



Procedure Committee

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From the Rt Hon. Karen Bradley MP, Chair of the Committee

Sarah Champion MP
Chair, International Development Committee
House of Commons

Sent by email only to indcom@parliament.uk

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Dear Sarah -

Thank you for your letter of 30 June concerning arrangements for select committee scrutiny of the remit of the new Foreign, Commonwealth and Development Office. I am sorry that it has taken some time to reply.

You have asked for my views on certain procedural issues relating to continuing scrutiny by select committees of those functions of government which fall to be administered by the proposed new department and by its non-departmental public bodies. What follows does not of course constitute procedural advice.

As you have indicated, the Government's present position, set out in communications from the Foreign Secretary and the then Secretary of State for International Development and elsewhere, is understood to be that "select committees in the House of Commons should generally mirror Government departments". That is evidently not always the case: the general principle has been taken to apply only to departmental select committees established under Standing Order No. 152. There is in any event at least one Ministerial department (the Cabinet Office) the work of which is not explicitly mirrored by any departmental select committee, and the work of the Department for Exiting the European Union was examined by a committee established by temporary order.

In my view, the expectation on the part of Ministers that the work of the International Development Committee will not continue, and that the remit of the Foreign Affairs Committee will change to reflect that Department's new role and responsibilities, ought not to be automatic. Changes to the composition or remit of any select committee are matters for the House, which alone determines the structure, remit and composition of its committees.

To achieve the Government's preferred outcome, the House's agreement to certain proposals is likely to be required:

- Revoking the order of reference for the International Development Committee, by removing reference to it from the table in Standing Order No. 152;
- Establishing a new committee to shadow the work of the Foreign, Commonwealth and Development Office, by amending the reference to the Foreign and Commonwealth Office in the table;
- Providing that the membership of the former Foreign Affairs Committee takes on the work of the new committee, by ordering that the proceedings of the former committee shall have effect as if they related to the new committee;
- Referring the papers and records of the former International Development Committee to the new committee;
- Deleting the reference to the International Development Committee in its order of 16 January 2020 relating to the allocation of Committee chairs, and
- Amending the reference to the Foreign Affairs Committee in that order.

The steps set out above broadly mirror those taken in October 2016, when, on a Government proposal, the House revoked the order of reference of the Energy and Climate Change Committee and provided for the Business, Innovation and Skills Committee to shadow the work of the new Department for Business, Energy and Industrial Strategy. This is the only instance, since the introduction of direct election of select committee chairs by the House, of a substantive change to the departmental select committee system.

In considering whether the 2016 model ought to be followed, the House will want to consider whether the conditions which obtained then are analogous to current circumstances. For instance, in 2016 the issue of allocation of select committee chairs to parties could be resolved because of the creation of the new Department for International Trade and the allocation of the chair of that committee to the Scottish National Party, which had previously held the chair of the Energy and Climate Change Committee. It does not appear that a similar accommodation will be available here. Unless an alternative solution is found, the distribution of elected chairs among parties will therefore not properly reflect the composition of the House. The House will have to decide whether it is prepared to accept that situation.

Another matter for the House to consider will be whether the size of the current Foreign Affairs Committee will be sufficient to allow it to assume the additional and significant responsibilities of monitoring the policy, functions and expenditure of the new Department as they relate to international

development, in addition to its existing responsibilities, without diminishing the effectiveness of the scrutiny undertaken on the House's behalf.

The House might, for instance, be sufficiently concerned about continuing scrutiny of development expenditure and the work of the Independent Commission on Aid Impact (ICAI) to consider any or all of the following steps:

- issuing an instruction to any merged committee to prepare reports to the House on matters raised by ICAI;
- making express provision for any merged committee to appoint a sub-committee to examine such matters, and for that sub-committee to have power to make reports on those matters directly to the House;
- providing that the chair of any such sub-committee be elected directly by the House, with corresponding provision for membership of the Liaison Committee and for payment to reflect additional responsibilities.

If a sub-committee were established, its members could continue to participate in the Committee on Arms Export Controls in order to contribute specific expertise on development issues. I expect that you would of course continue as a member of the Joint Committee on the National Security Strategy for the remainder of this Parliament or until the House, on a proposal from the Committee of Selection, decided to change the composition of the Commons element of the committee.

Given the general importance to the House of the proper administration and expenditure of official development assistance (ODA), there may indeed be a case for the establishment of a separate committee, outside the departmental select committee structure established in Standing Order No. 152, to examine the Government's performance against the statutory duty relating to ODA, in the same way as the Public Accounts Committee and the Environmental Audit Committee both perform audit functions.

In practice it is for the Government to make a proposal on future scrutiny arrangements to the House, having ascertained in advance the arrangements which are most likely to be acceptable. The final decision of course rests with the House.

Yours ever —



Rt Hon. Karen Bradley MP