itself, but no sooner had I thought of that than I thought that you would probably say that that was far too formal and imposing. That would be more off-putting than anything else, and you would want to get something a bit more informal.

Professor Matthew Flinders: I had a slight giggle recently, because that is exactly the discussion we had when the idea of making a short video came up. It would have been a headshot of the chair. There is nothing wrong with the Lord Chairman, of course. I have a face for radio, so it would be no good for me. The key, core message and my strapline for today is that we need to think more creatively about engaging with multiple audiences in multiple ways. There is no one "public" out there, and we need to use technology in a way that allows us to cut down the transition costs and do things a lot more quickly, to get out to a much broader range of people. At the moment, the gap is growing between the governors and the governed. We might well have a short video with the chair of a committee but, more importantly, we might also have a short video with some of the witnesses who came to speak and what they got out of the process, which we host and put on the website.

We should have a website for Lords committees with a short video piece with every member, which tells you a bit about the member, who they are, what they did in their career and what they want to get out of the committee. You need to allow the public to get to know the people and why they are doing it. The good news is that there is a real appetite out there. There is a real longing among sections of the public. They are not anti-political; they just do not understand politics. They are working with a media that believes that only bad news sells and, therefore, they have become cut off and disengaged. With a bit of vibrancy, energy and passion, it is possible to rebuild those communications.

That is particularly important because of the House of Lords and because of the issues around non-election, but the non-election can be turned round, if you dare, with a bit of confidence, to engage more proactively. I was most taken with working on the Lords committee on citizenship last year. The amount of work and dedication that went on in that committee and the quality of the final report were absolutely outstanding. A lot of that is because of the quality of the staff we had. Have we really got maximum value for the public out of that time, energy and money? No,

because, when we produced the report, the system was not able to drive it out there with the vibrancy and energy that would allow it to connect to the large body of people that it could do.

Q27 The Chairman: Thanks very much for that. To the point you made about informatic videos, our digital team are alert to that and there is an opportunity to do it. In a visit when I went to see them, they said we have a Q&A setup at the moment but, if we go digital, with informatic videos and animation, it could be much more exciting. There are opportunities to do that. Given your evidence, we would be delighted to keep in contact with you on this. If you can help us along on this, it would be appreciated.

Professor Matthew Flinders: I would be delighted to help as much as I can.

The Chairman: If we think it is going to be a value-for-money exercise going to Sheffield, we will consider that as well at some stage.

Lord Low of Dalston: It sounds as though they could put on a pretty good visit for you, Chairman.

The Chairman: Exactly. There you are. Thanks very much for that. As a last word, I notice from your submission that you do not favour elections for Select Committee chairs; I just note that as a matter of record.

Professor Matthew Flinders: Do I get a prize for using the word "gumption" in evidence?

The Chairman: It was very interesting. Thanks very much and let us keep in contact.

Professor Matthew Flinders: Thank you very much.