

Written evidence submitted by Institute for Government

## **1. Introduction**

The Institute for Government is a non-partisan think tank with a mission to make government more effective. Parliament plays an essential role in making government more effective and we are therefore pleased to have the opportunity to contribute to the Modernisation Committee's reflection on its own role and approach.

## **2. Why does the House of Commons have a problem with modernisation?**

Like many long-standing institutions, the House of Commons struggles to reform itself – to create the space and will to examine its processes, structures and roles, and – where they are lacking - to sustain the momentum for change. But in some ways, when it comes to 'modernisation', the position of legislatures is even more difficult than that of other institutions. They are hampered by an absence of a single point of leadership with the legitimacy and power to initiate and drive through improvements, combined with an excess of veto players who may seek to prevent it, especially when the status quo favours their own interests.

## **3. Why does modernisation matter?**

The House of Commons has hundreds of years of experience to draw upon, but continuing modernisation, and continuing to challenge itself about what that means, is vital to ensure that its working practices and culture best represent the public it is there to serve and the elected representatives and staff who work there.

The lack of impetus for modernisation of the House of Commons can be a problem if working practices and culture do not keep up with those in wider society. It can be a problem for those who interact with parliament if procedures are lacking, leading to ineffective scrutiny, sub-optimal law or inefficient use of resources – including MPs' time. But most importantly it is a problem for everyone in the UK if the failure of the House of Commons to modernise degrades the public's view of its value and importance as an institution, damages the legitimacy of the government from which it is drawn and ultimately undermines our system of democracy. In recent decades this has happened suddenly through major scandals (such as expenses) but also slowly and incrementally when the House has fallen behind public expectations (for example in relation to outside earnings).

Internationally there is widespread concern about a decline in perceptions of the legitimacy of institutions and a concomitant rise in populism. Populism advocates for popular sovereignty, distinguishing between the people and the elites, including experts, the courts and mainstream politicians. Populism tends to homogenise the will of the people and argues

that this will – as articulated by a particular politicians or party - should always triumph over that expressed by elites. In the UK we tend to highlight the emergence of these risks in other countries, but, as Professor Alison Young [has argued](#), it is easy to be complacent about the extent to which populism has the potential to undermine the UK constitution. A failure to modernise the House of Commons makes it easier to denigrate the legitimacy of parliament and parliamentarians, exacerbating the threat which populism poses to the UK's democracy.

#### 4. What is the significance of the modernisation committee?

In this context, the re-establishment of a modernisation committee should not be seen merely as a good opportunity to improve some practices and procedures in the House of Commons but as a vital opportunity to address some fundamental questions about the effectiveness and legitimacy of parliament.

The model of modernisation committee that has been adopted - cross-party and chaired by the Leader of the House - has the potential to:

- **Stimulate thinking** and informed debate about how the House of Commons could work better, among members, but also staff, those who interact with parliament and – most importantly - the public
- **Balance the interests** of different groups (MPs/public, government/opposition, frontbench/backbench, new/longstanding members), to ensure that reforms are not perceived to privilege the interests of some over others
- **Drive opportunities** for reform ideas, including those brought forward by other committees, to be considered and voted on by the House in a timely way.

However, as research from the UCL Constitution Unit looking at previous modernisation committees has highlighted, there are also potential risks associated with a modernisation committee.<sup>1</sup> These include the risks of generating inflated expectations about what a modernisation committee can deliver, and of politicising modernisation - creating controversy between government and opposition parties if the committee fails to build cross-party support for its proposals.

#### 5. Key questions for the modernisation committee

There are a number of key questions on which the modernisation committee should reflect when shaping its priorities.

*For whom is the House of Commons 'effective'?*

Embedded within the strategic aims set out in the Leader's memorandum to the committee is a key concept: that of an 'effective' parliament. This might appear to be an uncontested

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<sup>1</sup> Tom Fleming and Hannah Kelly (2024) [Delivering House of Commons Reform: What Works?](#) (London: Constitution Unit).

and desirable idea, but the reality is more complicated. Any decision about ‘modernisation’ will involve balancing the interests of different groups. For example, an MP with a marginal seat might see effectiveness in terms of efficiency of proceedings in Westminster – enabling them to spend as much time as possible in their constituency, whereas an MP with a safe seat might see effectiveness in terms of providing maximum opportunities for participation in proceedings in Westminster. Similarly, while government MPs might see an ‘effective’ parliament as one that enables the executive to get its business through without delay, opposition MPs and members of the public are more likely to see an ‘effective’ parliament as one which provides them with sufficient opportunities to raise their concerns and questions.

There is no objective ‘right’ answer to how the interests of different groups should be balanced. But any recommendations made by the committee to the House will inevitably involve trade-offs and it will be important for the committee to articulate how it has thought about these.

#### *What assumptions underpin our thinking?*

The modernisation committee should reflect on and be prepared to question the norms and assumptions that shape how the House works when considering how it should operate in future. For example, many aspects of how the Commons works, including its procedure and administration are shaped by four ‘Ps’:

- The interests of **political parties** – in particular the governing party and official opposition – are a powerful influence on how the House works, enforced through the whipping system and the ‘usual channels’.
- **Precedents** are very important in determining how the House deals operates – there is a strong presumption that precedent should be followed or deployed by analogy as a guide to dealing with novel circumstances.
- Although in some respects the House has diluted the significance of **patronage**, for example by introducing elections for select committee chairs and members, the opportunities available to MPs are still significantly shaped by decisions of the party whips and the Speaker/Chair.
- A strong preference for **physical presence** continues to be a strong driver of Commons processes, including the seeking of advice and participation in proceedings. This was exemplified during the pandemic by the rapid reversal of technological innovations designed to facilitate social distancing by allowing MPs to vote and participate in proceedings remotely.

In order to identify and examine the significance of such norms, the committee is right to look for comparators – whether in other legislatures or in the history of the House’s own practice. Some examples demonstrate the value of doing so:

- When thinking about **how the House of Commons spends its time**, it is relevant to be aware that the House currently sits for more days each year than many other legislatures internationally.<sup>2</sup>
- When thinking about the **balance between government and backbench business** in the Commons it is relevant to be aware that the executive has a greater degree of control over parliamentary time in the House of Commons than most governments in most legislatures.<sup>3</sup>
- When thinking about the quality of legislative scrutiny, a historical perspective is useful: the use of **fast-track procedure for passing legislation** has increased in the last five years – in part as a result of the UK’s exit from the EU and the coronavirus pandemic.<sup>4</sup>
- When considering how innovations might change the House’s practice it is valuable to consider how previous innovations have bedded in: for example, **evidence taking in PBCs** was introduced following Modernisation Committee recommendations in 2006, but only 27% of bills between 2015-21 actually took evidence – in part because Lords starting bills do not take evidence and in part due to inappropriate use of Committee of the Whole House (CWH).

#### *How should we serve the public?*

The Leader’s memorandum states that “Embodying a politics of service must begin in Parliament”. The modernisation committee should reflect on how to embed this important insight into its own work.

There are numerous examples of times when the reputation of House of Commons has been damaged by a scandal because its practices have been designed without sufficient regard to the interests and views of the public to whom Parliament belongs. Often this has happened because processes and procedures have been designed to suit the preferences of existing members which have become detached from wider societal expectations. The ‘John Lewis list’ approach to judging the validity of MPs’ expenses claims is one such case – a process which had been judged internally as valid and appropriate was rapidly identified as problematic once exposed to the public gaze.

On the other hand, the House of Commons has succeeded in enhancing its reputation with the public when it has innovated in ways designed to better serve the public. Examples include:

- the resurrection and modernisation of the petitions system, intended to give the public a say over what the House of Commons debates;
- the introduction of topical debates and questions, designed to ensure the House is seen to discuss subjects relevant to the daily lives of constituents; and,

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<sup>2</sup> Parliamentary Monitor 2018, p.19 ([Parliamentary Monitor 2018 | Institute for Government](#))

<sup>3</sup> UCL Constitution Unit, 2021 [190 taking back control - why the house of commons should govern its own time final report 110121.pdf](#)

<sup>4</sup> [the-legislative-process.pdf](#)

- the introduction of members of the public as lay members of the Standards Committee, designed to increase public confidence in the robustness and objectivity of the standards system.

As well as considering modernisation initiatives that directly enhance the legitimacy of the House in the eyes of the public, the modernisation committee will need to decide how to engage the public in its own work. This could include finding ways to identify public views, gauge the potential public impact of its recommendations or test its recommendations. This is essential if the committee is to play its part in enhancing the legitimacy of the House of Commons.

#### **4. What topic(s) do you think the Modernisation Committee should prioritise and how do they link to one or more of the strategic aims set out in the Leader’s memorandum?**

The Institute for Government has a body of work on parliamentary reform. In our view the most important topics for the Modernisation Committee prioritise relate to its third strategic aim:

- [Reform of the legislative process](#): Our recommendations in this space include making greater use of pre-legislative scrutiny and introducing a ‘select committee stage’.
- [Strengthening parliamentary processes for scrutinising and enacting constitutional change](#):
- [Improving parliamentary scrutiny of regulation](#): in particular by encouraging select committees to approach this more systematically.
- [Making better use of parliamentary data](#) to analyse and improve how parliament could improve.

Finally, the Modernisation Committee should also consider how professional development can support its aims. The Institute established the IFG Academy to better support those working in the political sphere to be effective in their roles. The committee should consider whether more can be done to support our politicians, and those who support them. Ultimately it is the people in parliament who will make modernisation a reality.

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