



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 Jacob Rees-Mogg MP
Leader of the House
House of Commons

By email

30 November 2021

Dear Jacob,

Re: Expectations of Select Committees in relation to Ministerial engagement

One of the functions of the Liaison Committee is to engage with Government on issues where Committees have concerns about the level of cooperation they have received from Ministers. We have exchanged letters on a few occasions during the Parliament where Committees have felt dissatisfied, which we have usually managed to resolve to the Committee's satisfaction.

Some issues, while inconvenient for Committees, do not justify a direct approach by the Liaison Committee, but Committee Chairs continue to consult me in relation to the challenges they occasionally face in facilitating effective cooperation or securing Ministerial attendance at Select Committee meetings, particularly by Secretaries of State.

Rather than enter into protracted discussions each time a Committee feels aggrieved by a Minister, I have been asked by the Committee to write to you, setting out Committees' collective expectations of Ministerial cooperation and engagement with Committee inquiries. This should allow Ministers and Committees to develop a shared understanding of what is expected and foster more productive relationships. As the Minister with responsibility for representing the interests of Parliament within Cabinet, I hope that we can work together to achieve this.

While the Government's own guidance on engaging with Committees, set out in the *Cabinet Manual* and *Giving evidence to Select Committees: Guidance for Civil Servants* (more commonly known as the Osmotherly rules), is not formally endorsed by Parliament, many of the expectations that Committees feel are not always being met are nevertheless covered in that guidance.

It is a central principle of the UK's constitution that Ministers are accountable to Parliament. For that accountability to be meaningful means that Ministers must reasonably put themselves at Committees' disposal. Attendance at Select Committees should not be viewed as an irritation that can be put off while other commitments are prioritised.

It is of course the case that sometimes Ministerial business will mean that attendance on a particular date is not possible. In such a circumstance it should be a priority for the Minister to find an alternative date in the immediate future, if necessary at the expense of other commitments.



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Ministers are expected to make themselves available during the course of a Committee inquiry. The majority do so without issue. It is usually the case that the Minister with responsibility for the particular policy area under consideration will appear before the Committee. It is for the Government to identify a relevant minister in each case.

Under the doctrine of collective Ministerial responsibility, any Minister appearing before a Committee should be able to answer questions on behalf of the Government as a whole, but this is proving not always to be the case. Ministers will not necessarily be able to answer for policy areas that sit outside their own department, but it is not acceptable for Ministers to refer questions which they know will be raised to ministers in other departments, in order to avoid answering a question. For example, if the Home Office does not wish to field a Minister to the Defra Committee to discuss migrant labour for horticulture and fruit picking, then it is not acceptable for the Defra Minister to insist that the questions being raised (inevitably about Seasonal Workers Agricultural Scheme) are for the Home Office. Cooperation should be the default position and it should not require a private discussion between the Chair and the Secretary of State to facilitate proper answers to a Committee's questions. It is reasonable for Committees to demand that Ministers appear before Committees other than those directly shadowing their Department in relation to matters that cross Departmental boundaries, or in relation to arms-length bodies or non-Ministerial departments on relevant matters of policy.

The Treasury is perhaps a special case, since its decisions affect spending across Government. We accept that it would not be practical for Treasury Ministers routinely and frequently to give evidence to committees other than the Treasury Committee. There will, however, be some exceptional cases. We would expect Treasury Ministers to agree to reasonable requests from other committees to give evidence on policies for which the Treasury is directly responsible—and especially in cases where the relevant departmental Ministers have indicated that only Treasury Ministers can answer the committee's questions

There is an additional expectation that Secretaries of State will appear personally before their departmental select committee throughout the year, as they are ultimately responsible for the actions of their Department and their junior Ministers. It is not sufficient, as has happened recently, for Secretaries of State to decline to appear on the basis that a junior Minister has recently given evidence on a particular matter, nor to delay attendance for a significant period of time. The frequency of attendance by Secretaries of State may vary depending on a Committee's particular programme of work, but at a minimum we would expect Secretaries of State to make themselves available three times a year, in line with the convention on the Prime Minister's attendance at the Liaison Committee.

Finally, Ministers also have a responsibility to ensure that the relevant senior officials within their departments make themselves available in response to reasonable requests from committees. There have been instances where the most senior officials in departments have sought to avoid being held to account in the House on administrative matters by refusing to attend within a reasonable timescale. This is not acceptable. Committees will expect Ministers to give the necessary instructions to their officials to cooperate in these circumstances.



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Committees are often keen to work collaboratively with Ministers to improve government policy and many Ministers find Committee intervention to be helpful in formulating or implementing effective policy proposals. I hope that by restating our expectations we can allow for more of these productive exchanges to take place.

I look forward to receiving your response. In order to promote greater understanding of the terms of engagement between Ministers and Committees we will plan to publish this letter and your response on the Committee's website. I am also copying this letter to the Minister for the Cabinet Office and the Cabinet Secretary.

Yours ever

Sir Bernard Jenkin MP

Chair of the Committee

cc. Rt Hon Steve Barclay MP, Minister for the Cabinet Office
Simon Case, Cabinet Secretary