



HOUSE OF LORDS

Liaison Committee

Corrected oral evidence: Review of Investigative and Scrutiny Committees

Wednesday 27 June 2018

10:35 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 Lang of Monkton; Lord Smith of Hindhead; Lord Williams of Elvel.

Evidence Session No. 15

Heard in Public

Questions 106 - 115

Witness

I: Christopher Warner, Head of Policy and Legislation Committee Service, Welsh Assembly.

Examination of witness

Christopher Warner.

Q106 **The Chairman:** Good morning, Mr Warner. Welcome to our Committee hearing. We are delighted to have you along. For the record, can you introduce yourself, please?

Christopher Warner: I am the head of Policy and Legislation Committee Service at the National Assembly for Wales.

The Chairman: Would you like to make an opening statement updating the Committee on the progress made since the Assembly Commission's December 2013 review of committee support in the fourth Assembly?

Christopher Warner: Since the review, our work has proceeded in three phases. During the review itself and in the immediate aftermath, we structured our clerking teams. We further integrated the services that we provide the committees. We expanded bilingual support, which is very important to us and our Members. We made sure that we could offer more tailored support to Members' needs, which centred on having very detailed discussions with individual Members about their preferences for how they undertake committee work.

In the second phase, at the start of the fifth Assembly following the 2016 election, we were able to support Members to look at new ways of working. There was a great appetite to explore innovation, to strengthen public engagement further and to elect our committee Chairs. The procedural changes at that point were supported by other ways in which we have sought to enhance the status and profile of Chairs.

The third phase is looking at the strategic challenges that face us at the moment. The two I particularly wanted to highlight were supporting scrutiny of Brexit and making sure that the committee system and the services support the work that committees need to do specifically on the Brexit process and afterwards, and the interparliamentary dimension of that. The Constitutional and Legislative Affairs Committee has recommended that the Presiding Officer draws together work with Speakers from across the UK to look at the interparliamentary arrangements that will be needed to scrutinise new intergovernmental relations.

The second is Assembly reform, which we are looking at at the moment with a view to potentially expanding the Assembly and the number of Members, and at the very least, if that does not happen, making sure that we can support Members to address the capacity issues that have been facing them and that have been identified by our expert panel on electoral reform and other stakeholders.

Q107 **The Chairman:** Good. How was the vision statement for the National Assembly for Wales committees drawn up? What impact did it have?

Christopher Warner: It was drawn up as part of the consultation process for the review of committee support. We met with individual

committee Chairs, Members, their support staff and our staff. We did a lot of work to understand their concerns and suggestions for improvements to the committee system and the services that we provide.

As a result of that, the Commission agreed that vision statement. It has given us the framework for everything we have done since. For example, the Chairs' Forum, which was convened at the end of the last Assembly, used the vision statement as a framework for its legacy report. My colleagues and I use the vision whenever we are talking to our teams about reviewing our performance and doing service reviews of what we are doing. We have taken the vision at the start of the fifth Assembly not only to the Assembly Commission but to the Committee Chairs' Forum and to the Business Committee to make sure that it remains current for the current membership.

Q108 Lord Lang of Monkton: It must be very interesting, Mr Warner, to start a constitutional design from scratch. We, in this House, have to build on what we have.

Looking at the letters of appointment to committee Chairs as a starting point, how do you see the interaction between the committee system and the Assembly itself? Is it confrontational? Is it advisory? Is it submissive? Is it integrational? What is the relationship and how do you see it developing?

Christopher Warner: The letters of appointment were part of a process at the start of the fifth Assembly of strengthening the place of the committee system within the Assembly itself. I would characterise the relationship very much as advisory rather than confrontational or adversarial, although individual Committees do assert their authority in different ways during the course of their work.

The letters of appointment, alongside the election of Chairs, helped to confirm the relationship between the Chairs and the Assembly and the Chairs and their committees, and gave us a frame of reference as officials to talk to Chairs about the support that we could offer in light of the expectations that the Assembly has clearly set out for them.

Lord Lang of Monkton: The number of committees is likely to be increased from 12 to 14. They are well resourced by Westminster standards. It implies that there is a new empire being built. You are a unicameral system. Is there some way in which the committee system will play a separate role and give a slight flavour of bicamerality, or not?

Christopher Warner: I do not detect that at the moment. The committee system is undoubtedly strong, but we reinforce the accountability of committees to the Assembly in the way that they work. They report back to the Assembly. That gives us a degree assurance that the balance is right there.

Lord Lang of Monkton: I think you do some post-legislative scrutiny. I think I saw mention of it. It is not an automatic thing, is it? It is an ad hoc process, or am I wrong?

Christopher Warner: That is right. We encourage committees to undertake post-legislative scrutiny. The process of legacy reporting has helped with that. The committees in the current Assembly have picked up recommendations about post-legislative scrutiny from previous assemblies.

The Chairman: That is very helpful.

Q109 **Lord Williams of Elvel:** We have had some quite impressive evidence that the election of Chairs in the House of Commons has given greater authority to those Chairs, and greater impact in the outside world, particularly the press. Has that been the same effect in Wales?

Christopher Warner: I think it has. I am not able to point to any scientific evidence of that, only anecdote. The recommendation to elect Chairs following the lead of the House of Commons came from our Chairs' Forum at the end of the fourth Assembly before the 2016 election. Unanimously, across parties, they agreed that the election of Chairs would increase the independence of committee Chairs.

I have detected, in the way the Assembly operates, that that has been achieved and Chairs are more independent. They have a greater status and profile. They refer frequently in conversations with their committees, among themselves and with us as officials to their role as elected Chairs as being very important.

Lord Williams of Elvel: What is the impact on the relationship between the Chair and the relevant Minister? From time to time, there will be some form of confrontation, will there not?

Christopher Warner: Yes. The relationships between Ministers and Chairs will inevitably vary depending on the people involved. I do not think that has necessarily been affected too much by Chairs being elected. The Government were part of the discussions in putting together the procedures on electing Chairs. While I think the relationships have not become worse, I am not sure if it has made a huge difference that I can detect.

Q110 **Baroness Garden of Frognal:** In connection with the Chairs and the Members, what is best when it comes to the National Assembly for Wales training and continuing professional development for committee Chairs and Members? Giving training to committee Chairs would not go amiss sometimes in this House too. Could you also describe in that connection how the facility for committees to use external facilitation to assist with strategic planning and performance has worked in practice? Is this training conducted in both Welsh and English?

Christopher Warner: We are very proud of our CPD programme. It is delivered by a mixture of external agencies and suppliers, as well as our own staff. It is tailored towards Members' individual needs and how committees and other groups of Members want to work. Some Chairs have taken up the opportunity to have one-to-one coaching and executive support, including, in some cases, 360-degree feedback. They

have been very happy with what they have received and have been able to employ the learning from that in the very practical things in committee, such as managing, disagreements and helping keep witnesses on track, which they have benefited from. None of this is mandatory.

The committees that have taken up external facilitation have found that an external facilitator can challenge and shape the committee's discussions about ways of working and forward work programming in ways that Chairs and officials sometimes find difficult, so they can ask different types of questions. In practice, some of that facilitation has included asking Members to watch video footage of committee meetings and critique their performance during those meetings and to take best practice examples from other legislatures as well to compare their performance.

As well as ways of working more generally and work programming and strategy, they also look at very specific behaviours in committees. It can be very challenging, but Members have responded very positively to that.

Baroness Garden of Frognal: Do you have to be bilingual to be a Member of the Assembly in Wales?

Christopher Warner: No, you do not. English and Welsh are both official languages.

Baroness Garden of Frognal: Yes, indeed.

Christopher Warner: I do not speak Welsh, although I am learning. We provide training in both languages and we facilitate Members to work in whichever language they choose.

Q111 **Lord Low of Dalston:** How do your committees go about ensuring diversity of witnesses and interaction countrywide, engaging with Wales as a whole? Are these considerations that are present to the minds of your committees? Are these issues the committees are bothered about or concerned with? If so, how do they go about ensuring or encouraging that in the witnesses they see it is not just the usual suspects but they have a good diversity and good spread of witnesses and are engaging across Wales? In England, the worry is that it is all London-centric. I suppose in Wales the concern is that it is not all Cardiff-centric. How do your committees deal with that?

Christopher Warner: "Not the usual suspects" is a phrase we hear a lot at the Assembly. It must be a common issue with legislatures. The Assembly is very committed to diversity of all types. We want to make sure that the people engaging with committees are across the age range and that we have diversity in gender and background. That is at the very forefront of committees' approaches to their work. Committees will challenge us all the time about making sure that they are not just reaching the usual suspects in their inquiries. We address that by having as wide a range of tools and techniques as possible to help people engage.

We do not monitor gender representation among witnesses regularly, but in some work a few years ago we took a sample of one committee, the economy committee, and found that only 26% of the witnesses were women. We did a piece of work with a Welsh charity called Chwarae Teg, which was designed to encourage women to give evidence to committees by offering them a training package. It included asking them to submit written evidence and to give oral evidence, which we filmed, and giving them a mock committee situation and critiquing their performance in a very supportive way to demystify and give them more confidence about the process. I was so impressed and engaged by that work that I subsequently became a trustee of that charity. We have some more work planned on that front soon.

Lord Low of Dalston: Does that go down well?

Christopher Warner: Yes. We use a wide range of technology to try to make sure that people can engage from wherever they are. We are now very used to using online discussion forums and surveys. We work very closely with stakeholders to reach people via them. Where we think we need special effort and arrangements to make sure that people who we are targeting as part of an inquiry can engage with the process, we will work with stakeholder organisations to put together focus groups in all parts of Wales, where we can, to make sure we can reach people directly. We recently had a witness who is a well-known Instagram user and blogger with 170,000 followers. Before she gave evidence to committee, she was able to use Instagram to seek the views of her followers and reflect that in the evidence she gave to committee. Our reach was much wider than just her.

Q112 **Lord Low of Dalston:** What techniques have you found most effective for evaluating or tracking the impact of your committees? We often find that there are problems with following up and receiving government response to a committee's report and, when the committee is dissolved, if it is an ad hoc committee, keeping up the momentum of the issues that the committee has been concerned with. How do you deal with these issues?

Christopher Warner: The legacy reporting that we did at the end of the last Assembly has helped with that. In relation to some big themes that committees have been looking at over the lifetime of the Assembly, such as poverty, it has ensured that there has been some continuity between the committees of different Assemblies. The current committees frequently go back to the legacy reports of their predecessor committees to follow up on anything that requires it.

It is challenging for committees to follow up on their work, because their remits are very broad and stakeholder expectations are very high about the range of inquiries and work that they will cover over an Assembly term. Having said that, our equality committee, for example, has agreed as a matter of course to follow up its committee inquiries between six months to a year after the report has been debated in plenary. As part of that process, they will write to the Government for an update and consult

stakeholders on what further work might be needed. We are seeing a more systematic approach from some committees, which, if it works well, may be adopted by others.

Lord Lang of Monkton: The phrase “external facilitation” catches my eye. Is there a view among the Select Committees in Wales that they should develop an increasingly formal range of contacts with Select Committees in other devolved Administrations and possibly with Westminster? At the moment, contact between Assemblies seems to be limited through the Joint Ministerial Committee. That seems to operate very inadequately. Do you see a merit in that? Is that part of your objective, or are you still focused on the internal development of this new arrangement?

Christopher Warner: The Chairs’ Forum has emphasised to us the importance of interparliamentary working. In some policy areas, there are quite strong networks. Our work is considerably strengthened by the relationships that we have with your staff and staff in other legislatures. Our Chairs see things such as the Interparliamentary Forum on Brexit as extremely valuable. As I mentioned earlier, our Constitutional and Legislative Affairs Committee has recommended that Presiding Officers and Speakers look at this on a more formal basis.

Lord Lang of Monkton: Do you see it as an ad hoc arrangement, which it sounds like at the moment? Would you like to see a more permanent structure develop, possibly with Parliament having a Select Committee that relates with devolved Administrations?

Christopher Warner: I think it would be for the politicians involved to decide based on the way they want to work. I can see value in both formal and informal ways of working. I would not want to lose some of the informal advantages that we have at the moment, but there are probably things that at least should be looked at in terms of a more formal structure.

The Chairman: I know that your contact and engagement with Philip and other clerks is very helpful to us in the Parliament. It is very good.

Baroness Hayter of Kentish Town: What would be most useful for what you are about to do in relation to Brexit, particularly all the framework matters? What would be most useful that we in the House of Lords could do to facilitate that? If that sort of relationship grows, how would you advise us to most help you?

Christopher Warner: We need to make sure it is as easy as possible for the relevant committees or Members of the legislatures to work together. From my point of view, I am aware that there is a lot of dialogue between committees and there have been some formal joint meetings, but I wonder whether there is more that we could do collectively as officials to support you to work together more with inquiries and other more formal work to supplement the work of the interparliamentary forum.

Baroness Hayter of Kentish Town: I come from a background where we teleconference all the time. I have not done any of that since I have been here, which is very interesting, and wonder whether our Chairs ought to talk to each other on teleconference once a week or once a month. Are they the sort of discussions that you have started having on the Brexit front, or not?

Christopher Warner: It is still early days, but there does seem a huge appetite to work together. Some of the barriers are about whether we have got the technology right to help people to work together remotely and whether we have thought carefully about reconciling the various demands and timetables at play upon Members of all the legislatures. There is probably more work that we should do that on that.

Baroness Hayter of Kentish Town: Do you teleconference at all in committees?

Christopher Warner: Not on a very regular basis, but we do find it is a very helpful way just to enable evidence sessions to happen where otherwise they would not. The technology for facilitating that has certainly got a lot better, even in the last few years.

Q113 **The Earl of Courtown:** Lord Low mentioned in his question the late government responses to committee reports in this House. We are now naming and shaming in the agreed minutes government departments that are not responding within a certain timeframe. What is your method in the Assembly to ensure that you get proper and prompt responses from government to committee reports?

Christopher Warner: We do not have a formal mechanism of reporting or naming departments. We rely on the relationships that exist between the Members and officials involved. At the moment, we are not experiencing a big problem with that. Responses are generally fairly timely. The pace of work that has been required on Brexit, for example, has meant that all sides have realised that there is a need to work very closely and quickly together to get things done.

Q114 **The Earl of Courtown:** Switching subjects somewhat, the Assembly have placed particular emphasis on interaction with young people. Recent committee work involves a rolling programme of scrutiny of policy area for children and young people, which is great. How much interaction are you able to have with young people in these committees? How do you achieve that and what tools do you use to do that?

In addition, the Welsh Youth Parliament was registering for applications to join that. A point made by a previous committee member about whether this was reaching the whole of Wales would be interesting to know, but will the Youth Parliament have any interaction with your committee structure?

Christopher Warner: I am excited to see how the Youth Parliament enhances the scrutiny that committees are able to do and what the interaction will be. The short answer to how will it interact is that this is very much youth led. Until the Members are elected and in place, we will

not know exactly what avenues of inquiry they want to pursue and how they want to work. We are very used to reaching young people, and our main way of doing that is making sure that we go to where they are. In physical terms, that means meeting schools and young people in youth groups and outside the school environment, because we think that is very important, and our outreach team has the capability to do that, but it is about going where they are online.

I have already mentioned Instagram. Facebook and Facebook Live are things that we are very much using to reach young people, as well as our own websites specifically dedicated to young people. We make sure that the content that we produce is highly tailored so that it is appealing and easy for young people to engage and interact with. Our best tip on engaging with young people is not to become too wedded to particular ways of doing things. By the time we had written the guidance about how to use Instagram, it would be already out of date. It is about being prepared to try new things. Committees are very keen to continually try new platforms and ways of engaging with young people as we look at them and find them.

The Children and Young People Committee takes formal evidence from young people. We did that recently via Skype to a school, which was very successful, but in order to facilitate that we made sure that we and Members visited the school and talked to the young people involved to build a relationship, which meant we could do the session by Skype rather than dragging them down to Cardiff Bay.

Lord Williams of Elvel: Do committees meet outside Cardiff?

Christopher Warner: They do. Sometimes they meet as part of our Senedd@ series of events. Senedd@ is where we go to a particular place in Wales and have a week of activities about the Assembly. It does not have to include committee meetings, but sometimes it does where we can line that up. Committees went to Senedd@Newport fairly recently, for example, and undertook visits as part of that.

On other occasions, we have had formal meetings outside Cardiff. Logistically, we cannot do it all the time, but we try to build that into committees' work programmes wherever we can, and committee Chairs are very keen for committees to get out of Cardiff Bay.

Lord Smith of Hindhead: I suppose the best place to meet is Llandrindod Wells, which is mutually inconvenient for everyone.

Christopher Warner: It has very famous conferencing facilities in Llandrindod Wells. We definitely try to reach all parts.

Q115 **Lord Smith of Hindhead:** This House has been taking evidence for many years, so we have evolved criteria for what we do. What do you accept in the Welsh Assembly as evidence? Picking up on the point you made earlier about the lady who gave evidence and her 150,000 Instagram followers, which she said influenced the questions she was

answering, what do you think about that? I have my own concerns about that. Who knows who these 150,000 Instagram followers are? What does it matter if they are in Wales or even in the UK? We would all be interested to know what the Welsh Assembly accepts as evidence at committee hearings.

Christopher Warner: A simple answer is that we accept written and oral evidence. There are a larger number of ways now in which the evidence comes in and then becomes evidence than there were traditionally. We can cite any evidence that we can place on the record. If we have a focus group, typically we would write that up and the committee would publish a note of it, which would form part of the written evidence submitted to committee.

In the same way, if we create videos for committees based on what stakeholders have told us or of stakeholders telling us what they think, we can play that to committees as part of formal proceedings. That will become part of the record. Some time ago, we changed our Standing Orders so that material submitted to committees is privileged to the extent that the Assembly has privilege. We changed it from "written material" to "material" specifically to cover the wide range of evidence that we receive.

You have rightly identified the challenge in weighing up the different types of evidence that we receive. We work very closely with committees to make sure that Members and the clerks working on draft reports take into account where the evidence has come from to counteract any effect from 170,000 followers who we cannot verify versus a number of written consultation responses where we know exactly who they are from.

Members feel that the broad reach enriches the inquiry process and gives different perspectives that they can test with the people that they take oral evidence from and from Ministers, but they are very aware of the different types of evidence that they are now collecting and how they need to be used.

Lord Smith of Hindhead: It is a balance between that and the usual suspects, as we have just heard, or, as previous witnesses have said, the suits who just arrive and give the three-minute statement speech based on the questions that they have already had notice of.

Christopher Warner: That is right. I think a wide range of evidence enables Members to see a particular topic from a different variety of angles. In most cases, that does not negate the need to put formal questions to Ministers and conduct some of the more traditional inquiry work that you would expect a committee to do.

The Chairman: You mentioned changing the Standing Orders to make evidence privileged. Does that include videos? Secondly, it is good to have lots of evidence, but do you have any means of ensuring that that is manageable for staff rather than have books sent to you?

Christopher Warner: We give guidelines to witnesses about the length of written submissions as evidence. We make a lot of use of surveys now, particularly online surveys, which enables us to structure and limit the way in which people provide their evidence to make it more manageable. We have not yet been swamped with evidence on an inquiry to the extent that we have not been able to manage, but there is the theoretical risk that we could become victims of our own success.

The Chairman: And videos?

Christopher Warner: Yes. "Material" covers videos.

Baroness Hayter of Kentish Town: Will a committee only take account of things that are submitted to it? If there was a very good written academic paper or something like that but nobody had sent it to you, can that be evidence because somebody says, "This is a really important article"? We have not had time to discuss it as a committee, but we heard that a committee in the House once could not take account of something because it was published but nobody had sent it to them. We have not managed to have the discussion about whether that is true, but it would slightly worry me. If you were doing a survey on young people and asthma and it just so happened that there was a brilliant paper in *The Lancet* but nobody had sent it to you, would you be able to consider that evidence even though nobody had sent it to you? Could you use it as part of your report?

Christopher Warner: Yes. If there is material that we feel is relevant to the research that we do in connection with inquiries, we bring that to the committee's attention. Typically, we would put reports and things of that nature in front of the committee to note so they would become part of the record and we would definitely take that into account.

Baroness Hayter of Kentish Town: How much academic study is there of what you are doing? We tend to have people like Meg Russell at University College, who is very useful for us, follows a lot of our work and comments on legislation. Has an academic interest developed in the Assembly that somebody is monitoring the extent to which the committee has an effect on scrutiny or legislation, for example? Is there an academic base now growing up?

Christopher Warner: There is and we find it very valuable. We have very strong relationships with the Wales Governance Centre based at Cardiff University, for example, as well as a range of other academics from further afield and very close links with the Institute for Government.

Baroness Hayter of Kentish Town: The one here?

Christopher Warner: Yes.

Baroness Hayter of Kentish Town: If we were to ask them how successful your committees have been, what would those academics say?

Christopher Warner: I suppose they would point to a lack of robust and regular evaluation, because I do not think we have done that yet, but they would probably point to the same kind of very compelling anecdotal examples of impact that we would be able to evidence. The most recent, very high-profile piece of academic work that was done by the Expert Panel on Assembly Electoral Reform concluded that at the moment there were capacity issues in the Assembly and any increase in capacity would have an effect on the committee system. The effects would be felt, because Members would not have to double-up or, in some cases, become members of three committees, and they would be able to spend more time on a single committee area.

The Chairman: Any other points? If not, can I thank you for your evidence? It has been fabulous and really helpful to us.

Christopher Warner: Thank you.

The Chairman: We are delighted at the formal and informal relationship you have with us and that you find the interparliamentary group on Brexit very helpful. Our next visit is scheduled for Cardiff and we will see you there. Are there any other tips you have for us, other than the 3.15 at Newmarket?

Christopher Warner: I look forward to working with you when you do come to Cardiff. The most effective thing about our committee system at the moment is the flexibility we have, the range of different ways to conduct inquiries and engage with all the people of Wales, which is our mission. That means that, rather than having a prescriptive approach, the committees can really tailor what they are doing to the specific things they are working on, specific stakeholders and members of the public they want to work with and can adapt very quickly to changes in technology and in other circumstances. That is what I would recommend.