



Liaison Committee

Corrected oral evidence: Review of Investigative and Scrutiny Committees

Wednesday 16 May 2018

10.30 am

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Members present: Lord McFall of Alcluith (Chairman); The Earl of Courtown; Lord Foulkes of Cumnock; Baroness Hayter of Kentish Town; Lord Low of Dalston; Lord Smith of Hindhead; Lord Williams of Elvel.

Evidence Session No. 4

Heard in Public

Questions 28 - 36

Witness

[I](#): Alun Evans, Chief Executive, British Academy.

Examination of Witness

Alun Evans.

Q28 **The Chairman:** Alun, welcome to the Committee. For the *Hansard* writer, can you identify yourself, please?

Alun Evans: I am the chief executive of the British Academy, which is the national academy for the humanities and social sciences.

The Chairman: I was apprising the members of the Committee of a previous informal engagement in June 2016 with the British Academy, with you, and chaired by Lord Stern. I am sorry to note that Nick cannot be with us today because he is abroad. The theme was that there is presently not a strong rationale for the current structure and shape of the House of Lords committees. Nick Stern stated that the rationale should be twofold: scrutiny and strategy. By doing so, that would provide an overview and a strategic sense of direction for the key policy challenges that we face in society today. The informal group—and I mentioned the members of the informal group—proposed a structure with six strong themes, including a crucial power to appoint sub-committees. Could you expand on that proposal for us?

Alun Evans: Thank you for the opportunity to speak to you today. I appreciate it. It has been quite a privilege doing this piece of work with Lord Stern. He apologises that he could not be here today.

As you say, Chair, that sets out the background to our deliberations. At the roundtable, we had a number of Lords who are fellows of the British Academy, including Baroness O'Neill, Lord O'Donnell and Lord Hennessy—people with some background knowledge of the subject. I am an outsider but have studied politics for many years, was for 30 years a civil servant and have appeared before House of Lords and House of Commons committees, so I have some experience.

We deliberately tried to keep the note as short, strategic and top level as possible. In the proposals, we tried to achieve three main objectives. The first was to relate our proposals to what we thought were the main objectives of the House of Lords, not seeking to duplicate what the House of Commons does. Secondly, within that, we tried to identify themes that are not constrained by government departmental structures. That seems to be one of the problems—or, rather, shortcomings—of the House of Commons Select Committee system, which inevitably has committees that shadow the main government departments. Thirdly, we tried to identify what we thought were the key strategic themes and the questions and challenges that flow from those.

That is where the set of six themes around the discussion came from. They may not be exactly the right ones, but they provide the right top-level balance between the key challenges for the nation, for society and internationally, and the opportunity to drill down into more detailed areas of scrutiny. The obvious main one over the next few years will no

doubt be the implications of Brexit. That is the rationale, and I am happy to go into more detail as necessary.

The Chairman: Just give us a wee bit more flavour. For example, you mentioned the power for sub-committees. I noticed in your paper you mentioned the Economic Affairs Committee. Housing could be involved in that, as well as the industrial strategy and other areas.

Alun Evans: You have picked up some of them. I will come back to the point about the shortcomings of departmental structures. We can go into Brexit if you want, but I thought of some other challenges, for example the future of the digital economy. In departmental terms, that is the domain of DCMS, the Department for Digital, Culture, Media and Sport, but the digital economy affects every department.

Citizenship, for example, has much wider implications than just the departmental lead in the Home Office. Perhaps we saw in the effects of the Windrush issues that, if you just look at something from one dimension of immigration, you do not necessarily get the full picture. There are other emerging issues in areas such as genetics, which are inherently cross-cutting.

Coming back to your question about the challenges of Brexit, I am not even sure we can identify all the issues that will come out of Brexit now. There will undoubtedly be ones concerning the nature of the implications of Brexit for the economy and how the Executive are going to tackle them. One that always occurs to me is the effect of the abolition of the European Regional Development Fund—ERDF—the European Social Fund and the common agricultural policy. When they disappear, what will be the implications for the regions and nations of the United Kingdom? I do not think there has been nearly enough in-depth scrutiny of that yet. In my view, it would be an obvious area for a sub-committee of the main House of Lords committee on Europe and Brexit to look at.

Q29 **The Earl of Courtown:** In your evidence, once again going over what the Chairman mentioned, you say this should be structured along six thematic areas. One has to look at both committee structures in both Houses to find where we want to end up. We have to look at the key strengths and weaknesses of the House of Lords committee structure. Are the weaknesses covered by the House of Commons system, or should we do further work on this issue relating to House of Lords committees?

Alun Evans: Weakness is perhaps the wrong word, but, as I said earlier, the implications of the House of Commons system are that, inevitably, it looks rather one-dimensionally at particular problems. If you are having a topdown, strategic look, as we are trying to do, you have to ask what the best way is to analyse particular issues as they appear to the nation, not looked at from one departmental perspective.

In preparation for this, I looked at the current list of House of Lords committees. They appear to have emerged on a slightly piecemeal basis. There are some very important committees, but you do not immediately

see the contribution of the work of those committees to the overall strategic intent. As I said in our note with Lord Stern, there have been some extremely strong reports, and some members of the committees are extremely powerful, articulate and knowledgeable. With the more strategic framework that we have proposed, the level of scrutiny could be even more powerful.

In terms of scrutiny, I use the words “strategic scrutiny” to distinguish from what one might call the more legalistic or line-by-line scrutiny that is necessary for Bills by the Commons and Lords committees. I am not talking about that. I am talking very much about the strategic scrutiny of the key challenges for the nation today. I should end in saying that the six areas we have proposed—there may be seven; there may be five—are roughly in the right area.

The Earl of Courtown: It is always very difficult to compare two Houses. It is like comparing chalk and cheese. You very often end up in the wrong place if you try to compare them too much. In addition, I was wondering whether you have looked at other committee structures in other parliamentary assemblies in the Anglosphere.

Alun Evans: The short answer to that is no. What I know most, because of my background, is the way in which the Scottish Parliament works, from my previous work in the Civil Service there. There seems to be quite a strong level of scrutiny. Your suggestion of looking at other parliamentary systems of scrutiny is rather a good one. If you are interested, I am sure the British Academy could help you in your deliberations.

The Earl of Courtown: I do not think I have the time.

Alun Evans: This is job creation here.

Q30 **Lord Foulkes of Cumnock:** For the record, I believe that Brexit is neither desirable nor inevitable, but I am going along with this consideration nevertheless. You said that they are not seeking to duplicate the work of the House of Commons. Why should we not have committees covering the same areas as the House of Commons? What is the rationale behind it?

Alun Evans: The rationale is efficiency. I do not think you should necessarily not do so. To have a House of Lords and a House of Commons committee scrutinising the same work of the same department seems to me duplicatory. If resources are limited, I would probably urge people to put them elsewhere. I am not assuming Brexit is inevitable, but to stick on the Brexit example it would be foolish to say that there cannot be House of Commons and House of Lords scrutiny of Brexit. It is going to be the essential challenge for the nation over the next five years and that will be necessary.

We were trying to say that, in terms of the departmental scrutiny, which is the way in which the House of Commons particularly works, you miss

something if you do only that level of scrutiny. That is why I proposed the House should do more cross-cutting scrutiny.

Lord Foulkes of Cumnock: We have now bitten the bullet and set up an International Relations Committee, because we do not want to call it the Foreign Affairs Select Committee. There are hundreds of issues that each of those can deal with. They do not need to overlap. It is similar with home affairs. If the Commons looks at Windrush, the Lords could be looking at something completely different. There is a whole variety of topics that each committee could look at. What is the rationale?

Alun Evans: I do not disagree with that analysis at all. Obviously it is unwise to just duplicate it entirely, but, as you have said, there are lots of different subjects you can look at. It seems to me and Lord Stern that it is necessary, first, to have a topdown look at the issues, rather than bottom up, by picking some of these cross-cutting thematic approaches.

Secondly, something that the House of Lords can possibly do better than the House of Commons is to take a longer-term look at these things, in not just one lifetime of Parliament. In other areas, things such as pensions policy or long-term social care, to take the obvious ones that are in the news, cannot, with the best will in the world, be solved by one Parliament. The House of Lords could take a more strategic, long-term, deliberative approach to those, and possibly even take slightly longer over it. It may be preferable to have fewer, better reports, rather than a greater number of shorter reports.

Lord Foulkes of Cumnock: That is a very good argument. It could be in the same area, but looking at it in the longer term. Can I move on? You deserve a medal if you directed the Scotland Office for a couple of years.

Alun Evans: It was three years, and I enjoyed it enormously.

Lord Foulkes of Cumnock: I remember it well, not your three years but my one year. I feel the House of Lords is far too London-oriented. More than 50% of the Members are from London and the south-east. Our meetings, almost without exception, are in London. What more can we do to engage with the wider United Kingdom community, including the devolved Administrations?

Alun Evans: Thank you for your comments on the Scotland Office. I made a few notes for this, but you have pre-empted one of them. I was saying, "Look for as wide an input as possible, and be careful not to appear Londoncentric, especially on the Brexit issue". You will get a different result if you talk outside London and the south-east. In particular, if you can, get out and about, meet people and have hearings elsewhere, in Scotland, Wales and Northern Ireland. Without blowing the trumpet of the academy too much, there are national academies in all those countries. We have fellow academics. The expertise of academics in all the areas is vital.

To pick up one obvious example, the Brexit question and the Northern Ireland border, we in the academy have done a lot of work on this, using academics from Queen's University Belfast. I would commend the reports that we have done on that. You could not do it if you just had hearings here because, for a start, people might not be able to come here. The culture does not lend itself to that. I agree entirely with what you said about the importance of getting out and about.

Lord Foulkes of Cumnock: Would it be worth spending that extra bit of money to go to Belfast, Edinburgh or Manchester?

Alun Evans: Yes, absolutely. Otherwise you will be criticised at the end for not taking as wide a view as possible.

Lord Foulkes of Cumnock: Members find a bit of reluctance in the House of Lords administration to move away from London. You think that is something that should be done.

Alun Evans: I am careful what I say. It is not my task to tell you what you should be doing. All reports are much more powerful if you have seen it. I will give you one personal example. Many years ago, 15 years ago, I did an inquiry. I worked on the inquiry into foot and mouth disease. Unless you went and visited the areas affected, including Scotland, Wales, Cumbria and Devon, you had no idea what the implications of that disease were for people in communities. If you lived in London and you saw it on the news, it did not mean anything at all. When you got out and you saw the devastation and trauma that people faced, you could understand better. I believe that our report was so much the better for doing it. If it costs money, it is probably worth spending some more money on.

The Chairman: As a postscript to George's comments, we had a very good session last week with Sarah Wollaston, the chair of the Liaison Committee in the House of Commons. They were not worried about the overlap. They proposed two themes, complementarity and parliamentary scrutiny, so that we ensured we addressed those issues.

You mentioned pension policy. I have had an informal chat with Frank Field. Unfortunately, he could not come to give evidence, but one of his suggestions to me, informally, was, "Given the expertise there is in the House of Lords in areas such as that, particularly with the Carillion report just out this morning, I would welcome Members of the House of Lords being seconded for a month or two to my Committee so they could lend their expertise".

We are very keen on working along with the House of Commons. When we do this report, the House of Commons will certainly be consulted. Sarah Wollaston has suggested Liaison Committee meetings semi-regularly between the two Houses, which is a good way forward.

Alun Evans: I agree strongly, Chairman. Some of the most powerful things from history are when there have been joint reports from both

Houses. If you pick up the things such as long-term social care and pension policy, there is a head of steam where the more rational thinkers realise these are cross-cutting, absolutely essential to the future of the country and will take more than one Parliament to sort. I strongly accept what you have said.

The Chairman: The evidence from Professor Anton Muscatelli, the principal of Glasgow University, adds to your theme about linking with universities, research institutes and whatever else.

Q31 **Lord Smith of Hindhead:** Let us go back to scrutiny. You have covered some of the question I am going to ask in your opening remarks, in the remarks you have just made to Lord Foulkes and in your written evidence under points 6 to 8. I am going to battle on with it anyway. How can the House of Lords committees add most value to the scrutiny work of the wider House? You might want to drill down a little more, to use your phrase, into what you have already said.

Alun Evans: I will probably end up repeating myself, but it is to identify the themes where there are challenges, where people, be they academics, politicians or the media, think there is a task to be analysed. We have named some of them there already. There is then a need to make sure that one relates the work of those committees at the lower level to the overall strategic intent. Let me take a committee that I know a little about, because Baroness O'Neill, one of our fellows, sits on it. That is the Committee of the House of Lords on political polling and digital media and the challenges there.

Lord Smith of Hindhead: I sat on that.

Alun Evans: You did, indeed. That is an absolutely relevant, important topic as we move forward, in terms of not just the implications of polling but fraud, scrutiny and how to use new technology to best effect. Bringing it back to the themes, it seems to me much more effective if it sits within the overall framework: how does this support the constitution of the United Kingdom? How will it apply in, and what will be the differences in, the devolved Assemblies? How can it be used to improve the working of local government? Can we use it to improve turnout in local government?

These are the types of questions that relate to the overall strategic intent, rather than just saying—and I may be being unfair to the Committee—“Let us have a look at the issues of digital polling”. It was quite an interesting piece of work, but it could be even more powerful if it is set within the wider national and possibly international context of best practice.

Lord Smith of Hindhead: We actually found it quite hard to cover the subject. It was so wide and we had limited time, so we were very good on the political polling part, but we could not drill down into digital media as much as we wanted to. We may have benefited from having a bit more time on that.

Alun Evans: The question of time is quite an interesting one. As I said, it may well be more valuable to have fewer and longer reports, so long as one is sure that one has got the scoping and the key questions right at the start of it. Then, as you will know, with your much more detailed expertise than mine, you find the real experts in your subject to help you with the scrutiny and analysis.

Lord Smith of Hindhead: Under your proposal where there are going to be permanent committees covering these subjects, they could grasp that, could they not? They could allocate members to deal with specific things for a longer time.

Alun Evans: The permanent committees will be the ones that keep a strategic overview of issues as they come and go. It may be then we will want a sub-committee on a particular area, but it will be for the permanent standing committees to say, "This seems to us important enough. If we are looking at digital polling or pensions, the type of questions we want to look at, which feed into this, are as follows".

Baroness Hayter of Kentish Town: My question is this: what is the point of House of Lords committees? What is their purpose?

Alun Evans: At the risk of repeating myself, they are essential for proper scrutiny of the legislature and of the Executive. As I said, there are two types of scrutiny. One is the more detailed legislative scrutiny that goes on in Bill procedures. The other one is strategic, topdown scrutiny. I just do not think that is done well enough. It is to hold the Executive to account, to identify shortcomings in the Executive and to hopefully produce reports that are both long-lasting and powerful.

The Houses perhaps do not go back enough over previous reports and see whether they were responded to—there would normally be a government response to them—and what happened in the next year or five years' time. Some of the best reports that have been produced by both Houses suffer through not always having the proper level of detailed follow-up by the Executive and by government departments.

Baroness Hayter of Kentish Town: That was exactly the answer I wanted, but many people who sit there say something different. Needless to say, this was not a simple question. They think our role is to go out and influence the public. I have to say I am with you, although there is one question that I will put. That was what I was trying to tease out of you, and luckily you have given me the answer I wanted.

Alun Evans: I am pleased about that anyway.

Baroness Hayter of Kentish Town: There is another role. This was particularly the case over Brexit; this is a personal judgment. Our EU committees' influence was over the House of Lords itself. On what we were doing then, in scrutiny, as the House of Lords, not the House of Lords committees, I asked a very specific, different question. I feel that our Lords committees were influencing the Lords as much as they were influencing government. Is that because I am slightly biased by those

reports, or do you think it is part of their role to influence not just government but the legislatures, be that the Commons or the Lords?

Alun Evans: The role of committees is to influence the whole legislature, which means both the House of Commons and the House of Lords, and to challenge and scrutinise the Executive. That is the fundamental purpose. To come back to your other point, I do not think the House of Lords and the committees should see their role as trying to get media coverage, as it were. There will be other ways of doing that. The power of the House of Lords, despite all the criticisms of it, is that it has this body of expertise and knowledge, as everyone says, and it does not have to look immediately to the next election and whether people will keep their seats.

Baroness Hayter of Kentish Town: I could not have written your answer better if I was writing it myself.

Q32 **Lord Low of Dalston:** I am going to invite you to get your crystal ball out, if you do not mind. You have made suggestions about a structure for House of Lords committees, but you presumably do not want to see this set in aspic. I am wondering how you see House of Lords committees evolving, where they might be in 10 or 20 years' time.

Alun Evans: The thing that is so important is to look at these big cross-cutting issues that take longer than one Parliament to work through. That is something that the House of Commons does not tend to do so well. In answering your question about where they should be in 10 to 20 years' time, hopefully there would be, referring to what I said earlier, some reports that really made a lasting difference, in terms of their level of analysis, the weight and value of their conclusions and the contributions they made to policy-making or to the nation as a whole. I would stick with that answer again.

Lord Low of Dalston: I suppose you would say they need to be adaptable and to demonstrate an ability to take on new issues, the issues of the moment, as they arise.

Alun Evans: They may be the issues of the moment as they arise. They may be issues that have been around for a long time and, for whatever reason, a solution has not been found. If you take long-term care of the elderly and challenges for the social services budget, political parties have failed to come up with a solution to that. The Dilnot report came up with some proposals, which were rejected. It featured strongly in the previous election. It is still a challenge to come up with an affordable proposal that gets enough support. If something like that was done within 10 years' time, it would be a service to the country, as far as I can see.

Lord Low of Dalston: Do you think our committees need to learn to adapt more quickly?

Alun Evans: Yes.

Lord Low of Dalston: Would you like to expand on that a little? Tell us

where they have not adapted.

Alun Evans: I will pick up some of my earlier examples. If you look at the Windrush example, there are some big issues around citizenship. That was seen through one dimension of the Home Office approach to immigration, but there are issues about the rights and responsibilities of citizens, what they should expect from being a citizen, the challenges of work and pensions, the role of justice, et cetera. There are more wide-ranging issues than the one-dimensional thing of Windrush. In scoping reports, House of Lords committees could address some of these tricky issues and identify the key questions that need to be answered.

Lord Low of Dalston: I think one of the things you are saying is that the broad issues may not change a great deal, but the way they manifest may change over time.

Alun Evans: Yes. Sometimes, if you just try to address the immediate issue in the day-to-day news or the political sphere, you may miss some of the longer-term strategic issues. One should not be driven by what is in the news on a particular day in deciding whether you should do a long-term inquiry into that area of work.

The Chairman: You said in your submission that the theme would be a long and strategic view of public policy, and you mentioned Windrush, but the two could co-exist, could they not? Some committees could take a long and strategic view, and others could have a very short inquiry on a topical issue of the day.

Alun Evans: Yes. The neatness of this proposal—I would say this, would I not?—is that it can do both of those two things. You would have six standing committees. If something comes up—I will try to think of an example, if I can get one—that is of such importance and highlights a shortcoming in legislation, overall scrutiny or policy, it can fit within this framework. It can also do work on the big, long-term issues of the day, such as the implications of Brexit, however it pans out.

Q33 **Lord Foulkes of Cumnock:** In your reply to Baroness Hayter about the purpose of the committees, you said “scrutiny”. No one is more enthusiastic about scrutiny, or scrutiny of the Government, than I am. However, that conflicts with what you said earlier and what you said in your written submission. You indicated that you see the role of committees as perhaps leading public debate on subjects, going ahead of what the Government are up to, and not just scrutinising the work of a department but taking an issue and moving it forward.

Alun Evans: I understand the point you are taking and I agree with it. Maybe it is because I was using a wider definition of scrutiny when I said “strategic scrutiny”. I am not talking about the detailed scrutiny of legislation or things such as that. It is about leading debate on particular areas—I gave some examples; we can come up with some other ones—and doing it from the top down. What is the purpose of a particular government policy? Where are we trying to go?

To take another area, the constitution and the future of devolution, Governments of both colours have made some progress on devolution. What is the longer-term policy on, for example, local devolution and the role of mayors? At the moment, we have a complete patchwork of a strong mayoral system in London; some boroughs in London have sub-mayors as well; some cities have mayors and others do not. That is an area where one could sit back and do what I would call strategic scrutiny. You might call it leading the debate. I do not think the term matters, but it is an obvious and powerful thing for which the House of Lords committees could provide a really valuable service.

Lord Foulkes of Cumnock: That is a very good example, because at the moment we have asymmetric devolution with Scotland, Wales and Northern Ireland. The big gap is devolution in England. You have described it well, with mayors and different authorities coming together in different ways. There is scope for a real study there, which has not been taken up by the Constitution Committee, for example.

Alun Evans: No, it has not been, but I will point out that the British Academy is just completing a piece of work on the governance of England, which I will ensure goes to all parties when we complete it this summer, including to the Government.

Lord Foulkes of Cumnock: Could you send one to Jeremy Corbyn as well?

Alun Evans: I will willingly do that, yes.

Lord Foulkes of Cumnock: Yes. He needs it.

Q34 **Lord Williams of Elvel:** You have been very full in your responses and we are very grateful. Is there any other issue that you would like to bring before the Committee that we have not already covered?

Alun Evans: I do not want to be too presumptuous, but I think it is good to step back and have a completely new look at the system, rather than just tinkering with the existing one. Sometimes a step change can make a difference, and that is what Lord Stern and I have been trying to argue for. We should not just look at the system at the moment and see how we can change it. We should look back and say, "If we are starting from scratch, what would work"?

The offer I make is that I, on behalf of the British Academy, am willing to help in that. We have tried to help a bit already. I am quite sure that the academies for Scotland, Wales and Ireland—the Royal Society of Edinburgh, the Learned Society of Wales and the Irish Academy—would be willing to help, as would, I am sure, although I cannot speak for them, the other national academies: the Royal Society, the Royal Academy of Engineering and the Academy of Medical Sciences.

Q35 **Lord Foulkes of Cumnock:** Again in reply to an earlier question, you said you did not know much about international comparisons. Is there any way in which you, as the academy, can help us to look at others? I have just been to New Zealand and I had a look at the Select Committee

system there, but of course it is unicameral and very different from ours. Where it is a bicameral system, as in the United States, Australia or Canada, it would be very helpful to get some comparisons. Maybe that is not your remit.

Alun Evans: I agree entirely with you. It is a very good point. As I said, we have not done something along those lines. Maybe we should. I will take it away, if I may, and get back to you. There are resource implications of doing that, not least going to Australia or New Zealand. Someone has to do it. I will think about it—it is a very good point.

The Chairman: That is very good. The issue of solid engagement with institutes such as yours and universities across the country is really important.

Alun Evans: There is real expertise on these issues, far greater than mine, around the country in universities. I am sure they would be willing to assist the Committee in your work.

The Chairman: They help to foster public understanding and engagement, which is important. Thank you very much. You have offered to help. We will take up that offer and therefore you are on notice as this Committee goes on. Thank you very much—you have been really helpful.