



Liaison Committee

Corrected oral evidence: Review of Investigative and Scrutiny committees

Wednesday 16 May 2018

11.20 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. 5

Heard in Public

Questions 37 - 47

Witnesses

I: Dr Ruth Fox, Director and Head of Research, Hansard Society; Dr Brigid Fowler, Senior Researcher, Hansard Society.

Examination of Witnesses

Dr Ruth Fox and Dr Brigid Fowler.

Q37 **The Chairman:** Welcome to the second session of our Committee's deliberations today. Can you identify yourselves for the *Hansard* writer please?

Dr Ruth Fox: I am the director of the Hansard Society.

Dr Brigid Fowler: I am a senior researcher at the society.

The Chairman: Welcome. We received your report a day or so back, but I have not really had time to look over it. Maybe as we go on we will be able to delve into it. I notice, in the first paragraph, when you talk about strengths and weaknesses of the current House of Lords system, you say it is more flexible, it is not tied to the shadowing of government departments and it therefore has more discretion. That seems to fit in with what the previous witness was talking about. Could you focus on the strengths and weaknesses, and the gaps we have in the system at the moment?

Dr Ruth Fox: Could I just begin on a note of transparency? For your information, four members of the society's board of trustees have links to this House. Three members of our board, including our chairman, are members: Lord Sharkey, Baroness Jay and Lord Lexden. The former Clerk of the House, David Beamish, is a relatively new trustee as well. I will just note that for the record.

The Chairman: I was at a breakfast meeting with Lord Sharkey and he wishes you well, so there you are. In terms of transparency, Philippa Tudor, the clerk to the Committee, declares the following interest: her husband, David Beamish, is a trustee of the Hansard Society. We have now completed the declarations.

Dr Ruth Fox: You have heard this from numerous witnesses, so it will be repeating the evidence somewhat, but strengths include the nature of the specialist expertise of the Members, the forensic and rigorous approach to the scrutiny, and the quality of the reports that consequently emerge. It is fair to say that a number, if not all, of the committees are important sources of persuasion and power, influencing both the views of Members of the House, for example through the Delegated Powers and Regulatory Reform Committee, Secondary Legislation Scrutiny Committee and the Constitution Committee, and the wider debate and views of stakeholders.

Importantly, of course, they also influence government. The committees have what my colleague at the Constitution Unit, Meg Russell, describes as anticipatory power, in terms of persuading Ministers to think again. That is not necessarily a measurable and quantifiable strength, but upstream in Whitehall Ministers are considering what the select

committees in the Lords might think about the issues that they are dealing with.

Brigid has looked at the issue of the scrutiny gap compared to the Commons following an election. One of the strengths of the House, reflecting the less partisan nature of things, is that you can be up and running much more quickly than the Commons certainly managed after the last general election. Looking at when the EU Committee in this House, compared to the Exiting the EU Committee in the Commons, managed to get up and going, we are talking about a number of months' difference. That is an important strength.

Inevitably, because of the less partisan nature of Lords select committees, the cross-cutting issues and the often very technical scrutiny issues that you tackle, such as secondary legislation, delegated powers and constitutional matters, are less headline grabbing. That does not lend itself to the kinds of public engagement that some of the House of Commons committees can undertake. I would argue that is a strength, but you can also see that, if you are concerned about wider public engagement, it could be a weakness as well.

The Chairman: I was a member of the Economic Affairs Committee here when it produced the report on Scottish post-referendum independence. That had an enormous impact in Scotland and it was a matter of real debate. It led to a greater understanding of the issue and it was quoted in all the debates the whole way through. That is just one, but there are quite a number of examples.

Q38 **Baroness Hayter of Kentish Town:** Before the end of the session, I have to leave. Brexit has not quite finished, so I will have to go before the end, I am afraid.

I have a question about Brexit—Brexit will never finish. I have read the paper, but not in the depth that I have read the other ones, because we have not had it for very long. There are two questions. One is about the role that committees ought to have during the transition period. Post that, there will be all the trade agreements, which presumably people will have to alter. Could you say a little about how you envisage committees working in both those timeframes, first over transition and then, following that, over any trade deals?

I am partly interested because, as you heard earlier, one way of dealing with this is to look subject-wise, rather than task-based. I am interested in teasing out the difference. For example, the task of scrutinising a trade deal is not subject-based; it is task-based. In answering it, bear in mind that I am interested about how committees work both during transition and when there are trade deals. That should be an easy one.

Dr Ruth Fox: Brigid leads on our Brexit work.

Dr Brigid Fowler: Thank you for the question. As far as the immediate Brexit and transition-related questions go, the first point is an obvious one. That is the degree of uncertainty that we are still looking at. I note

that the EU Committee in this House has made you a submission that says, "We may need to come back to this later in your inquiry when it is to be hoped that some greater degree of certainty about how transition is going to work will have been achieved".

That said, in a sentence, we recommend that the EU Committee in some form should continue to exist during the transition period. We see that there will still be a job to be done in monitoring new EU law and policy as it comes through during the transition period. We can say some more about that. The main challenge in terms of that task will be the information that is or is not coming through. The current EU scrutiny system in both Houses rests entirely on the information and the documents that the UK Government receive as a member state Government, which they then deposit in Parliament. My reading of the draft withdrawal agreement is that they will no longer be receiving those documents. One thing that the scrutiny committees in both Houses could usefully do, as soon as everybody feels confident that this is definitely what is going to happen, is to clarify who is going to be getting what information from the EU institutions in the transition period. There is a monitoring role.

The European scrutiny system in the UK has rested on the idea of holding the UK Government to account for their behaviour in the EU Council, and they will not be there any more. You might say, "Why do we need a scrutiny system?" The UK Government may still have some very limited areas of discretion under the terms of the draft withdrawal agreement. They may still be able to opt into some justice and home affairs law, and they may have the right not to abide by some foreign policy decisions where they would have a veto as a member state. There are some tiny bits of executive discretion that may still need scrutiny.

There are two other things I would mention. One is the UK-EU joint committee that is provided for in the draft withdrawal agreement. That will need some form of parliamentary oversight. The EU Committee has already started to take this up with the Government. It has not got much clarity so far, but that will need some kind of parliamentary oversight. That may have precedent-setting effects, because it is possible that that kind of bilateral joint committee will be a feature of future UK trade agreements with new partners post Brexit. There is that.

Finally, again, we are not sure, but it is likely that negotiations with the EU on the post-transition relationship are going to carry on during the transition period. We do not know how much of the meat of it will have been done before we leave and how much of it will carry on. It is likely that at least some of it will still be going on. Those negotiations will need to be scrutinised, as the EU Committee is doing at the moment. There is quite a bundle of things that will need EU-related scrutiny, monitoring and oversight during the transition period. Our view is that, given the EU Committee is already doing that, it seems simplest to still have it in place, although it may not need to function exactly as it does now. The

scrutiny reserve resolution will not be necessary, but there will still be things for a committee to do.

Baroness Hayter of Kentish Town: I am feeling so embarrassed. I had completely forgotten about the EU-UK joint committee. It slipped off my agenda. A supplementary to that, and it is possible one of my colleagues is going to mention it later, will be about the devolved aspects that are coming back. The Chairman here, Lord McFall, has already set up some talks or meetings with the devolved Parliaments.

The Chairman: They are about Brexit.

Baroness Hayter of Kentish Town: It is really interesting. Might you see that as part of the overview of Brexit as well?

Dr Brigid Fowler: I would have thought so. I am not a specialist on devolution, and I am aware it is very complicated and delicate. I would make the general point that the Brexit process so far does not seem to have increased levels of trust between the UK Government and the devolved Governments. It is not clear exactly how the relationships between the Governments are going to work post Brexit, but anything that Parliament could do, and in particular this House, to build relationships and to include the devolved Assemblies would be valuable. When we come on to looking at new trade agreements, which was the second part of your question, the devolved Assemblies will want to have their voice heard and built into the process somewhere.

Lord Foulkes of Cumnock: On the committee structure generally, can I say first that this is one of the best submissions we have had? It has more innovative suggestions than I have seen from any other and it is really good. I particularly like three things. One is a legislative standards committee and more work on post-legislative scrutiny. We can certainly look at doing more on that. We are right behind you there.

I like the idea of a new permanent committee on devolution. That is very interesting. A number of colleagues have suggested to me that the House of Lords can be the guarantor of devolution. Perhaps I should say "the House of Lords or its successor", because it is going to be overtaken, once we get a Labour Government, by a new senate of the nations and regions. That can be a guarantor of the devolution settlement and bring it forward. I know you said you are not an expert on this, but if we could have more information about how it might work from someone in the Hansard Society, that would be excellent.

Also, on policy foresight and horizon scanning, this future forum or committee is a really interesting suggestion. Again, I would like more ideas on that. Some of the other submissions are really just nuts and bolts. This is really positive and forward thinking, and I would welcome any more information you can give us on it.

The Chairman: That was a snappy supplementary, George.

Q39 **Lord Williams of Elvel:** Could I pursue this question of future trade

deals and how they might be scrutinised? Undoubtedly, any negotiation is going to be more or less in the public domain. You cannot stop it. You get a mention of chlorinated chicken and the whole of the press goes up in arms. How do you form a committee that will follow day-to-day negotiations of a trade deal, rather than simply scrutinising what comes out at the end?

Dr Brigid Fowler: That is one of the key points. As the Committee will be aware, at the moment the default procedure for the scrutiny of international agreements in the UK is very much weighted towards the back end. Parliament formally gets involved only when it comes to implementation and to consent for ratification, under the Constitutional Reform and Governance Act. There is quite a strong consensus, among people who work on trade deals and know how other countries do trade deals, that for scrutiny to be effective, and indeed for the whole process of making a trade agreement to be effective, it is very useful for Parliament to be involved upstream in the earlier stages of the process, and not just Parliament but civil society, business and stakeholders more broadly.

I am hanging quite a lot of my hat on the Government's acknowledgment, in connection with the Trade Bill, that the reason it suggests that Parliament should be content with only relatively weak scrutiny of implementation at the back end of the trade agreements that are going to be made under the Trade Bill is because of the so-called EU rollover agreements. The Government say that these have already been subject to a domestic scrutiny process in the UK, through the European scrutiny system.

I am hoping that means the Government see the value of that kind of upstream scrutiny when it comes to the UK making its own ab initio trade agreements that are not currently covered by the Trade Bill. I have to say that is a hope, rather than anything that is particularly strongly founded. The Government, to put it mildly, are not being hugely forthcoming about how they see the scrutiny of new trade agreements at the moment. It is understandable why, but we do not have much information.

The Chairman: We have seen that as a gap.

Dr Ruth Fox: Brigid is working on a paper about the scrutiny options for trade going forward. That will be forthcoming in the coming weeks, or possibly months, depending upon her progress and how things develop.

Baroness Hayter of Kentish Town: There is no pressure there, then.

Dr Ruth Fox: Of course, we will ensure that all members get it. We are looking at a range of options and consulting on them.

Q40 **Lord Smith of Hindhead:** I also have to give apologies, because I will have to leave before the end of the session today. You have just touched on my question. I wonder whether you have identified any current scrutiny gaps in the House of Lords. If you have identified any, how should they be addressed?

Dr Ruth Fox: We are not thinking about them so much as gaps in the scrutiny by the House of Lords. We are looking on a bicameral basis at the gaps in the scrutiny landscape across both Houses, thinking about the relative strengths of both Houses and what they would focus on.

In terms of this House, there is a mapping exercise to be done, whether it is between this Committee and the Commons Liaison Committee, about what exactly is already being done and where the gaps are. One of the gaps that our research has spoken about in the past is financial scrutiny. The Commons departmental Select Committees have that as a core task in relation to the annual reports and so on of their departments. But the breadth and depth of financial scrutiny in the Commons in practice is actually quite limited. This House has done less of it, until the formation of the Economic Affairs Committee, in part of course because of the whole debate about the financial precedence of the Commons.

We advocated as long as 10 or 12 years ago in our report on financial scrutiny, *The Fiscal Maze*, that there was a case, given the technical expertise that this House is known for, for it picking up things such as tax administration in more detail, which the Commons is not going to do. There is also an argument for consulting with the Public Accounts Committee and the NAO, and looking for things in their reports that the PAC does not have the capacity or expertise to pick up, that are cross-cutting and that could arguably be looked at in this House. Those are two examples.

For us, a big strength of this House and what it is known for is legislative scrutiny. One of the big gaps is post-legislative scrutiny. One ad hoc committee every session looking at one Act is not enough to build up a significant body of evidence to develop the cycle of learning around legislative standards, or to influence policy debate on future legislation. That is also not something that the House of Commons does or is ever likely to in the foreseeable future. That is a very obvious gap that this House would be well equipped to fill. Those are some examples. There are others in the submission.

Lord Smith of Hindhead: It is a very useful answer. Thank you.

The Chairman: The fact that Sarah Wollaston mentioned the Liaison Committees meeting is a real step forward, if we can put some meat on that.

Q41 **Lord Williams of Elvel:** You have covered quite a lot of this already, but how should the work of post-legislative scrutiny committees be developed, and in what direction?

Dr Ruth Fox: We know that the Government are committed to reviewing an Act three to five years after Royal Assent. The first thing we need from them is a clear programme of work for what pieces of legislation are going to be reviewed when, and what the pipeline is, so that any committee would have that and know what the work programme is going to look like. Then it would need some criteria for thinking about how to

select and prioritise what to look at. The question that would need to be thought about quite a bit is this: do you have a permanent committee looking at the review of Acts one by one, or do you have a committee with a series of two, three or four sub-committees, each of which is looking at an Act? It would build up that volume of evidence quite quickly. You might, for example, in one Parliament get through 14 or 15 reviews, as opposed to four or five, depending on how you structured the committee.

I would have thought that the committee, similarly to things such as secondary legislation or delegated powers, would issue guidance to government about what information it expects to be provided in the reviews and any supplementary information it wants. I imagine the committee would be able to call the Leader of the House to account for issues pertaining to the legislative programme. It would be able to call the Ministers at the time the legislation had come forward, and the Ministers now in post in the relevant department, to look at whether what Ministers claimed at the outset has indeed been delivered and, if not, why not. That is not in a culture of blame, but rather in a culture of learning and trying to take that forward, so that public policy mistakes are not repeated constantly.

Lord Williams of Elvel: It is perfectly clear that there is going to be an enormous volume of secondary legislation once Brexit comes about. Is there a role for House of Lords scrutiny of the effect of secondary legislation, in the same way as there is for an Act of Parliament?

Dr Ruth Fox: Yes, undoubtedly. The Secondary Legislation Scrutiny Committee will do the sifting of the instruments coming forward. Whether it also does, through an expansion of resources, a subsequent review of the changes, or whether you want a separate committee, perhaps a sub-committee of a post-legislative scrutiny committee, to look at that is open to question. It is unclear at the moment what the timetable of the statutory instruments coming forward is going to be, dependent on transition and the link between the European Union (Withdrawal) Bill and the withdrawal agreement and implementation Bill, and what the Government's plans are, post transition, for reviewing the secondary legislation. It may well be that they do not plan to bring forward proposals to review and change many of those regulations, but within government some people will be pressing for quite substantial review and a deregulatory approach.

Until we know a little more about those plans, it is difficult to be definitive. But it might be that a sub-committee of the post-legislative scrutiny committee, or indeed that, if it is just one committee, could have that on its radar and liaise with the secondary legislation scrutiny committee about that.

Lord Smith of Hindhead: It would be a Henry VIII committee.

Dr Ruth Fox: It is more than Henry VIII. Yes, there will be some of that, but there will also be a huge volume of non-Henry VIII powers that could

have huge impact on public policy. In fact, the concern we have is that people are focusing too much on the Henry VIII powers, which could have minimal actual administrative or public policy impact, and missing a lot of the non-Henry VIII powers, which could have huge influence and potential for change. We need to focus on the policy implications, not the form of the power.

Q42 The Earl of Courtown: We have already touched on the devolved legislatures, and I was wondering, when we look at gaps in scrutiny, how any future committee structure can be improved by our relationships with the devolved legislatures. Basically, I want to hear where the Hansard Society thinks this should go, rather than what the Government think they are going to do. We have heard a lot about what the Government are going to do; it would be good to hear about the Hansard Society.

Dr Ruth Fox: We have long argued, prior to Brexit as well, that there is a gap, in that there hitherto has been no inter-parliamentary forum to address devolved issues. That is clearly a gap and it needs to be filled. I know there are now informal arrangements, but formalisation of those would be helpful.

We have suggested in our evidence that there is scope for a devolution committee. That could simply be for the nations of the union, or it could be for nations and regions. It depends how you want to do that, what else you might do with regional policy issues and whether they would go to a different permanent committee. That would give you a structure and a forum for tackling some of those issues. We need to think about how that would differ from what the Scottish Affairs and Welsh Affairs Committees in the Commons are looking at. Clearly, there would be a link into the Constitution Committee but, given that this is going to be an expanding and increasingly important issue for us going forward, to have devolution matters largely dealt with in this House through the Constitution Committee model may be too constraining. You might want to think creatively about how you engage the members from the other legislatures in that, whether on a formal or informal basis.

In relation to public engagement, there was a suggestion that you go out to Scotland, Wales and so on. We talked about this in relation to comparative analysis of what is happening in other legislatures around the world. You do not have to do it by going, if you have the technology. I have given evidence to the Canadian Parliament by video conference. I did not have to go to Canada, as much as I would have liked to. There are ways in which you could do that consultation with Scotland and Wales with the new technology.

The Chairman: Public engagement and understanding is important, as a concept.

Dr Ruth Fox: It is important. We have been trying to get to this in our evidence. Some committees, in their models and their focus, lend themselves more to public engagement than others. Simply having public engagement as a requirement of all the committees is unrealistic. With

the best will in the world, delegated powers and secondary legislation, and to some extent what the Constitution Committee studies, are subjects of such technical and legal complexity that there will not be massive amounts of public engagement built around them.

The Chairman: I can understand that.

Dr Ruth Fox: The International Relations Committee, the Economic Affairs Committee, the devolution committee or the committee we talk about on the big cross-cutting policy issues of the future would be the focus for public engagement.

The Chairman: You mention in your report the current barriers to engagement, which is good.

Q43 **Lord Foulkes of Cumnock:** Do you work with the Constitution Unit, the Constitution Society and other non-governmental bodies on issues like this?

Dr Ruth Fox: In what way do you mean "work"?

Lord Foulkes of Cumnock: Do you have joint seminars or joint working parties?

Dr Ruth Fox: Occasionally, yes. It tends to be more informal than that, but we work quite closely with the Constitution Unit. Professor Meg Russell is a good friend of ours, and we work closely with them on research. We try to avoid duplication, if anything, where we can. We have held joint events. Occasionally we have held joint seminars.

Lord Foulkes of Cumnock: I appreciate what you said about modern technology, and House of Lords committees have taken evidence, on a number of occasions, using different types of modern technology. Nevertheless, if we constantly meet in London, there is a perception, rightly so, that this body is very London orientated. As I said earlier, more than 50% of Members now live in London and the south-east. That is not a national legislature, is it?

Dr Ruth Fox: It technically is a national legislature, but it has flaws and weaknesses in it, as a result of the composition. We would encourage some committees, where it is relevant, to go out. If you had a nations and regions committee dealing with devolution, it would be an obvious candidate for spending more time outside London than others.

Lord Foulkes of Cumnock: How do we widen the audience? Many LSE and Oxbridge graduates know a lot about our work, but ordinary working people do not know so much. How do we get more people involved in what we are doing and a wider audience?

Dr Ruth Fox: I would turn it round a bit. The question, in terms of your communication and engagement strategy, should always be this: why are you doing what you are doing? What is the objective and what are the audiences you wish to influence as a consequence? To go back to the

earlier discussion, for a number of the committees, reaching out and engaging the general public is not necessarily the objective. For certain committees, influencing Members in the House, and providing them with an analytical evidence base that they can use in their own individual scrutiny of legislation or public policy, is critical. Influencing the Commons is important. Influencing government is important.

On the cross-cutting issues, thinking about the citizenship and civic engagement committee inquiry, the public polling and digital media inquiry or some of the work of the Lords Communications Committee, for example, where you are looking at a broader public policy agenda, there is a case for reaching out through a broader range of stakeholder groups. I can send you a copy of a report we did a few years ago for the House of Commons, which was about improving the communication strategies for the new digital age.

With the best will in the world, you are not going to reach Joe Public on most of these issues. Most members of the public do not even realise that committees like this exist and are happening. They think that even departmental committees in the House of Commons happen only when a real crisis hits and they get Rupert Murdoch in. They do not realise that that is the daily meat and drink of parliamentary scrutiny in the House of Commons. You have to be realistic about what you are aiming for and the audience that you want to influence. If it is the general public, that is going to be problematic, because I suspect you do not have anywhere near the resources to achieve that.

Lord Foulkes of Cumnock: Is reaching out more the role of the House of Commons, the elected Chamber, anyway?

Dr Ruth Fox: I do not think it is necessarily more its role, but the nature of the inquiries it does, being more headline grabbing, lend themselves more easily to that. As elected politicians, that is higher up their agenda than it is for you. The point is that you should be and are demonstrably different, and should play to your strengths. That is not to say there is not a lot of work that could be done in terms of improving understanding of what you are doing among the media, in particular. The quickest route to influencing the broader public is to influence the media about what you are doing, and to work through stakeholder interest groups, not necessarily London-centric stakeholder interest groups, but reaching out more broadly through umbrella networks across the nations and regions.

The Chairman: You are saying that there is a need for public understanding and engagement, and we need to reach out. Not every committee needs to reach out, but it is important for some committees to reach out, and therefore committees have to have a communication strategy for that. For example, to give you an ad hoc committee, Baroness Tyler did financial exclusion; that was hugely helpful, reaching out. Only yesterday we engaged Michael Sheen. He opened a credit union in Scotland. There was a causal link between the report that we did and what he did, so it led to greater public understanding. Parliament, in the words of John Bercow when he spoke to me, is becoming a bit more like

society, rather than an exclusive set.

Dr Brigid Fowler: That goes directly to one other point I would add. Research we have done strongly suggests that people are often looking for evidence of their engagement having an impact and of feedback. If committees expend the resources involved in having a consultation or a particularly wide evidence base, or going outside London and holding events, and all that happens is you generate material that then sits on a website, that risks making the situation worse than it was if you had not even bothered. People are looking for evidence. What happens next? Why should I get engaged? What are you going to do with it? What is going to happen as a consequence?

The Chairman: You articulated that by saying not “broadcasting”, but “feedback”. It is a two-way communication: push, pull. That is a very important element.

Q44 **Lord Low of Dalston:** I am Colin Low, by the way, and like Lord Foulkes I greatly appreciated your submission. Given the pace of change these days, do you think that House of Lords committees need to learn to be more adaptable, and to adapt more quickly?

Dr Ruth Fox: Our critique would be that the adaptability and flexibility you have built in is essentially a once-a-year opportunity through the choice of the ad hoc committees. We would question whether that is necessarily as flexible as you might want going forward. For example, Lord Smith made reference earlier to the polling inquiry, and said a year was not long enough. You could have done with longer, but were constrained by that. That flexibility has not worked quite as effectively as you might have wished.

Our argument, based on the evidence, is that, if you mainstreamed some of these cross-cutting and longer-term issues in a future-type committee model, you would obviate the need to have as many ad hoc committees as you do, and could reserve the ad hoc for real flexibility during a Session, at any point where something came up that Members felt there was a real need to address and that was not being picked up by the House of Commons. That would give you more flexibility.

To the broader point on technology, there is a general question across both Houses about whether committees are making the best use, or as expansive a use, of technology as they might be able to, and whether they will be able to keep pace with the way technology is developing and changing. I would not say that we are necessarily experts in that area.

Lord Low of Dalston: What you envisage, then, is a framework with flexibility or adaptability built into it.

Dr Ruth Fox: Yes.

Lord Low of Dalston: That addresses my point.

Q45 **Lord Williams of Elvel:** May I throw a curveball at you? Have you any

view on the composition of different committees: whether members should be elected by the House, appointed by the Whips or whatever? Have you any view on that?

Dr Ruth Fox: We have not done any work on it. We have not picked up, although you may have, anything from Members over the last few years suggesting that there is any deep unhappiness about chairing arrangements or membership. We have picked up concerns about membership rotation, every three years, and whether that is working as well as it might.

Lord Foulkes of Cumnock: People are concerned about it.

Dr Ruth Fox: Some members have expressed concern that that is not working effectively and you get a loss of experience. We have picked up some of that.

Dr Brigid Fowler: I have heard of it being raised particularly in the context of Brexit. People are worried about looking at a multiyear process and some quite technical issues, and I have heard concerns that committees might lose people mid-process.

Dr Ruth Fox: Looking at the Commons by way of comparison, election of chairs and members was regarded very positively in the 2010 Parliament. There is a sense in which it has not been quite as effective in later years, or at least there is some criticism of it that we were not hearing in the early periods. In terms of the election of members, we sometimes find in the Commons that either the parties have used the election process to obstruct the composition of the committees, and therefore that has created a scrutiny gap, for their own important political reasons, or sometimes not enough people are putting themselves forward for election to those positions. It is not a universal success story. There are some issues and flaws with it.

Our view would be that, unless there is deep unhappiness among members, if it is not broken, it is not something you need to focus on fixing.

Q46 **Lord Foulkes of Cumnock:** In my brief intervention earlier, I was hoping to get a response about both the permanent devolution committee and the policy foresight horizon scanning committee. Would you be able to flesh it out a bit and say how you think each of them would work?

Dr Ruth Fox: Do you mean now, or in a paper?

Lord Foulkes of Cumnock: I mean in a paper.

The Chairman: It would be good if you could take up the comments from the previous witness, Alun Evans, as well.

Lord Foulkes of Cumnock: They are very good suggestions, and more information about your thinking on it, how it would work, who would sit on it and their remits would be really helpful.

Q47 **The Chairman:** Can I read you a couple of short paragraphs?

"Parliament consistently fails to present itself as the sum of its parts. As a result, much of what is best gets submerged in broad-brush criticism of those areas in which it palpably fails to meet the expectations of the world outside.

"Irrespective of the incremental improvements being made in almost all aspects of Parliament's work, the pace and, in some cases, the nature of change are failing to match that which is taking place in society at large. The result being that Parliament is not only failing to stay abreast of developments and opportunities but is, if anything, falling behind".

You may be familiar with that, because that was the Hansard Society report from 2005, and that was a foreword by Lord Puttnam. Do these comments still have a resonance, 13 years later?

Dr Ruth Fox: To some extent, yes, and that is why we would point to our ideas around the futures committee, the longer-term thinking and the cross-cutting policy issues. It is about not just thinking of where we are now, but getting ahead of where we may end up in some of the complex policy areas the country is going to face, particularly in relation to Brexit. Yes, there is a task-based job to do, with scrutiny of the here and now, the transition period and so on, but there is also a longer-term scrutiny exercise to be done on the challenges and opportunities for the country in whatever new world we face.

Lord Foulkes of Cumnock: We will still be in the European Union a year from now.

The Chairman: Apart from the noise from the sidelines, can I thank you for your presence this morning and your submissions, which were excellent? We look forward to continuing engagement with you. It was very helpful indeed. Thank you.