



Liaison Committee

House of Commons London SW1A 0AA

Tel: 020 7219 5675 Email: liaisoncommittee@parliament.uk

Website: <https://committees.parliament.uk/committee/103/liaison-committee-commons>

From Sir Bernard Jenkin MP, Chair

Rt Hon Mark Spencer MP
Leader of the House
House of Commons

By email

20 May 2022

Dear Mark,

Re: Facilitating effective scrutiny of Government

Thank you for meeting me last month to discuss the relationship between Committees and Government and the important role that Committees play in scrutinising Government policy. I am also grateful for your reply to my letter on Government responses to Committee reports.

I appreciate your willingness to engage with Ministers on behalf of Committees to facilitate an effective working relationship between Departments and Committees, and I note the positive exchange of letters I had with your predecessor on this same topic at the end of last year.

I am writing to highlight a number of further examples where Ministers are not giving sufficient weight to their responsibilities towards Select Committees and I would be grateful if you could remind Ministerial colleagues of the importance of timely and effective engagement with the House and its Committees.

During the last session, the Public Administration and Constitutional Affairs Committee conducted scrutiny of the Government's proposals on voter ID. This is now included in the Elections Act 2022. In evidence before the Committee in March, the Secretary of State for Levelling Up, Housing and Communities undertook to provide information about the evidence base for the Government's assessment that its proposals were a proportionate means of fulfilling the Government's aims. This information has not been provided, denying that Committee the opportunity to scrutinise this significant constitutional change in the light of the missing information during the passage of the legislation. Given that the Committee had been pressing for this information since the publication of its report in December of last year, it is not acceptable that the Department failed to fulfil the Minister's undertaking to the Committee in time to enable them to perform their scrutiny role on this bill.

The Work and Pensions Committee have also raised concerns about Government's approach to transparency of information. The Department for Work and Pensions are not publishing documents and research, that according to the Government's own policies, should be published. The Department have refused attempts by the Committee to access restricted documents or provide



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information that has previously been promised. This affects the reputation of the Department and damages the trust of the wider public. Government Departments must be willing to provide Committees with information necessary to support effective scrutiny of policy proposals. Where Ministers undertake to provide such information, it should be provided with alacrity, to ensure that Committees have sufficient time to conduct their work.

Continuing on the theme of ensuring sufficient time for effective scrutiny, you will be aware that the International Trade Committee have repeatedly sought assurances from the Secretary of State for International Trade that they will be given sufficient time following the publication of the s. 42 report on the Australia Trade Deal before the commencement of proceedings in the House under the Constitutional Reform and Governance Act. I understand that the Secretary of State committed to write to you to support the Committee's position, and that the Committee have now also written to you to reiterate the importance of a 15 day period between the publication of the s. 42 report and the beginning of the CRaG period. This is so that the Committee can review the s. 42 report and ensure that it is reflected in its own report on the agreement, which needs to be finalised and published before CRaG is triggered. I would be grateful for your confirmation that this will be provided.

Lastly, your response to my letter on Government Responses to Select Committee reports did not address the concerns of some Committees about the quality of responses they have received. I would be grateful if you could address this directly. Please can you take up this point specifically with Ministers and the Cabinet Secretary. Where departments are responding to a Committee report, the government must address each of the Committee's recommendations, setting out the Government's position in respect of each one separately. There is a tendency to respond en bloc with generalisations. This will not do.

I would also be grateful if you could ensure that the Ministry of Justice commits to providing a full response to the Joint Committee on Human Rights on its report on the Independent Review of the Human Rights Act, as mentioned in my last letter. Given the announcement in the Queen's speech about the Government's plans for new legislation in this area, it is vital that the Department responds fully to the Committee to enable it to scrutinise the government's position on this important policy area.

I note from recent correspondence from the Chair of the Public Administration and Constitutional Affairs Committee that the Government is working on updating the Cabinet Manual. I am sure that, subject to forthcoming work by that Committee, the updated version will wish to recognise Committees' expectations in relation to Ministerial engagement and on the quality of responses, as set out in our recent exchanges and the correspondence with your predecessor. I am therefore copying this letter to the Cabinet Secretary.

I look forward to your response. This letter and your reply will be published on the Committee's website in due course.



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Yours ever

A handwritten signature in black ink, appearing to read "Bernard", with a horizontal line underneath.

Sir Bernard Jenkin MP

Chair of the Committee

cc. Simon Case, Cabinet Secretary