

## Written evidence from Dr Sarah Wollaston MP, Chair of the Health Select Committee (SCC0012)

I am pleased to provide the following short response to your invitation to select committee chairs to submit views on the exercise and enforcement of the powers of the House in relation to select committees and contempts.

During my time as a member and as Chair of the Health Committee, we have not found it necessary to exercise our formal powers to call for the witnesses or papers which we have required to undertake our work. Nonetheless, it is my view that if select committees are to be able to carry out their work effectively, there should be a clear process to enforce the powers which they have been granted, and the House should have effective sanctions available to it in the event of non-compliance.

I would additionally like to draw your attention to an example of a situation where the Committee did not have a formal power to call for a paper, but where I believe it should have had such a power. It concerns Public Health England (PHE), which is an executive agency of the Department of Health—meaning, as I understand it, that its papers are technically in the possession of the Secretary of State, and therefore lie outside the Committee’s formal power to send for papers. Our report [\*Childhood obesity—brave and bold action\*](#) (HC (2015–16) 465), published in November 2015, contained the following explanation of the situation:

15. We decided to undertake this inquiry [into childhood obesity] at the end of July, in the expectation that Public Health England’s evidence review of sugar reduction interventions would be published in time to inform the inquiry. We intended the inquiry to serve as a platform from which the findings of Public Health England’s evidence review could be publicly discussed and scrutinised. We were therefore disappointed that Public Health England initially refused to publish the evidence review, stating that an agreement had been reached with Government to publish it at the same time as the Government’s childhood obesity strategy. We felt that the failure to publish would be a major impediment to proper scrutiny of the review, and we called the Chief Executive of Public Health England to explain his position to us.

16. We welcome PHE’s reconsideration of its decision and subsequent agreement to publish, which we consider was in the public interest. However, we note that publication of the review did not occur until two days after we finished taking oral evidence, so we were unable to scrutinise its findings in detail with our witnesses, or indeed with Public Health England itself. We consider the placing of the evidence review in the public domain ahead of the Government’s strategy to be an important step in allowing scrutiny of its findings by the public and wider health community. The PHE report will enable informed public debate on the balance between addressing the current damage to children’s health and the wider acceptability of political choices and evidence base for changes to an environment that leads to obesity.

As you can see, in this instance we were able to secure the publication of the paper concerned despite the lack of formal powers to do so, using the “softer, but sometimes equally persuasive, means” to which the Clerk refers in his submission to you. As you will also see, however, our inability to secure the publication of the paper earlier in our inquiry was a hindrance to our work. **Where, as was the case in this**

**example, there is a clear public interest in the publication of a paper, a select committee should have the power to call for it, even if that paper is in the possession of a Secretary of State.**

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