



Giving Evidence to Select Committees

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Institute for Government

Giving evidence to a select committee often fills those appearing with a feeling of trepidation, so Chairs of public bodies welcomed sage advice from Bob Neill MP, Chair of the Justice Select committee, and member of the Liaison committee, and National Security Strategy Joint committee. Plus practical tips from Dr Hannah White, Director of Research at the Institute for Government, whose previous experience includes running the committee on Standards on Public Life in the Cabinet Office and the Political, Constitutional Reform committee in the House of Commons.

Attendees had a range of select committee experience, some having had pre-appointment hearings, others appearing more than once at accountability hearings. Despite the range of public bodies represented across many departments, once again there were similarities in members' experiences.

Bob Neill MP opened the session by asking attendees their opinion of their appearances at select committees – were they fair and did they think they achieved what the committee had set out to do? Opinion was mixed. Some felt they had been helpful because they increased the understanding of an organisation and highlighted areas to focus on. On such occasions, a huge amount of preparation had taken place, including trying to anticipate the questions that may be asked. It was also mentioned that when the committee was well prepared, and asked the right questions of the right people about the different aspects of an industry, helpful recommendations that gave rise to new legislation could be made. However, others felt that they had been less helpful. With so many differing political agendas represented by committee members, it was hard to get them to listen. Others felt that they had an agenda from the start and so if one did not give an answer that fitted, one would be pursued until the 'right' answer was given. It was also felt that if the committee lacked focus, or brought their own personal experience, hearings were a lost opportunity to get behind some of the issues that concern the public.

For those who had given evidence, they had benefitted from liaising with committee clerks in advance to give them notice on the topics to be discussed so they are well prepared, as ambushing witnesses is not constructive.

Bob recognised that committees are imperfect bodies that vary, with much depending on their make-up and the strength of the chair, which can affect the atmosphere. There can be a risk of impartiality and using them as a forum to grandstand. Therefore, doing some research into members' backgrounds to understand the position they are coming from is useful.

The quality of membership will vary and not all will be experts on the topic matter. Being purely confrontational will not assist witnesses, so Bob advised members to engage with members initially on their terms, before moving to the area where the necessary point can be made.

At times, witnesses may be asked detailed questions that they are not in a position to answer and one should not be afraid to take someone who can deal with details, such as a finance director – although

permission should be sought first from the clerk and at the hearing, witnesses should avoid giving the impression that they are hiding behind them.

In addition, Bob advised that one should not overburden the committee with long statements and lots of facts at the beginning - it is more helpful to be succinct. Time is limited and the committee often wants specific information. Therefore, it is important to maintain focus and get key points in early. If the committee asks for specific information, if possible try and give them to them, as failing to do so can damage the credibility both of the committee and the witness. However, if it is not possible to do this succinctly, witnesses should not be afraid to ask to give it with some context.

At times, a committee member may try and provoke a witness. Bob warned against falling for this, and to keep calm so one comes across as a reasonable person who is trying to help. He added that the transcript does not always catch nuances or tone of voice, so witnesses should be clear about what they are trying to get across.

In addition, Bob advised that if one doesn't know something or have it to hand, don't try and bluff! He added that it is better to explain that one does not have it but will write with the information. He advised explaining why the information cannot be provided as the committee may challenge this. However, witnesses are entitled to stand their ground and be treated with respect. If the committee thinks the witness is being frank that will help, and making a positive initial impression, such as through the use of body language and being open and pleasant rather than defensive, will contribute to the opinion the committee forms.

During the Q and A session with Bob, the following issues were discussed:

When responding to a question, it is best to talk to the person who asked the question and not to someone else on the committee to bring in their experience of the matter.

Panel sessions are sometimes held when a few experts are heard to get different perspectives on a topic. Members were advised to try and keep answers crisp and not to repeat what has already been said because time can be short. At times, everyone feels obliged to answer a question but this is not always necessary. A list of suggested questions will have been drawn up by the clerks and the committee is likely to divide these amongst themselves shortly beforehand and may decide which of the experts to direct a question at.

Whilst it can be frustrating if a committee does not appear to be listening to answer, Bob advised not allowing frustrations to show, as this behaviour will be picked up. Witnesses can write to a committee after a hearing with evidence if necessary – the session shouldn't be seen as the only opportunity as this can be the most stressful. The more evidence provided, especially when it is for a report, the better.

If one considers that the make-up of the committee appears bias, and is tempted not to attend, one should still appear, however irritating it may be, as the committee has the engine of publicity behind it. Bob advised members to suffer it and be reasonable – let the committee be the unreasonable party!

Committees tend to decide the matters they are going to examine at the beginning of the year, or when it is set up what they are going to do. Topics may be decided because it is of particular interest to a member, or on something that is on the national agenda. Members were encouraged to contact a committee to highlight issues if they felt it necessary.

Some public bodies may span several departments. In this instance, the most suitable select committee would be the one to whom the issue is most relevant and will take it most seriously. Greater joint working between committees now takes place than previously.

One can request a hearing on a one-to-one basis, although a good reason would need to be given, such as, a matter of national security. However, this may not always be granted and one could expect an official to be present, and for the chair to inform the rest of the committee if this takes place.

There is an advantage to hearings happening 'live', because committees cannot shut a witness up and it is recorded!

If a witness considers that a factual inaccuracy has been presented, then they can say why and submit supporting evidence. Committees are usually supported by two clerks, a specialist, have access to the National Audit Office and may appoint a special advisor for a specific inquiry, so briefing is likely to be of a good quality.

The output and value of a committee can vary. They do provide a level of scrutiny. It is important that reports are evidence based and the timing of their publication can mean they get the public's attention and something will come of it. The Justice Select committee gives specific recommendations. Government has to respond in two months. If a committee is not satisfied with a response, then a debate on the floor of the House can be requested. It can also re-visit matters and have a traffic light system to revisit everything over a period of time.

And finally, don't make a joke unless you are a professional comic! Whilst hearings are a human interaction and one may want to get personality across, evidence is written down, intonation may not be understood and jokes do not translate into other languages.

The Institute for Government's Director of Research Dr Hannah White gave some background about the role of committees and their powers, in addition to providing further practical advice for members.

Select committees were set up in 1979, to look at the administration and expenditure of departments and their public bodies. Committee members are now elected, so have some interest and are more likely to have expertise and experience in the subject matter. Hannah's research indicated that they were generally trying to do one of four things: influence someone or a policy; set an agenda with a topic that may not be at the forefront of government's mind; engage with external stakeholders, often a by-product of their work; or holding a person or public body to account.

Committees have delegated powers from the house, including the power to send for persons, papers and records, and they can ask anyone, other than members of each House and the Royal Family, to appear before them. If someone refuses to appear, this can be reported to the House, who can instruct the committee to summon the person again, and refer the matter to the Committee of Privileges. However, the House of Commons cannot impose a sanction if someone does not appear but it is likely they will cause the person embarrassment. The Welsh Assembly and Scottish Parliament can impose a criminal sanction if someone does not appear, though they have never had to use it. Committees also have the power to examine witnesses under oath - if the witness lies they would be subject to the Perjury Act. Parliamentary privilege applies to committee proceedings, therefore a witnesses evidence cannot be used against them in civil or criminal proceedings.

In addition to the advice Bob provided about preparing to appear, Hannah advised looking at an inquiry's previous sessions and written evidence provided if possible.

Committees do have a quorum and members may turn up late or leave early. If they drop below quorum then they are no longer a parliamentary proceeding and the Chair may suspend session.

When giving evidence, a witness may be one of a panel of people or appear alone. Witnesses can ask if the questions can be shared in advance but one should be aware that they may change. A question may be asked even if the answer has already been answered under another point – if this happens, witnesses are advised to answer it again.

Hannah warned that there are some committees that won't like being challenged, so it is wise to 'take the temperature' before pushing back. If a witness thinks that the committee may behave 'badly' Hannah suggested always considering what can be offered to them, such as an announcement or something they did not know. This can create a positive atmosphere and demonstrate that they are thought of as important. As previously mentioned, it can be helpful ask if there are any particular areas or data needed beforehand in order to arrive armed with the information and appearing helpful.

During discussion with members, the following points were made:

All party parliamentary groups are interest groups, with varying amounts of resource, and select committees do not necessarily take notice of them. They may conduct inquiries and produce reports, but they are more social groups. Influence tends to happen if there is a cross-over of membership.

Combative committee chairs may raise their own profile, as well that of a particular issue. Such an approach can be helpful and more likely to get the government to respond. Some chairs are in place because they have less support from their party but want to maintain a high profile. Some have been ministers and therefore have an understanding of how government works, which can be useful.

Witnesses can be coached before a hearing, and if it is done well - looking in depth at what will be discussed and testing lines of questioning - this can be very helpful, but be careful not to be robotic. It was once said to Hannah, that a witness should "never take a thought for a walk in front of a select committee!" So if the committee asks a witness a question that prompts an interesting reflection, it is probably best not to explore it at the hearing, unless it has been given considered in advance.

There is unlikely to be much opportunity to look at copious amounts of notes during the hearing because the spot light is on the witness. Therefore, it is important to prepare for the key questions. They can be more useful if a witness is on a panel, when there may be a chance to look at them.

The evidence will be on a transcript and it can be treated as a media interview, where one gives three points with caveats – it is advised that these are woven together so they cannot be neatly separated and therefore quoted out of context.