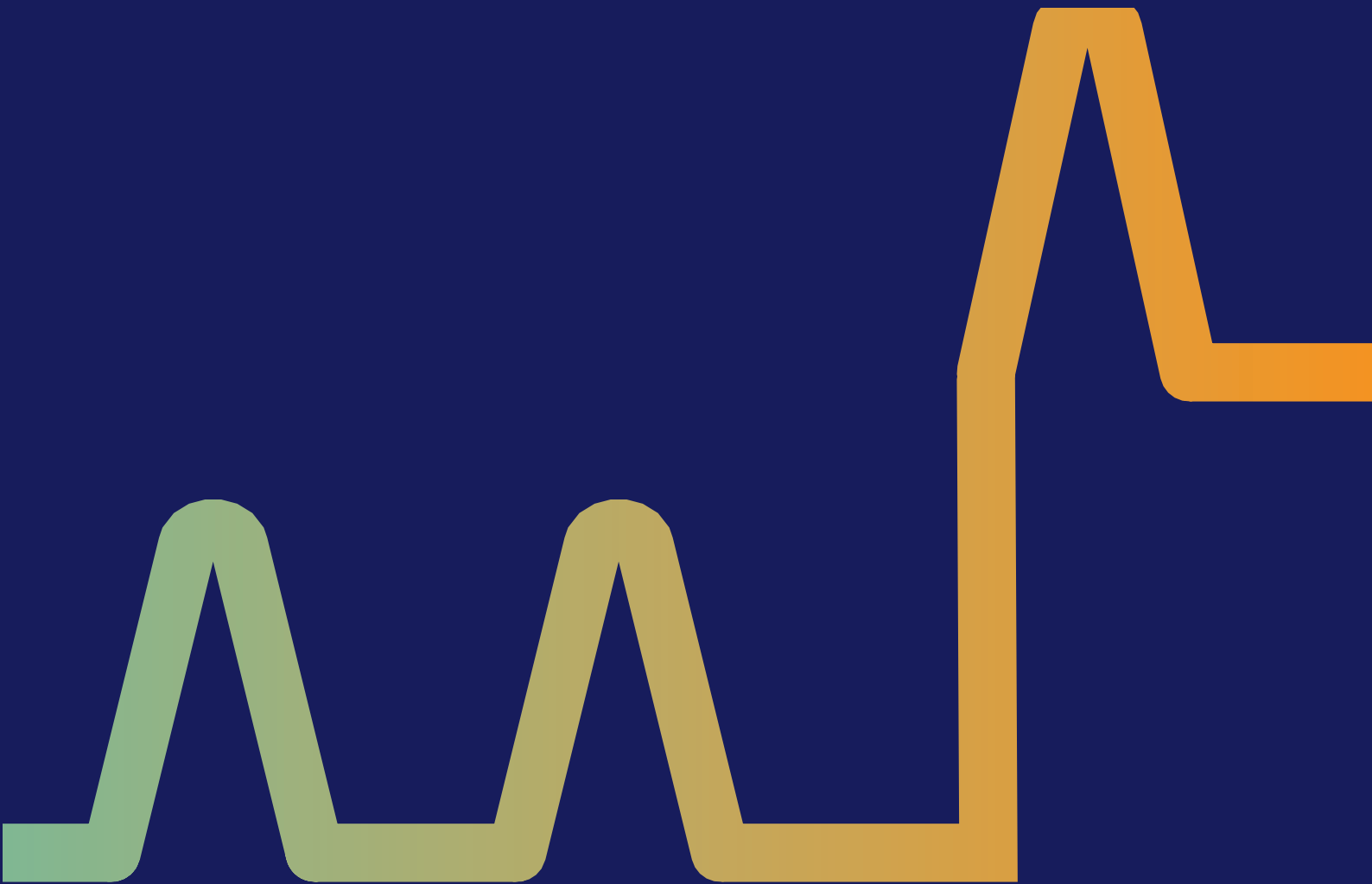


Parliamentary Monitor 2020



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About Parliamentary Monitor

Parliamentary Monitor is the Institute for Government's data-driven project examining the work of parliament to improve effectiveness of government. It examines the resources involved in running the Houses of Parliament, how legislation is passed and how government is scrutinised.

About this report

Parliamentary Monitor 2020 is the third report of the Parliamentary Monitor series, following *Parliamentary Monitor 2018* and *Parliamentary Monitor: Snapshot 2019*.

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Foreword

This report, the second full edition of our *Parliamentary Monitor* series, examines the operation of the UK parliament in the two and a half years before the December 2019 general election.

The change in political circumstances between the end of 2019 and today is stark, both within the Palace of Westminster and in the context of the coronavirus pandemic that has since swept the globe. The House of Commons, which only a few months ago was paralysed over Brexit and hindered by a breakdown in trust between MPs and the government, largely put aside its differences during the initial phase of the coronavirus crisis. But this may prove hard to sustain. The coming months will test how well parliament fulfils its key roles – representing constituents, passing legislation, agreeing government proposals for taxation and expenditure, facilitating national debate and, most importantly, scrutinising and holding government to account.

The 2017–19 parliament also tested the legislature’s ability to play its constitutional roles: minority government and political divisions over Brexit led to a breakdown of trust between the executive and parliament, and parliamentary procedures were put under strain. But though parliament was largely paralysed over the form of Brexit, it did still fulfil its key roles, as this report explores.

The 2017–19 parliament will have lasting consequences. It raised questions about where sovereignty lies in the UK constitution and highlighted the need to update and clarify certain parliamentary procedures. The 2016 EU referendum – an exercise in direct democracy – prompted debate about whether MPs should act as the representatives or delegates of their constituents. Meanwhile, parliament’s reputation was tarnished by allegations of bullying and harassment. These issues provide a tough agenda for the new Commons Speaker in the new parliament.

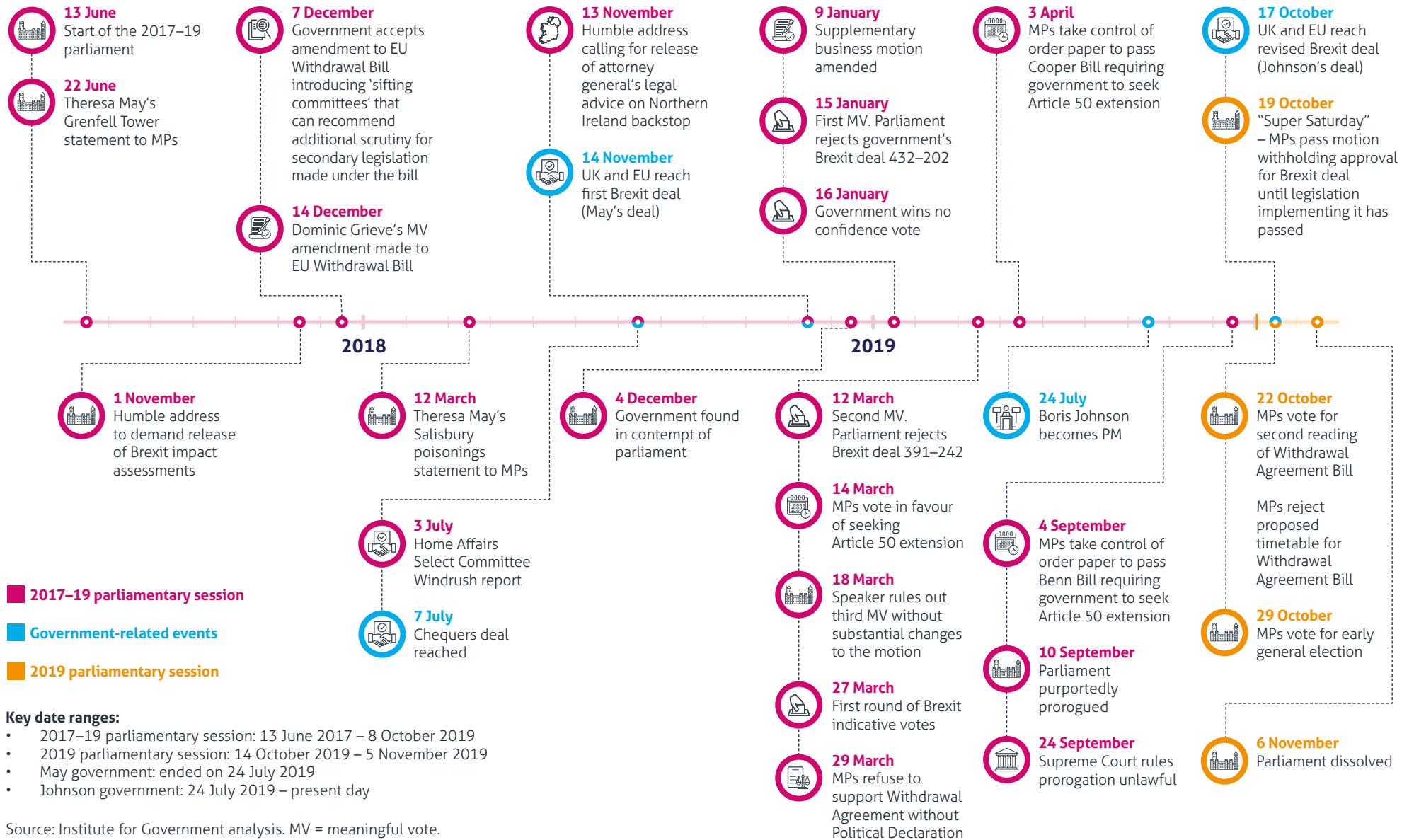
Coronavirus has already prompted parliamentary innovations – particularly in the use of digital technology – on which it would probably have proved difficult to reach consensus in normal times. Some of the changes made to the way parliament operates may be sustained once the crisis has passed. Others may be dropped.

We hope that parliamentarians will emerge from the coronavirus crisis galvanised to rethink how parliament operates, particularly given the urgency of restoring the Palace of Westminster. While the turbulence of the 2017–19 parliament is over, we should not ignore the problems it exposed, nor be complacent about the need for reform.



Bronwen Maddox, Director, Institute for Government

Timeline: Key milestones in 2017–19 and 2019 parliamentary sessions



Report scope and data

This report covers the 2017–19 parliament, from the 2017 general election to the dissolution of parliament ahead of the 2019 general election. The 2017–19 parliament was composed of two sessions: a long session from 13 June 2017 to 8 October 2019, and a short session from 14 October 2019 to 5 November 2019.

Most data used in this report covers the 2017–19 session. In some cases, parliamentary data is collected by financial year, academic year, calendar year or by parliament. In all cases, the period covered by the data used is clearly stated in the text and chart sources. Key date ranges are shown in the timeline on the previous page.

Chapter-specific methodologies are listed below.

Chapter 1: Cost and administration

Financial data for the House of Commons and House of Lords is provided on a financial year basis, unless otherwise stated. We have also controlled for inflation where possible.

Our figures for the cost of the Commons combine data from the House of Commons Annual Resource Accounts; Annual Members' Accounts, and the MPs' and MPs' staff costs detailed in the Independent Parliamentary Standards Authority Annual Reports. This is because we include the costs of the salaries and expenses of MPs and their staff as costs necessary for the Commons to fulfil its role.

In analysing both the Commons and Lords costs, we exclude non-cash items as listed in each House's annual reports. This is a change to the methodology we used in *Parliamentary Monitor 2018*. The reason for this change is that the cost of non-cash items can vary significantly from year to year, distorting the overall figures.

Chapter 2: Time

Most of the data in this chapter is drawn from the Commons and Lords Hansard, as well as the Commons Sessional Return and Sessional Diary, unless otherwise stated. It is mainly presented on a sessional basis.

Our estimate of the time that the House of Commons chamber spent on Brexit is impressionistic and will not capture all debate focused on Brexit. We do not include routine business that would have occurred regardless of the result of the 2016 EU referendum, such as budget statements, though Brexit will nevertheless have been a key feature of these. However, we do include routine ministerial statements on EU councils, as these will have been dominated by Brexit.

Data on points of order is taken from Commons sessional returns, though recording and timing points of order is difficult because they can be very brief. The ways that these may have been counted and recorded by Commons staff over time may have changed, meaning that comparison is largely impressionistic.

Chapter 3: Primary legislation

Unless otherwise stated, data in this chapter is taken from parliament's website and covers the 2017–19 parliament.

Most data in this chapter focuses on government public bills, rather than private or hybrid bills. Where we refer to backbench legislation, this is explicitly stated.

Brexit legislation is based on the government's indication of the bills it believes are necessary for Brexit. 'Finance Bills' includes Finance Bills and Supply and Appropriation Bills. 'Northern Ireland Bills' refers to those bills applying only to Northern Ireland. 'Other legislation' refers to government public bills that do not fit in the other categories.

The amount of time bills spent in the Commons and the Lords was calculated using timings recorded by Hansard. Any timings that were missing from Hansard were obtained using Parliamentlive.tv.

Chapter 4: Secondary legislation

Data in this chapter relates to statutory instruments.

Data on the amount of secondary legislation laid in parliament, the responsible departments, the procedures it was subject to and whether it was related to Brexit was provided by the House of Commons. Additional data was taken from House of Commons sessional returns and the House of Commons sessional diary.

We classify government departments according to the standard Institute for Government classification. 'Other' typically includes the Privy Council Office; Local Government Boundary Commission; House of Commons; General Synod of the Church of England; and Government Equalities Office.

Chapter 5: Select committees

Unless otherwise stated, data in this chapter is drawn from individual Commons committees' websites and covers the 2017–19 session. Our calculations related to committee inquiries include one-off evidence sessions.

In calculating the proportion of committee inquiries related to Brexit, we include any Brexit-related inquiries that we judge would not have happened without the result of the 2016 EU referendum. Inquiries, whether Brexit-related or not, that were conducted jointly by committees are included in each committee's figures, as this reflects the individual work programme of each committee.

Our data on the types of organisations scrutinised by individual committees is based on our own analysis of the titles of committee inquiries. We draw on a range of sources, including the Cabinet Office's Public Bodies publication and departmental accounts, to list the associated public bodies of each government department and calculate their relative size based on staffing and expenditure.

Data on the gender balance of witnesses is drawn from data published in the Commons sessional returns. We use Commons classifications of discretionary and non-discretionary witnesses. Currently, the data collected by the Commons only uses the categories of male and female.

Our analysis of the sectoral background of witnesses before Commons committees is based on categories that we have defined. We have assigned each witness to one category, for ease of analysis, though we recognise that some witnesses may represent multiple sectors at any one time – for example, they may be an academic who is appearing in a personal capacity as a member of the public. We have tried to capture which sector they were primarily representing at the time they gave evidence.

Chapter 6: Backbench activities

This chapter focuses on backbench activity in the House of Commons.

Data on written questions is drawn from House of Commons sessional returns and the database on parliament's website, and includes both answered and unanswered questions. Data on oral questions is taken from data.Parliament.uk. Both sets of data exclude withdrawn questions.

Data on urgent questions was taken from House of Commons Hansard and House of Commons Library briefings.

Data on emergency debates was taken from House of Commons Hansard, House of Commons order papers and House of Commons Library briefings.

We classify government departments according to the standard Institute for Government classification. The 'other' category includes the church commissioners, the House of Commons Commission, Public Accounts Commission, chancellor of the duchy of Lancaster, and the Speaker's Committee on the Electoral Commission.

Data on early day motions is taken from the database on parliament's website.

Brexit classification has been determined by Institute for Government analysis of the subject matter of parliamentary activity.

Chapter 7: Parliament and the public

Data on select committee social media use was compiled using information from committee Twitter and Facebook pages, as of 19 November 2019.

Data on Parliamentlive.tv viewing figures was provided by the parliament live audio and visual service. Data on BBC Parliament viewing figures was provided by BBC Parliament or taken from publicly available sources.

Data on e-petitions was provided by the House of Commons Petitions Committee and taken from House of Commons sessional returns.

Data on parliamentary education and outreach activity was provided by the Parliament Education and Outreach Team.

Overview

The 2017–19 parliament was exceptional. As the eyes of the world focused on Westminster, an unprecedented conflict developed between a minority government and a divided legislature. Parliamentarians – most of whom had campaigned against Brexit – struggled to work out how to give effect to the result of the 2016 EU referendum.

The steps taken by the May government to restrict scrutiny, combined with its close control over the parliamentary agenda, drove its opponents to test the limits of parliamentary procedure. Their actions – seen by the government as unconstitutional – were aided by the then Speaker, John Bercow, who saw it as his role to help the Commons to exploit parliamentary procedures to prevent a minority government acting beyond the limits of its legitimacy. The Johnson government’s pursuit of Brexit – with or without a deal – framed parliament as an obstacle to be surmounted; a view which resulted in a battle over the prorogation of parliament in the run up to the 31 October Article 50 deadline. Even once Johnson’s proposed lengthy prorogation was undone by the Supreme Court, parliament remained in gridlock; willing neither to allow the government to pursue its preferred course on Brexit nor to hold the general election the prime minister craved. Finally, in November 2019 – once the threat of ‘no deal’ had apparently passed – the legislature agreed to the election which brought the parliament to a close.

The dramatic events of the 2017–19 parliament raised vital questions that we address in this year’s *Parliamentary Monitor*. Was parliament broken? What will be the lasting impact on parliament of the events of 2017–19? And what do the last two years tell us about how parliament needs to change?

The answers to these questions will inevitably be influenced by how parliament responds to the coronavirus pandemic, which in a matter of weeks has abruptly shifted the political landscape and challenged many of the legislature’s established ways of working. Parliament’s response to coronavirus and the extent to which the pandemic stimulates reform will be the focus of ongoing work at the Institute for Government.

The 2017–19 parliament

May governed as if she had a large majority

Despite losing her narrow Commons majority in the 2017 general election, when it came to Brexit, Theresa May chose not to adapt her approach to managing parliament. Proceeding as if she was leading a government with a substantial majority, she attempted to railroad through the government’s almost universally unpopular Brexit policy. Relying on the votes of the Democratic Unionist Party (DUP), the pressure of the Article 50 deadline and the unpalatable prospect of a no-deal Brexit to persuade MPs to back her plans, she resisted providing more information about her negotiating objectives and efforts to extract information about the impact of Brexit on different sectors of the economy.

This approach backfired spectacularly. MPs managed to seize control of the Brexit process – forcing the government to give them a ‘meaningful vote’ on the government’s Brexit deal. By 2019, May’s government became the first ever to be found in contempt of parliament and then suffered the largest ever government defeat. Numerous bills needed for Brexit were delayed in the face of opposition from an increasingly hostile legislature. The role of the DUP in propping up the minority government proved controversial and is likely to have prolonged the breakdown in power-sharing and absence of government in Northern Ireland.

It is unusual for the UK’s electoral system to return a minority government. This means that politicians governing with a minority may have no experience of doing so, nor of how best to handle parliament in such circumstances. With the benefit of hindsight, Theresa May could have handled parliament more effectively – looking to build support for her Brexit approach from the start; the failure of her parliamentary strategy may be instructive for future administrations.

Rebels discovered the parliamentary opportunities of minority government and an amenable Speaker

MPs opposed to May’s Brexit plans – either to the type of Brexit she was seeking or to leaving the EU at all – found that the result of the 2017 election created parliamentary opportunities to try to influence the government’s strategy. Making use of urgent questions, emergency debates and even normal proceedings on government legislation, rebels were repeatedly able to exploit the parliamentary arithmetic to inflict embarrassing defeats on the government. But a lack of agreement over an alternative vision for the UK’s future relationship with the EU meant different groups were trying to use these parliamentary opportunities to push for different outcomes. To external observers, parliamentary activity appeared chaotic and designed to obstruct Brexit.

In 2019, MPs were able to take advantage of the then Speaker John Bercow’s creative approach to interpreting parliamentary procedure to take control of the Commons agenda and pass legislation binding the government to take steps to stop no deal. The government opposed the move, arguing the unprecedented step was unconstitutional and that parliament should never legislate against the wishes of the government. Those responsible countered that if a majority could be found to pass legislation, then it was within parliament’s right to do so.

The passage of the Cooper and Benn Acts created just one of many controversies over Westminster’s procedures during the 2017–19 parliament. It demonstrated that parliament’s rules are poorly equipped to manage minority government. Disagreements about the meaning of standing orders, the role of the Speaker and the nature of parliamentary sovereignty were highlighted by the exceptional circumstances of a minority government seeking to deliver a highly controversial policy that divided MPs across party lines.

Now that the government has a significant majority and clear electoral mandate, it will be much less vulnerable to defeat and rebel backbenchers. The new Speaker of the Commons – Sir Lindsay Hoyle – has indicated that he would not have taken all the same decisions as Speaker Bercow. Nonetheless, it seems likely that MPs and peers will want to clarify areas of parliament’s rulebook; the government will hope that in doing so they constrain the options of future Speakers and disgruntled backbenchers.

Parliamentarians could agree only that they did not want May's deal or no deal

Unable to coalesce around a single alternative Brexit vision – in many ways reflecting deep divisions in the UK population – parliamentarians responded by focusing on their own role in the Brexit process, spending much less time scrutinising the actual content of the deal Theresa May was negotiating. The government's secretive approach to negotiations did not help. Although ministers appeared frequently as witnesses, select committees found it difficult to get clarity on the government's Brexit objectives and progress in negotiations.

There were some notable exceptions. Following the government's defeat on a 'humble address', the Exiting the EU Committee was able to access the government's assessments of how Brexit might affect different industries – ultimately releasing most of the information publicly. The work of the Home Affairs Committee exposed gaps in the government's plans for the status of EU citizens in the UK in the event of no deal.

When parliamentarians eventually saw the detail of May's Brexit deal, it became increasingly doubtful that it would get through parliament. May suffered heavy defeats on the first two meaningful votes, but MPs opposed to her deal were similarly unable to make progress. Two rounds of 'indicative votes' on different Brexit options simply established two things that MPs didn't want – a 'no-deal' exit and a Northern Ireland backstop – rather than a plausible alternative to May's deal.

Parliamentary rules are designed to manage political conflict in a system with two main political parties, one of which has a Commons majority. Almost all of parliament's formal decision making mechanisms are binary, which makes them poorly equipped to promote consensus. Brexit made this very clear. One of the questions that parliament should explore now, building on the 2019 Commons Procedure Committee Inquiry on the voting procedures in the Commons,¹ is whether it would be desirable to adapt its procedures to allow decisions on multiple-choice questions.

In the UK constitution, the ability to govern rests on commanding the support of the Commons. In the last parliament, MPs were repeatedly willing to inflict large defeats on the May government's signature policy – Brexit – and to pass legislation against its wishes, while refusing to declare no confidence and trigger an election. This tension raised questions as to where sovereignty rests in the UK system – with parliament or the executive – and how the Fixed-term Parliaments Act – which is likely to be repealed in line with the Conservative Party 2019 general election manifesto – has affected this constitutional balance.

High drama raised parliament's profile, but conflict undermined its reputation

The controversy and conflict in parliament was highly visible to the public. As the Brexit process played out, viewing numbers for Parliamentlive.tv and BBC Parliament skyrocketed, with proceedings on certain crucial votes even being livestreamed on enormous mobile screens in Parliament Square. Record numbers of people signed e-petitions on the parliamentary website – on topics extending well beyond Brexit.

Unfortunately, this close attention did little to enhance parliament's reputation as journalists (and the politicians they interviewed) evidently struggled to understand the complexities of the procedures taking place. [Public and media attention](#) also disproportionately focused on examples of discord and gridlock.²

Even more damagingly, politicians on both sides of the Brexit divide fed a narrative that parliament was failing. Opponents of Brexit criticised the difficulty of securing parliamentary time to debate and decide on their concerns in the face of an overmighty government, while the government labelled parliament "dead", "cowardly" and "a disgrace", for refusing to give effect to its Brexit policy. Debates in the Commons chamber became toxic – particularly following Johnson's abortive attempt to [prorogue parliament](#) in September 2019. Inside and outside parliament, Remainers lamented parliament's original decision to delegate the decision on EU membership to a referendum, while Brexit supporters saw MPs and peers as attempting to reverse its outcome. Politicians and commentators commonly elided the 'government' and 'parliament' in their public remarks on parliamentary events, stoking public confusion about the cause of Brexit gridlock.

This damaging discourse was reflected in media coverage, including the portrayal of rebel MPs as "saboteurs", and seems to have further fuelled growing levels of abuse of politicians on social media. In the light of online and actual threats against the personal safety of MPs – particularly female MPs – and their families, the costs of MPs' security – already on the rise before the 2016 referendum – continued to increase. At the 2019 election, many younger, female MPs stood down, in many cases citing the level of abuse they had received as a factor contributing to their decision.

The apparent clash between direct democracy – in the form of the referendum – and representative democracy – in the form of parliament – over how to implement Brexit raised questions about the role of MPs and whether they should act as representatives or delegates of their constituents.

Allegations of bullying and harassment damaged parliament's standing with the public

The 2017–19 parliament also exposed serious concerns about bullying and harassment in the Palace of Westminster. Three reports on the topic were published during the parliament. The Cox report, which examined the treatment of House of Commons staff, identified deep concerns with how the Commons administration dealt with allegations of bullying and harassment.³ The White Report, which considered MPs and their staff, highlighted the risks posed by the power imbalance between elected MPs and those that work for them.⁴ Concerns were also raised about behaviour in the House of Lords, with the Ellenbogen Report concluding that most victims of bullying and harassment

did not make formal complaints.⁵ The former Commons Speaker, John Bercow, is also a subject of allegations of abuse, although he denies mistreating staff.

Progress in responding to the recommendations of these independent inquiries has been slow. While the independent grievance scheme has now been opened to historical allegations and a new helpline and code of conduct have been opened, MPs have yet to introduce an independent process for determining complaints against them.

Allegations of mistreatment of parliamentary staff are likely to have damaged parliament's reputation.⁶ They have exposed the vulnerability of many working in Westminster, given the power imbalance between politicians and officials, and the weaknesses of grievance processes. Parliament needs to do more to implement the recommendations of the three independent inquiries.

Was the 2017–19 parliament broken?

Towards the end of 2019, government ministers claimed that parliament was “broken” – implying that it was not fulfilling its constitutional role. Assessing parliament's performance is challenging, even in less exceptional circumstances. As Brexit demonstrated, what counts as ‘success’ in parliamentary terms is – in part – determined by political preferences. And different aspects of parliament's role are more or less visible – for example, while parliament's success in passing legislation is obvious, the impact of its scrutiny may often be invisible, deferred or both.

While a definitive assessment of parliament's performance is difficult, it is possible to examine what it has done in relation to each aspect of its role within the UK's system of democratic government. We found that:

- **Representing constituents:** MPs continued to represent their constituents on local issues – asking parliamentary questions, holding backbench and adjournment debates, and lobbying ministers. But fundamental questions about the role of MPs and whether they should be acting as representatives or delegates for their constituents were prompted by parliament's internal conflict about how to give effect to the result of the EU referendum, a matter on which individual MPs had very different views.
- **Passing legislation:** Key Brexit bills became deadlocked because the minority government could not risk defeats or amendments. Parliament did manage to pass other legislation but much of this was limited in its ambition. A wave of secondary legislation – necessitated by Brexit – revived longstanding concerns about the adequacy of parliament's scrutiny of statutory instruments.
- **Agreeing government proposals for taxation and expenditure:** Most processes for parliamentary approval of taxation and expenditure continued as normal during the 2017–19 parliament. But some financial procedures were exploited to make points relating to Brexit, including an ‘estimates day’ debate on whether the UK should stay in a customs union, and an amendment to the 2019 Finance Bill imposing minor restrictions on some of the government's tax powers in a no-deal Brexit scenario unless MPs expressly approved leaving the EU without a deal.

- **Holding government to account:** MPs made ever greater use of urgent questions and emergency debates to hold ministers to account on a range of issues. Select committees were active and made notable interventions on Windrush and the Grenfell Tower tragedy. Despite deep political divisions over Brexit, some select committees were able to function as a forum for MPs to reach consensus, but others became dysfunctional. The government's reluctance to provide 'a running commentary' on Brexit negotiations led it into conflict with parliament over access to information, and MPs revived the 'humble address' procedure to force disclosure of key information. It remains unclear if parliament has adequate powers to secure the information it needs to hold the government to account.
- **Facilitating national debate:** Brexit dominated political debate inside and outside parliament, but the majority of time in the Commons chamber was spent discussing other issues. The government was accused of using its control of the Commons agenda to limit opportunities for debate on Brexit, for example, by not scheduling opposition or backbench business days during crucial periods in the Brexit process. [The Supreme Court's judgment](#) in the prorogation case argued that it was inappropriate for the government to prevent parliament discussing Brexit in the run up to the UK's planned exit from the EU on 31 October 2019, articulating for the first time parliament's important constitutional role in scrutiny as well as in passing legislation.⁷

What are the lasting impacts of the events of the 2017–19 session on parliament?

The legacy of the 2017–19 parliament is not yet fully clear. It will be further complicated by the effects of the coronavirus pandemic, which promoted short-term cross-party consensus during the initial phase of the crisis and forced parliament to rapidly reassess many of its ways of working. However, the 2017–19 parliament raised clear questions about:

- **Role of the Commons Speaker:** Many controversial episodes of the 2017–19 parliament hinged on decisions taken by the then Speaker, John Bercow. These highlighted the powerful role the Speaker plays as final arbiter of often complex and ill-understood parliamentary rules, prompting Harriet Harman to describe the role as "one of the last unreformed areas of power in the UK constitution".⁸ The new Speaker, Sir Lindsay Hoyle, has sought to distance himself from some of his predecessor's actions – including by imposing stricter time limits on prime minister's questions. However, Hoyle looks set to maintain other aspects of Bercow's legacy, such as efforts to empower backbenchers and modernise working practices – a matter now given greater urgency by the coronavirus pandemic.
- **Culture of backbenchers:** With a return to majority government, many of the options open to backbenchers to influence the government in the 2017–19 parliament are now closed. However, backbench MPs from all parties have grown accustomed to holding the government to account and debating issues of the day through urgent questions and emergency debates, the increased use of which began well before the 2017–19 parliament. With the shape of the UK's future relationship with the EU still uncertain, changes in the leadership of both main political parties resulting in high-profile and experienced politicians returning to

the backbenches, and cross-party interest in the government's response to the coronavirus crisis set to persist, it seems likely that backbenchers will continue to attempt to influence political debate in the current parliament.

- **Attitude to scrutiny:** At times, the May and Johnson governments appeared reluctant to expose themselves to parliamentary scrutiny. With a return to majority government, there is a risk that parliament's right to fulfil its scrutiny role could be weakened. On top of this, the vast powers given to the government to respond to the coronavirus crisis, and uncertainty about whether parliament will be able to sit as normal due to social distancing measures, have reignited concerns about parliamentary scrutiny. Effective scrutiny plays a vital role in producing good law and policy, and maintaining public trust in government. These benefits are all the more valuable in a context where the government is having to respond to the coronavirus crisis with sweeping policies implemented at great speed.
- **Parliamentary procedure:** Parliamentary procedure, developed over time to accommodate majority governments operating with strong party loyalty, came under strain in the 2017–19 parliament. Critics argued it was often too complex, poorly understood by parliamentarians and the public, and too susceptible to arbitrary interpretation. There have long been calls for reform, including to: widen responsibility for setting parliament's agenda by establishing a House Business Committee; modernise voting practices; and encourage the use of video-conferencing technology. These should remain high on parliament's agenda, particularly given the coronavirus crisis.⁹

What needs to change

It would be easy to argue that the circumstances of the 2017–19 parliament were unique and nothing so challenging is ever likely to arise again. Anyone hoping to be in government presumably hopes that analysis is correct.

But this argument would be mistaken. Although, historically, the first past the post system has usually delivered majority governments, minority governments have occurred in the past and remain a real possibility in future. And the chances of a future minority government wishing to implement controversial policies are also not negligible. It is therefore important to consider what the 2017–19 sessions showed us about parliament's structures and processes and their ability to deal with minority government.

Moreover, many of the issues highlighted by parliament's role in Brexit are problems that exist in a majority government situation as well as under minority government.

Reform of parliamentary procedure has taken on a new urgency following the coronavirus outbreak – requiring parliament to adapt rapidly at a time when it is critical it continues to function effectively to ensure the democratic legitimacy and effectiveness of the government are maintained. However, the crisis is unlikely to provide opportunities to resolve all the problems identified in the last parliament. And new challenges are already presenting themselves. The procedural reforms adopted in response to the coronavirus crisis may not be those that would have been implemented had there been time for fuller debate, and expedited reform also carries risks of unintended consequences that could disincentivise much-needed permanent change.

Beyond its immediate response to coronavirus, in our view, the three highest priorities for parliament are to:

1. Ensure adequate parliamentary scrutiny of the government. Despite the return to majority government, effective parliamentary scrutiny remains vital. Good scrutiny can improve both the quality and legitimacy of government policy and legislation, and is especially important at present given the extraordinarily broad powers being exercised by the government in response to the coronavirus crisis. In particular:

- The government should schedule regular opposition day debates, provide sufficient time for parliamentary scrutiny of government bills and publish data on the performance of government departments in responding to parliamentary questions.
- Parliament should review whether the existing processes for scrutinising secondary legislation are sufficient and consider whether the sifting processes introduced under the EU (Withdrawal) Act 2018 should be extended to other statutory instruments.
- Parliament should review whether select committees have sufficient powers to call for witnesses and evidence – including government information.
- In response to the coronavirus crisis, parliament should ensure that mechanisms for scrutinising the government – such as ministerial and urgent questions, and emergency debates – can continue in a manner compatible with social distancing, including use of video-conferencing technology, where necessary. Any moves to return parliament to its usual ways of working should not disadvantage members unable to attend in person.

2. Improve parliament's technical capability and ability to work remotely. In recent years, parliament has increased its use of digital technology to disseminate its work and provide the public with new ways of contributing to parliamentary business. The coronavirus crisis has further required parliament to enhance its technical capabilities:

- Parliament should ensure it has the necessary digital technology in place to operationalise a [virtual parliament](#) in response to the coronavirus crisis. Moves to return parliament to its usual ways of working should be inclusive and allow all parliamentarians to fulfil their roles. Parliament needs to be clear about how it is prioritising its technical resources and must ensure that parliamentary activity remains as transparent and accessible to the public as possible.
- Parliament should consider how better use of technology and new ways of working, including changes made in response to the coronavirus crisis, could be sustained where appropriate, and influence how and when the restoration of the Palace of Westminster takes place.

3. Review the areas of parliamentary procedure that proved most contentious during the 2017–19 parliament. The 2017–19 parliament pushed parliamentary procedure to its limits, exposing how ill-equipped much of the parliamentary rulebook was for minority government and illustrating the powerful discretion afforded to the Commons Speaker. It remains uncertain whether all the precedents set in the last parliament should be sustained. In particular, parliament should review:

- When and how [emergency debates](#) under Standing Order No.24 can be used to make a decision – including to take control of the Commons agenda against the government’s wishes.
- What obligations a [humble address](#) imposes on the government and what recourse MPs have if the government fails to comply.
- The meaning of ‘forthwith’ in the Commons rulebook and whether it should be subject to interpretation by the Commons Speaker.

1 Cost and administration

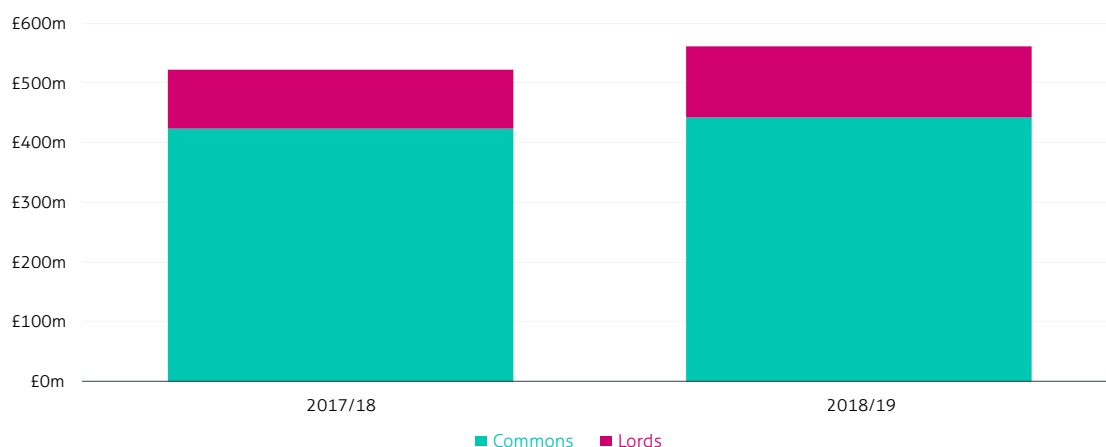
The cost of running both Houses of Parliament in 2018/19 was £560.4 million – an above-inflation increase of 7.3% on the previous year. The cost of running the Lords alone increased by almost a fifth, driven by a 25% increase in the number of days the Upper House sat and a rise in the cost of maintaining the decaying parliamentary estate.

Although progress was made with plans for the much-delayed restoration of the Palace of Westminster, the project's future is uncertain following the 2019 general election. Ominous reports suggest that some within parliament favour shelving existing plans in favour of a "quick fix" approach.

The safety and wellbeing of all those in parliament was a key issue during the 2017–19 session. While spending on recommended new security packages for MPs fell, security spending was still almost 2,000% higher than in 2015/16. Allegations of widespread bullying and harassment within parliament surfaced in the media from 2018 onwards. Three external reviews have led to the introduction of new procedures but a new independent process for determining complaints against MPs has yet to be implemented.

Cost

Figure 1.1 Total running costs of the House of Commons and House of Lords, 2017/18 to 2018/19 (in 2018/19 prices)



Source: Institute for Government analysis of House of Lords, Annual Report and Accounts 2017/18 and 2018/19; House of Commons, Annual Reports and Accounts 2017/18 and 2018/19; House of Commons, Members Annual Report and Accounts 2017/18 and 2018/19; Independent Parliamentary Standards Authority (IPSA), Annual Report and Accounts 2017/18 and 2018/19. Figures are presented in 2018/19 prices using the HM Treasury deflator. All figures are gross. Non-cash items excluded.

In the 2018/19 financial year, the cost of running the Commons totalled £443m, a 4.7% increase on the previous year.*

Several areas of expenditure rose, including goods and services (up 14% from £84.6m in 2017/18 to £96.8m in 2018/19), staff costs (up 8% from £119.9m to £129.6m) and the grants paid to organisations who further parliament’s work, such as the Commonwealth Parliamentary Association (up 7% from £12.7m to £13.6m). But other areas of expenditure on the Commons fell, including the cost of MPs’ allowances and expenses.

The Lords costs far less to run than the Commons, but over the last financial year its expenditure increased considerably, by 18.6%, from £99.0m to £117.4m. The steep increase, of almost a fifth, was primarily driven by a 44% increase in the costs of estates and works (from £18.3m in 2017/18 to £26.4m the following year) and a 27% rise in the costs of peers’ allowances (see Figure 1.4 and discussion below).

Both Houses are funded mainly by the taxpayer, but each earns a small income through activities such as retail and the rental of some of the parliamentary estate. In 2018/19, the Commons generated £22.1m of income from the sale of goods and services, and the Lords £5.9m.

MPs’ salaries, expenses and allowances are the largest area of the Commons’ expenditure

Figure 1.2 **Total (gross) expenditure on the House of Commons, by area, 2018/19**



Source: Institute for Government analysis of House of Commons, Annual Report and Accounts 2018/19; House of Commons, Members Annual Report and Accounts 2018/19; and IPSA, Annual Report and Accounts 2018/19. Figures exclude non-cash items.

* Unless otherwise stated, all figures in this chapter are presented in 2018/19 prices, to allow for inflation. Costs for both the House of Lords and House of Commons exclude non-cash items, including depreciation and amortisation, which are listed in the accounts of both Houses as expenditures. Because these costs – and particularly losses due to revaluations of property, plant and equipment – can be high and can vary considerably from year to year, we exclude them from our calculations. The two Houses of Parliament – the Commons and the Lords – are effectively separate institutions, with their own management and accounting structures. The two Houses manage their expenditure in different ways, reflecting the different membership and roles of each House – for example, salaried elected MPs versus unelected peers who are able to claim allowances. Working out the cost of running the Commons requires bringing together its annual report and accounts, together with the cost of the salaries, expenses and allowances paid to MPs and their staff – all of which is regulated by IPSA. The cost of running the Lords is more straightforward to calculate, as all its expenditure is contained within its annual report and accounts.

There are many different costs associated with the running of the Commons, the most visible of which are MPs' salaries, expenses and allowances. Following the expenses scandal in 2009, responsibility for regulating MPs' salaries and expenses was passed to the Independent Parliamentary Standards Authority (IPSA).

In 2018/19, the cost of paying MPs' salaries and expenses – and those of the staff that they employ – constituted over 40% of the total costs associated with running the Commons: at £183.1m, these were down 1% on the previous financial year. This reflects the higher costs associated with the June 2017 election – which fell in the previous financial year – following which £3.84m was spent on office winding-up and redundancy costs for MPs' staff. Equivalent costs were just £207,000 in 2018/19.¹

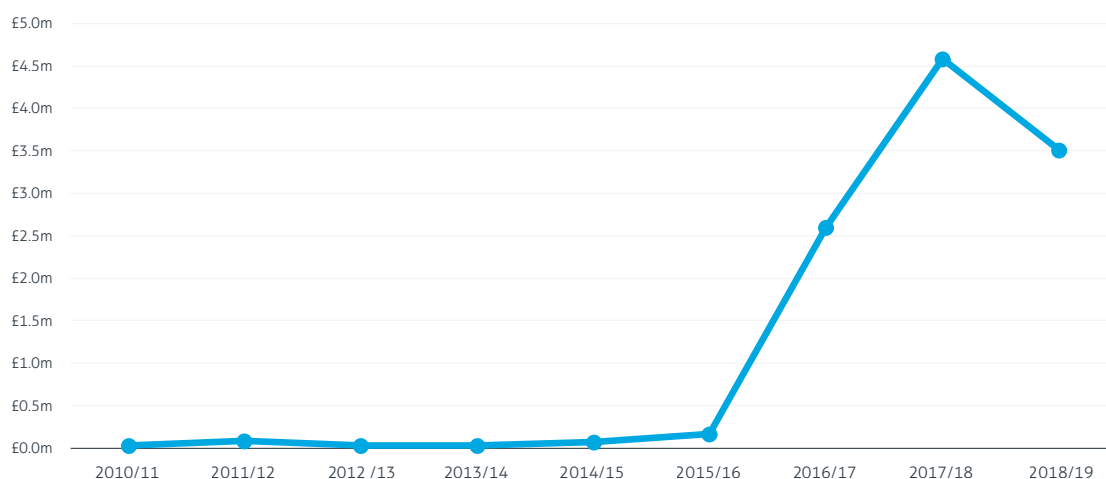
The cost of MPs' staff is set to rise in the next financial year because MPs will be allowed £19.7m of additional funding for their staff budgets in 2020/21. This increase was recommended by IPSA following a review that highlighted the increasingly complex and difficult casework that many MPs' staff are having to undertake – and their associated training needs.²

In addition to their salaries (£77,379 in 2018/19), MPs are eligible to claim for certain expenses incurred in performing their roles. These are divided into two main types. Some expenses are capped, such as the cost of renting offices, office furniture and stationery. In 2018/19, these cost £26.9m. Uncapped expenses, which include the costs of things like travel and hotels, totalled £7.2m.

The second-largest area of Commons' expenditure was on the 2,600 full-time equivalent staff employed in the House (an average across the 2018/19 financial year), whose pay and pensions cost £129.6m. Staff numbers in the Commons have risen by around 10% over the past year, meaning that staff costs have risen a similar amount (8%). Most of the increase in staff has stemmed from greater activity on major projects and programmes, including those relating to the parliamentary estate.³ Goods and services – covering broadcasting, communications and catering, among other things – totalled £96.8m.

MPs' security costs have dipped – but remain high

Figure 1.3 **Spending by IPSA on security assistance for MPs, 2010/11 to 2018/19 (financial years)**



Source: Institute for Government analysis of data from IPSA. This incorporates revisions that have been made to the data for 2016/17 and 2017/18.

MPs are able to claim expenses for security costs that they incur. These costs are regulated and administered by IPSA. IPSA's security assistance budget covers two kinds of costs: recommended security measures (a standard package that is recommended for all MPs); and further measures, recommended to those MPs informed by the police that they are subject to specific threats.*

Between 2015/16 and 2017/18, the cost of MPs' security assistance rose sharply: from just £171,000 to over £4.5m. This steep rise was driven by a combination of factors. After deeply divisive debates in parliament about British military involvement in Syria in late 2015, the National Police Chiefs' Council recommended that all MPs adopt a standard package of security measures. Tragically, the reality of the threat faced by MPs was demonstrated by the murder of Jo Cox MP in June 2016, while she was attending a surgery in her constituency. The terrorist attack on the Palace of Westminster in March 2017, in which six people were killed, further underlined the importance of security measures.

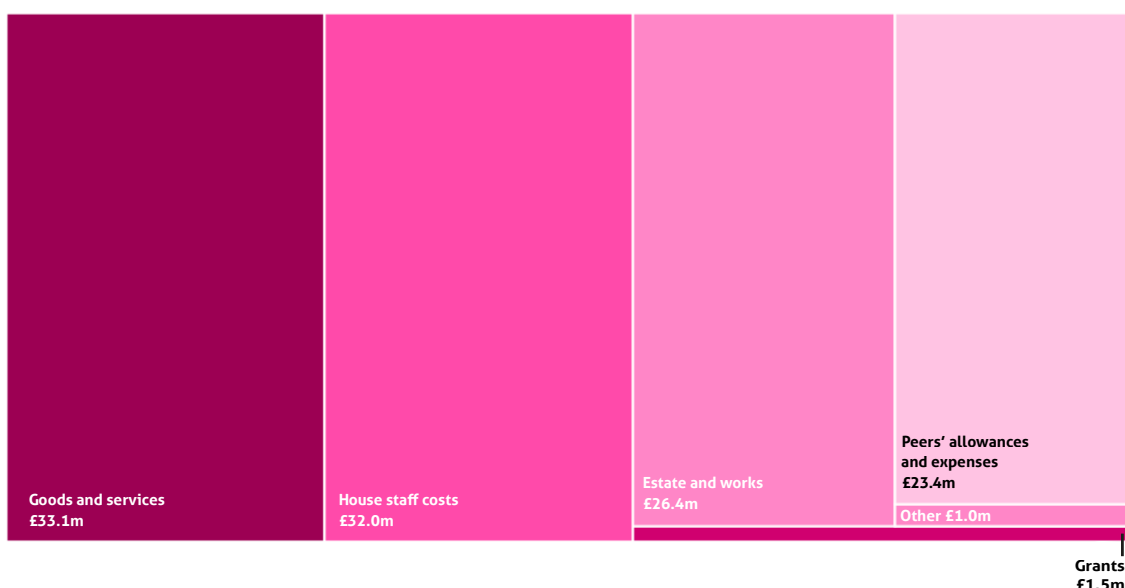
In the last financial year, costs have begun to fall – although they still remain almost 2,000% above pre-2015 levels. In 2018/19, £3.5m was spent providing security assistance to MPs – 23% below the previous year. This fall is because many of the costs that MPs had claimed for were one-offs – for example, the cost of fitting a new security alarm. As a growing proportion of MPs have now addressed their security needs, costs have started to fall.

However, as the 140 new MPs elected in the 2019 election start to consider their physical security, the trend may reverse and costs may begin to climb again as MPs continue to experience and report threats to their safety. In February 2020, a man was jailed for sending threats to Yvette Cooper MP.⁴ In November 2019, a man who sent death threats to another high-profile MP was convicted and jailed.⁵ Two months prior to this, a man was jailed for making death threats over the phone to six MPs.⁶

At the 2019 general election, many MPs – especially female MPs – who decided not to seek re-election cited harassment and security threats as a factor in their decision.⁷ The commissioner of the Metropolitan Police, the organisation which leads on the protection of MPs, has previously noted that it is female MPs, and particularly those from minority ethnic backgrounds, who are disproportionately likely to be subject to threats.⁸ This is a matter of concern if it reduces the diversity of people willing to stand for parliament and hence the extent to which the Commons is representative of the UK population.

* Outside of this, some costs associated with MPs' security may be claimed for through other categories of expenses: for example, the cost of fitting door locks may be paid for from MPs' office budgets.

Peers' allowances and expenses make up 20% of the cost of running the Lords



Source: Institute for Government analysis of House of Lords, Annual Report and Accounts 2018/19. Excludes non-cash items.

The largest item of spending on the Lords is goods and services, at £33.1m – including security, IT, and printing and publications. This is followed by the cost of employing the Lords' 530 staff (full-time equivalent, averaged across the year). Estates and works – including the Lords' share of projects that cover the whole parliamentary estate, as well as maintenance of the Lords – is another major area of expense, totalling £26.4m in 2018/19.

Peers do not receive salaries; instead they receive a flat-rate attendance fee and some limited expenses.* Therefore, although the House of Lords has a higher membership than the Commons, peers' allowances and expenses make up a much smaller proportion of overall spending on the House. At £23.4m, peers cost around one fifth of the total cost of running the Lords in 2018/19.

The cost of peers' allowances rose by over a quarter last year

Although only a fifth of the total cost of running the House of Lords, expenditure on peers' allowances and expenses saw a 27% increase over the £18.5m cost in the previous year.⁹ This is probably because the Lords sat for 25% more sitting days during the 2018/19 financial year than in 2017/18. So, although the average number of members attending on each sitting day fell slightly (from 469 to 462), the increased number of sitting days still drove up total costs.**

The increase in the cost of peers has unsurprisingly provoked debate. In February 2020, the *Sunday Times* reported on the increase in Lords' allowances and travel expenses, highlighting a number of peers who had claimed expenses despite only making relatively infrequent contributions on the floor of the House.¹⁰

* This allowance is paid at a flat rate of £313 per day (from April 2019, rising to £323 from April 2020) or at a reduced rate of around half this. Peers can choose which rate they claim, and they can also choose not to make a claim for their attendance. To enable them to fulfil their role, peers are also able to claim travel expenses in some situations, for example, if they have to travel from outside of Greater London in order to attend the House.

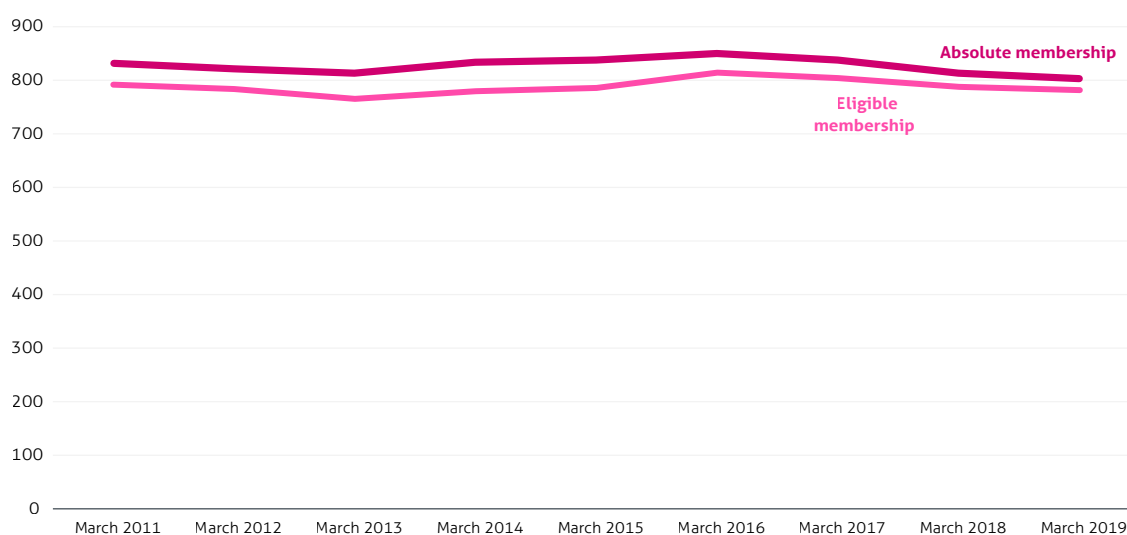
** It is difficult to conclusively pinpoint the cause of the cost increase. This is because the way that cost data is reported – on a financial year basis – doesn't match up with data on peers' attendance, which is recorded according to parliamentary sessions.

The *Sunday Times*' analysis found that more than 110 peers claimed a combined total of over £1m in expenses, but were not recorded as having made any written or spoken contribution in the House.¹¹ But this analysis ignores the less easily quantifiable ways that peers can contribute to the work of the House of Lords, including speaking to colleagues outside of the chamber, holding meetings, and attending debates.

Shortly after the 2019 election, it was reported that the Johnson government was considering moving the House of Lords outside of London, to a northern city such as York, as part of their interest in "levelling up" the UK – and, potentially, as a way of reducing costs.¹² Relocating the Upper House might save some costs if fewer London-based peers claimed the daily attendance allowance, and if staff were paid less than in London. But as peers' allowances are just one aspect of expenditure on the House of Lords, the overall financial impact of any move is likely to be more complicated – especially if more peers were to claim travel expenses, or if staff required help with relocation costs.

Efforts to reduce the size of the Lords have stalled

Figure 1.5 Number of peers in the House of Lords (absolute and eligible), March 2011–March 2019



Source: Institute for Government analysis of House of Lords, Annual Report and Accounts, 2010/11 to 2018/19.

Rising costs have also fuelled debate over the size of the Upper House. The number of peers constantly fluctuates, as new peers are appointed and others retire or die. The total fell significantly following the removal of most hereditary peers in 1999 – but since then has steadily risen.¹³ At the end of March 2019, there were 781 peers eligible to take part in the business of the Lords.¹⁴

In 2018, a review by the 'Lord Speaker's Committee on the Size of the House' called for the House to be reduced to 600 peers by adopting a 'two out, one in' approach to appointments.¹⁵ Twenty-six peers left the House between June 2018 and June 2019 and only six entered, but a flurry of political appointments in late 2019 and early 2020 looks set to reverse the limited progress that was being made towards reducing the overall size of the House.¹⁶ This may be a subject addressed by the government's proposed constitution, democracy and rights commission if and when it is established – and the Lord Speaker has called for "an effective moratorium on new appointments until the commission has completed its work".¹⁷

Administration

Progress of the renovation of the Palace of Westminster remains uncertain

The Palace of Westminster is in urgent need of major renovation work. A joint committee tasked with evaluating the risks to the parliamentary estate argued in 2016 that the buildings could either continue to experience a steady decline or suffer “catastrophic failure” of vital mechanical and electrical systems.¹⁸

After numerous delays, in 2018, both Houses agreed that they would temporarily “decant” into nearby buildings, in order to allow work on the Palace of Westminster to proceed more quickly and cheaply. The legislation required to set up a sponsor board and delivery authority to run the project – modelled on the structure that delivered the 2012 London Olympics – was introduced to parliament in May 2019. Eventually, and with less controversy than had been anticipated, the Parliamentary Buildings (Restoration and Renewal) Act 2019 received royal assent shortly before the end of the parliament.

While this was an important step forward, it is not clear that political support for the programme is sufficient for it to continue without further delays. After taking over as Speaker in November 2019, Sir Lindsay Hoyle suggested that any new parliament following a general election “may just say we want to re-look at this, we want to revisit it”.¹⁹ The leader of the Commons, Jacob Rees-Mogg, has also expressed scepticism about the plans and in January 2018 voted against a full decant, telling MPs that: “It seems to me that there is an easy, affordable solution whereby we maintain a chamber in our historic residence. That is what we should do and that is what we should vote for.”²⁰

In March 2020, it was reported that some figures in both the Johnson government and parliament are considering abandoning current plans. Instead, it was suggested, a “quick fix” programme of work would be carried out, with the Lords moving out of the palace into the Queen Elizabeth II Conference Centre, and MPs using their chamber while the Commons undergoes work. The work would take one year and would, reportedly, be budgeted at less than £200m – though the basis for this estimate is unclear.²¹ But the original Joint Committee report in 2016 expressed concern that any partial decant “could turn out to combine the worst of all options”, and suggested that if MPs were to sit in the Lords while work was undertaken on the Commons, peers would be out of the upper chamber for over a decade: far more than the year outlined in recent plans.²² It is also unclear how any effort to move the House of Lords outside of London would affect planned restoration and renewal work. Parliamentary innovations in response to the coronavirus epidemic may also influence the debate about how parliament could adapt during restoration work.

Some MPs simply dislike the prospect of both Houses of Parliament sitting outside the iconic palace, and fear project complications could delay their eventual return. But the possible cost of restoration and renewal is one of the key factors that has given MPs pause for thought. MPs and peers are due to vote on a budget for the project in 2022. At present, there is no up-to-date estimate of the costs of the project, but it is expected to exceed £4 billion²³ and some parliamentarians worry that they may struggle to justify this level of expenditure to the public.

As with many major projects, there are concerns about costs rising, especially as the costs of the refurbishment of the Elizabeth Tower, which houses Big Ben, have overrun.²⁴ But further delays, or a quick fix approach, may increase costs further, as maintenance work must continue – and costly temporary mechanical and electrical systems would need to be built to serve half the palace. According to one estimate, each year of delay costs around £100m and may further increase the ultimate costs of the entire project.²⁵

In the meantime, the deterioration of the palace risks disrupting parliamentary business and threatening the safety of those who work there. In April 2019, Commons debates on Brexit had to be suspended when water started leaking through the roof of the chamber.²⁶ Just a few months later, a colonnade in the parliamentary estate had to be closed due to falling masonry.²⁷

The catastrophic fire at Notre Dame Cathedral in Paris in the spring of 2019 refocused minds on the fire risks that the Palace of Westminster faces: in 2019, Andrea Leadsom told MPs that there have been 66 fires in the palace since 2008.²⁸ The longer the project is delayed, the greater the chance of a major incident on the parliamentary estate. And a quick fix approach risks being just that – something that fails to address some of the major mechanical and engineering problems that the Palace of Westminster faces. It would also not lessen the threat posed by falling masonry, and as Leadsom told MPs in 2019, “there have recently been three significant incidents of falling masonry: in Norman Shaw North, outside Black Rod’s Entrance, and at the door to Westminster Hall. It is only through luck that none of them has led to any serious injuries or even fatalities. Operating on luck is absolutely no way to proceed. We would not be forgiven if one of those incidents had caused significant harm to a visitor or a member of staff.”²⁹

Procedural reforms introduced in response to the coronavirus crisis – including greater use of video-conferencing technology and ‘hybrid’ sittings in the House of Commons, involving MPs contributing from the chamber and remotely – could influence the debate around how parliament should approach restoration of the Palace of Westminster.

The Commons has been slow to reform its processes for dealing with bullying and harassment

Media reports of allegations of bullying and harassment in parliament surfaced in early 2018. Many of those affected said that they lacked confidence in the processes for making complaints.³⁰

In March 2018, the House of Commons Commission asked Dame Laura Cox to undertake an independent inquiry into allegations of bullying of Commons staff. Reporting in October 2018, Cox found that “a culture, cascading from the top down, of deference, subservience, acquiescence and silence, in which bullying, harassment and sexual harassment have been able to thrive and have long been tolerated and concealed”.³¹ Cox made three recommendations: that existing complaints procedures should be abandoned; that a new procedure should be widened to include historic allegations of bullying; and that MPs should be removed from having any role in complaints procedures.

A second independent inquiry – focusing on MPs and their staff – led by Gemma White QC, also called for historic complaints to be investigated, and for a more “coherent” approach to how MPs employ their staff.³² A third inquiry, looking at the House of Lords, was led by Naomi Ellenbogen QC and was published in July 2019. It found that “staff who have experienced bullying and harassment have tended not to complain, formally or otherwise, in the belief that nothing will happen and/or for fear of reprisal”.³³

Progress in responding to the recommendations of these reports has been slow. It was not until July 2019 that MPs agreed to open up the new Independent Complaints and Grievance Scheme to historical allegations.³⁴ A helpline for staff, members and others working on the parliamentary estate to call, and a new code of behaviour have all been introduced – but some within parliament still expressed concern in late 2019 that the culture of the Commons has not changed.³⁵ It was not until February 2020, nearly 18 months after Cox reported, that the House of Commons Commission agreed to put out to consultation their favoured approach to removing MPs from the determination of complaints.³⁶ The House of Lords Commission has set up a steering group to advise on the implementation of the Ellenbogen report’s other recommendations.³⁷

Looking ahead

In its 2019 election manifesto, the Conservative Party committed to holding a constitutional commission, which was scheduled to begin work in the spring of 2020. So far, however, the coronavirus pandemic appears to have put this on hold. If and when it does begin work, it is not yet clear whether the remit of the commission will cover parliament. If it does, there may be implications for the cost and administration of parliament. For example, government sources have indicated that one area which may be considered by the commission is reform of the Lords. Any steps to reduce the size of the Upper House may reduce the cost of peers’ expenses and allowances – though this will depend on how active the remaining peers in any reduced chamber are. The government recently announced that it has shelved plans in place since 2010 to reduce the size of the Commons from 650 MPs to 600.

At the beginning of April 2020, the sponsor board and delivery authority responsible for restoration and renewal of the Palace of Westminster formally took charge of the work. But if the political will for this work declines even further in the face of a coronavirus-driven recession, then it is possible that the plans which the Commons and Lords have already agreed to may be abandoned. Unfortunately, any quick fix solution is likely to store up further problems – and higher costs – in the longer term, although it may prove more politically palatable in the short term.

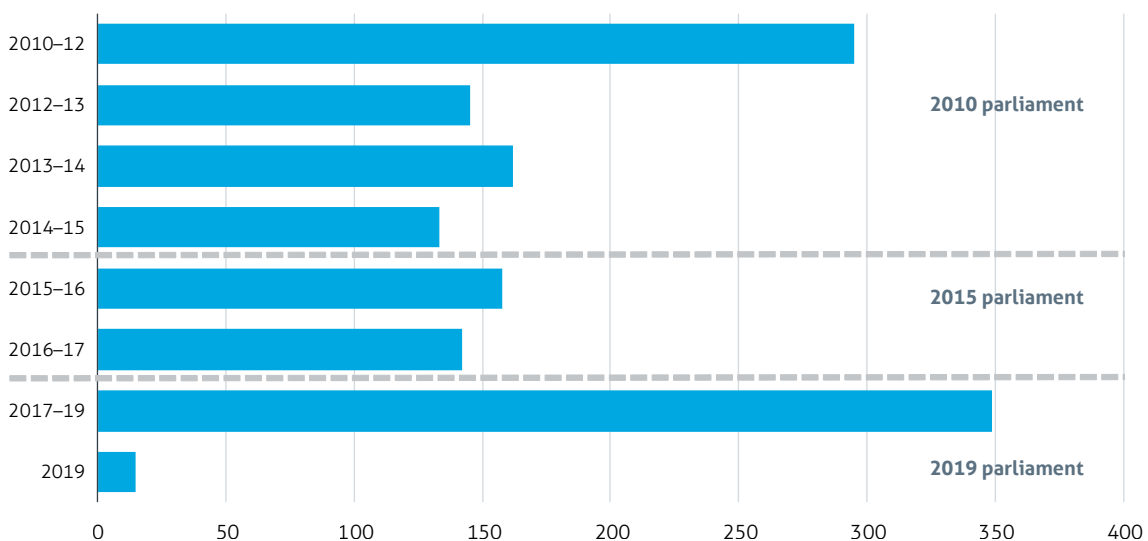
2 Time

The 2017–19 parliamentary session was unprecedented in its duration – the longest on record. It was followed by one of the shortest sessions in modern times, as parliament failed to reach agreement on Brexit and eventually agreed to an early election. Approximately one fifth of all time in the Commons was spent debating Brexit – the issue that dominated the session.

Control of parliament’s time was fraught, as the May and Johnson governments clashed with backbench MPs over control of the order paper. Extraordinarily, MPs twice succeeded in using parliamentary procedures to take control of the Commons’ agenda to pass legislation against the will of the government.

Both May and Johnson used the government’s control over the schedule of parliamentary business to their political advantage, seeking to buy time as their legislation ran into trouble and preventing MPs from holding debates that might be politically embarrassing. When the opposition did secure time, they used the humble address procedure to try to extract information from the government. The battle over parliamentary time culminated in the Johnson government’s unlawful attempt to prorogue parliament in September 2019.

Figure 2.1 **Number of Commons’ sitting days per parliamentary session, since 2010–12**



Source: Institute for Government analysis of House of Commons, Votes and Proceedings, 2010–2019.

Much about the 2017 parliament was exceptional, including the length of its two sessions. The lengths of parliamentary sessions matter because they both shape and reflect the government's approach to legislating. The 2017–19 session, at 349 sitting days, was the longest on modern record – and was immediately followed by one of the shortest parliamentary sessions, lasting just 15 sitting days.

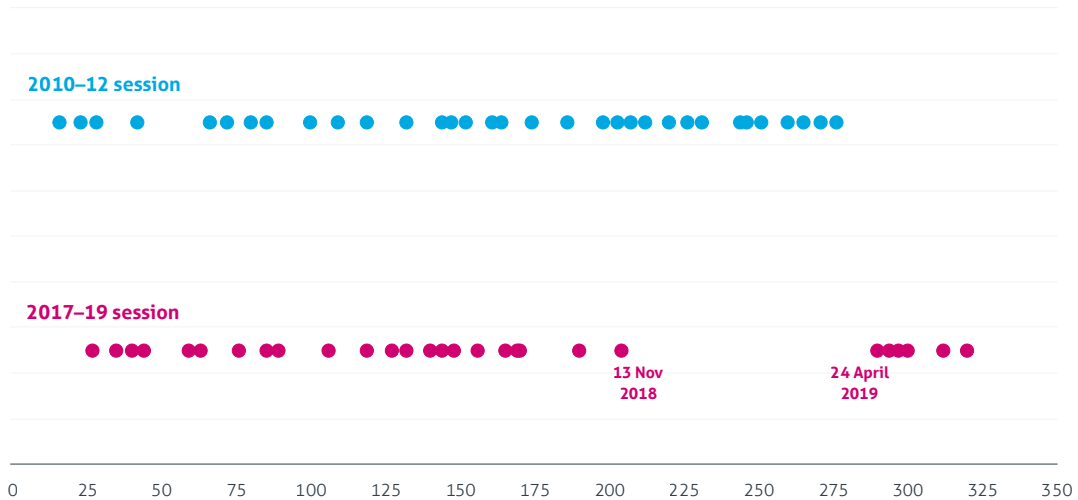
Most parliamentary sessions last for around 10 to 12 months, during which time each House sits for around 150 days – more than any other national legislature.¹ Following the 2017 election, the May government opted for a rare two-year length session to help it pass legislation needed for Brexit. But as the session wore on and the government's Brexit plans became bogged down, the May government kept the session running in order to avoid votes on the Queen's Speech debate that would launch a new session, which they could not guarantee winning – a sign of how weak the government's hold in parliament was.

By the time that Boris Johnson became prime minister in July 2019, the calculation was changing, and the government became eager to end the session for fear of MPs attempting to block a potential no-deal Brexit at the end of October. After an unusually long five-week prorogation was overturned by the Supreme Court, Johnson eventually succeeded in beginning a new session of parliament. But with MPs refusing to pass the Withdrawal Agreement Bill according to the Johnson government's rushed timeline, Johnson pushed for an early election. It took his government four attempts – and the passage of legislation – to get the election it wanted.

The 2019 election marked the second time, since the passage of the 2011 Fixed-term Parliaments Act (FTPA), that a parliament has not lasted its full five years. Although the FTPA succeeded in its primary purpose of keeping the coalition government going for its full five years, the fact that three general elections have been held since 2015 – with MPs agreeing twice to hold early elections – has raised questions about the Act's purpose. In the 2019 election, all the main political manifestos included plans to scrap the FTPA. This was likely to be an issue considered by the government's planned constitution, democracy and rights commission, which was originally due to begin work in spring 2020, but that now looks uncertain.

Control of the Commons' agenda was controversial

Figure 2.2 **Opposition day debates in the Commons, by sitting day number on which they were held, 2010–12 and 2017–19 sessions**



Source: Institute for Government analysis of UK Parliament, Votes and Proceedings in the House of Commons, 2010–12 and 2017–19 sessions. The 2010–12 session ran for 295 sitting days; the 2017–19 session for 349.

The degree of the government's control of the Commons' agenda has long been a subject of debate. This was renewed in the 2017 parliament. Since the late nineteenth century, it has been a part of the Commons' rules – in the form of Standing Order No.14 – that government business should have precedence in the House. This reflects a belief that it is the government that is expected to bring forward most legislation. Although a certain amount of time is set aside for debates on subjects chosen by the Backbench Business Committee and opposition parties, the government decides when this time is scheduled.

During the long 2017–19 session, the government gave opposition parties 27 days, more than the 20 days they were technically required to provide. However, given the session lasted over two years, this still meant that there were fewer opposition days than would have been proportionate for a double-length session.

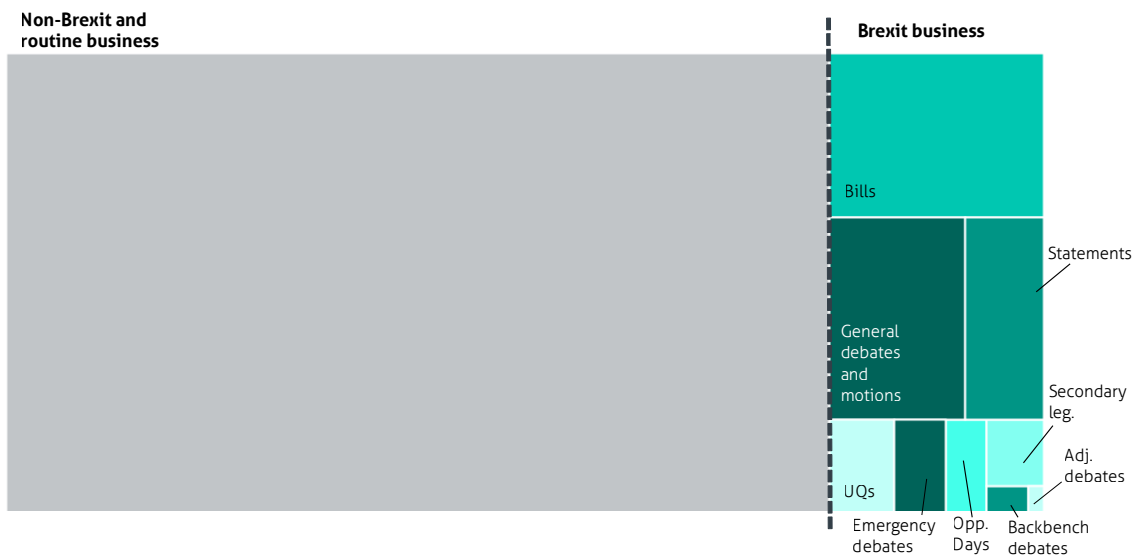
The May government exerted its power over the scheduling of parliamentary business to ensure that opposition days occurred at times when debates were likely to be less politically damaging, as a comparison between the two-year 2010–12 session and the 2017–19 session makes clear. While opposition-led debates occurred relatively regularly throughout the 2010–12 session, between 13 November 2018 and 24 April 2019 – a period of over five months – not a single opposition day was scheduled. This was the period during which the May government's Brexit deal was subject to repeated defeats in the Commons. The May and Johnson governments further angered many opposition MPs by not contesting opposition day motions, meaning that they were either agreed to without a vote, or with the government abstaining.

Although all governments seek political advantage from their control of the order paper, the combination of Brexit and minority government meant that this became a source of considerable tension. This was further highlighted on the two occasions when cross-party backbenchers used novel procedural means to take control of the order paper in order to pass legislation blocking a no-deal Brexit.

The extent of controversy over control of Commons' time in this session led some members, including some of the candidates vying to replace John Bercow as Speaker, to suggest reviving the idea of a House Business Committee – which would bring together members from across the House to draw up a weekly agenda for MPs to vote on. This idea was mooted in 2010 by the Wright Committee on Reform of the Commons. Although it met with general approval, no government has since taken the steps necessary to make it happen.

MPs spent most of their time on subjects other than Brexit

Figure 2.3 **Estimated proportion of time (hours) spent debating Brexit in the House of Commons main chamber, by type of parliamentary business, 2017–19 session**



Source: Institute for Government analysis of House of Commons, Hansard; and House of Commons, Sessional Diary 2017–19. Business off the floor of the House is excluded.

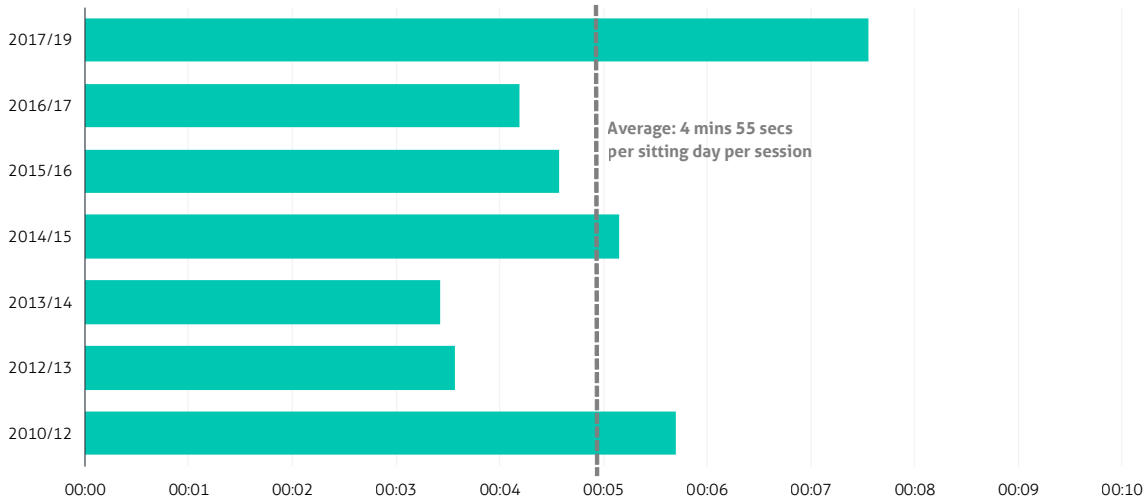
Politically, Brexit was the issue that dominated the whole of the 2017–19 parliament. The stalling of the government's Brexit plans and the inability of MPs to agree on a path forward led some senior government ministers to claim that parliament was "dead" and had "no moral right to sit".²

But Brexit was only one aspect of parliament's work. The majority of time in the Commons' main chamber was spent on business other than Brexit. We estimate that during the entire 2017–19 session, of the more than 2,800 hours for which the Commons sat, 536 hours – almost one fifth – were spent on Brexit. This meant that on average around 1.5 hours per sitting day was spent debating Brexit – a considerable length of time on a single subject, but less than some observers may have thought.

Of course, Brexit will have appeared in other routine parliamentary business, such as departmental questions, which we were unable to include in our analysis. It will also have featured in debates outside the main Commons chamber, in select committee sessions, delegated legislation committees and in Westminster Hall, a second debating chamber for MPs. But the vast majority of parliamentary activity was focused on subjects other than Brexit. Both Houses continued to function largely as normal, fulfilling their roles of holding government to account, scrutinising legislation, facilitating debate and representing the public.

Intense political divisions drove a renewed focus on Commons procedures

Figure 2.4 **Average time (hours:minutes) spent on points of order in the Commons, per sitting day per session, 2010–12 to 2017–19**



Source: Institute for Government analysis of House of Commons, Sessional Diaries 2010–12 to 2017–19.

Many of the battles between the May and Johnson governments and parliament during the 2017 parliament focused on process and procedure. When MPs wish to enquire about how a particular Commons' procedure is being used, they can raise a point of order with the Speaker to help clarify the situation. The MP should explain why they think a procedure is being misused and the Speaker will respond. Often, however, MPs use a point of order to make a political point, or simply complain about the actions of other MPs.

During the 2017–19 session alone, over 1,000 points of order were raised by MPs in the Commons – around three per sitting day. We estimate that almost eight minutes per sitting day were spent dealing with points of order, considerably longer than in any recent session.* During the entire 2017–19 session, roughly 44 hours of the Commons' time were spent on points of order – more time than was spent debating several pieces of legislation that were passed during the session. This illustrates that the increased salience of concerns over process came to dominate debates more than concerns over policy.

This focus on procedure was not confined to the Commons. In the House of Lords there was further procedural wrangling. Both the May and Johnson governments attempted to filibuster, or delay, two backbench bills designed to prevent a no-deal Brexit: the Cooper and Benn bills (which subsequently became the European Union (Withdrawal) Act 2019 and European Union (Withdrawal) (No.2) Act 2019, respectively). To counter this tactic, supporters of the bill had to repeatedly move closure motions, asking the House to agree to bring debate on a particular amendment to a close. Closure motions are so rare that when they are moved, it is convention that the Lord Speaker makes a statement reminding peers of how significant they are. In the companion to the Lords' Standing Orders – the upper chamber's rules – closure motions are described as a "most exceptional procedure".

* The way that points of order have been timed and counted has changed over time, making comparisons between sessions largely impressionistic. However, the difference between the 2017–19 session and other recent sessions is so marked that this is unlikely to solely be the result of changes in recording practices.

They also take time – two divisions of around 15 minutes each. In the end, the Johnson government agreed to end its filibuster of the Benn bill, but not until peers had sat long into the night.

Another indicator of the fractious political atmosphere that dominated the Commons in the last parliament was the length of prime minister's questions. Due to last around 30 minutes every Wednesday, it instead averaged 48 minutes over the course of the 2017–19 session, running over 50 minutes on 24 occasions and over an hour twice. John Bercow, the then Speaker, was also happy to facilitate these extended sessions – something that his successor, Sir Lindsay Hoyle, has been less willing to do.

Looking ahead

Struggles for control of the Commons' order paper were already much less likely following the return of a majority government after the December 2019 election. The political desire for consensus during the coronavirus pandemic makes the prospect of this kind of conflict even more remote.

This means that the longstanding debate over government control of business in the Commons, revived once again during the 2017–19 session, may well fade into the background. The government seems extremely unlikely to act on the proposals made by the Wright Committee in 2010, to establish a cross-party House Business Committee.

All major parties committed in their 2019 election manifestos to the repeal of the FTPA. The election highlighted for the second time since the Act's passage that it does not guarantee five-year parliaments – though it did prevent the government simply calling an election at a time of its choosing. When legislative time allows, it seems likely that the government will bring in primary legislation to amend or repeal the FTPA.

3 Primary legislation

The ability of Theresa May's government to pass primary legislation during the 2017–19 session was limited, both by the result of the 2017 general election and by Brexit.

Following the 2017 election, the Conservative government dropped many of its major manifesto commitments to secure a 'confidence and supply deal' with the Democratic Unionist Party (DUP). Instead of focusing on domestic policy, the bills May proposed were focused on Brexit. But she struggled to pass Brexit legislation as splits emerged in parliament, forcing her government to delay the passage of key bills and introduce minor, less contentious bills to fill parliamentary time.

Big questions were raised during the session about the rights of backbenchers to initiate and pass legislation against the wishes of the government – something which MPs twice did in an effort to avoid a no-deal Brexit. But, following the 2019 general election, Boris Johnson's effective working majority of 87 means it is already finding it much easier to pass legislation. Backbenchers and the opposition will find it much harder to persuade the government to take their views into account.

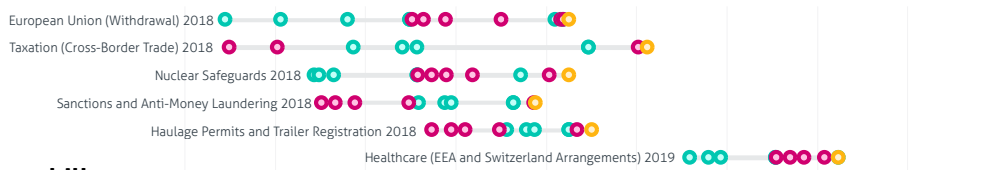
The fragile position of the May and Johnson governments meant they could pass only limited legislation

During the 2017–19 session, Theresa May and Boris Johnson's governments passed 51 bills. Johnson's government passed a further three bills during the short 2019 session ahead of the general election. The number of bills making it onto the statute book in the 2017–19 session was not unusual given its length, as Figure 3.1, overleaf, shows. But the substance of the legislation – beyond Brexit – was more limited than would be expected for a government in its first term following a general election. Rather than major policy reforms, it included the routine money bills that must be passed by any government (finance bills and supply and appropriation bills), Northern Ireland-specific legislation (needed in the absence of the Northern Ireland executive) and very specific legislation on topics as varied as data protection and smart meters. However, during the 2017–19 session, May passed her flagship Brexit bill – the [EU Withdrawal Act 2018](#).*

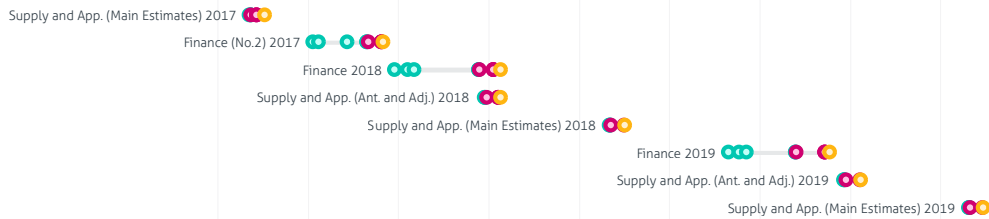
* On 29 January 2020, the EU Withdrawal Act 2018 repealed the European Communities Act 1972 (ECA, which gave effect to UK membership of the EU). However, the legal effect of parts of the ECA has been retained until the end of the transition period. The EU Withdrawal Act 2018 (as amended by the Withdrawal Agreement Act 2020) creates a new category of 'retained EU law' encompassing both domestic legislation giving effect to EU law and directly effective EU law as they apply at the end of the transition period ('IP completion day'). The EU Withdrawal Act 2018 also empowers ministers to make corrections to retained EU law to ensure it continues to function effectively after Brexit. These provisions were designed – as far as possible – to provide legal continuity after Brexit. Changes made by the Withdrawal Agreement Act 2020 ensure that, during the transition period, the UK continues to apply EU law as if it were a member state.

Figure 3.1 Government bills passed in the 2017–19 parliament, by date of legislative stages

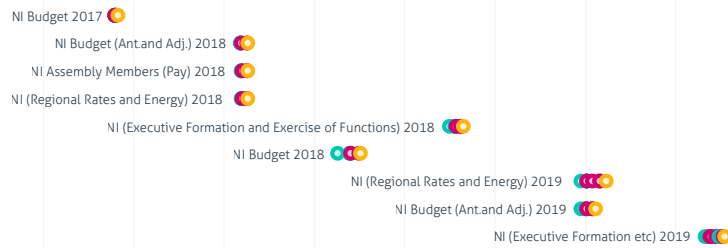
Brexit bills



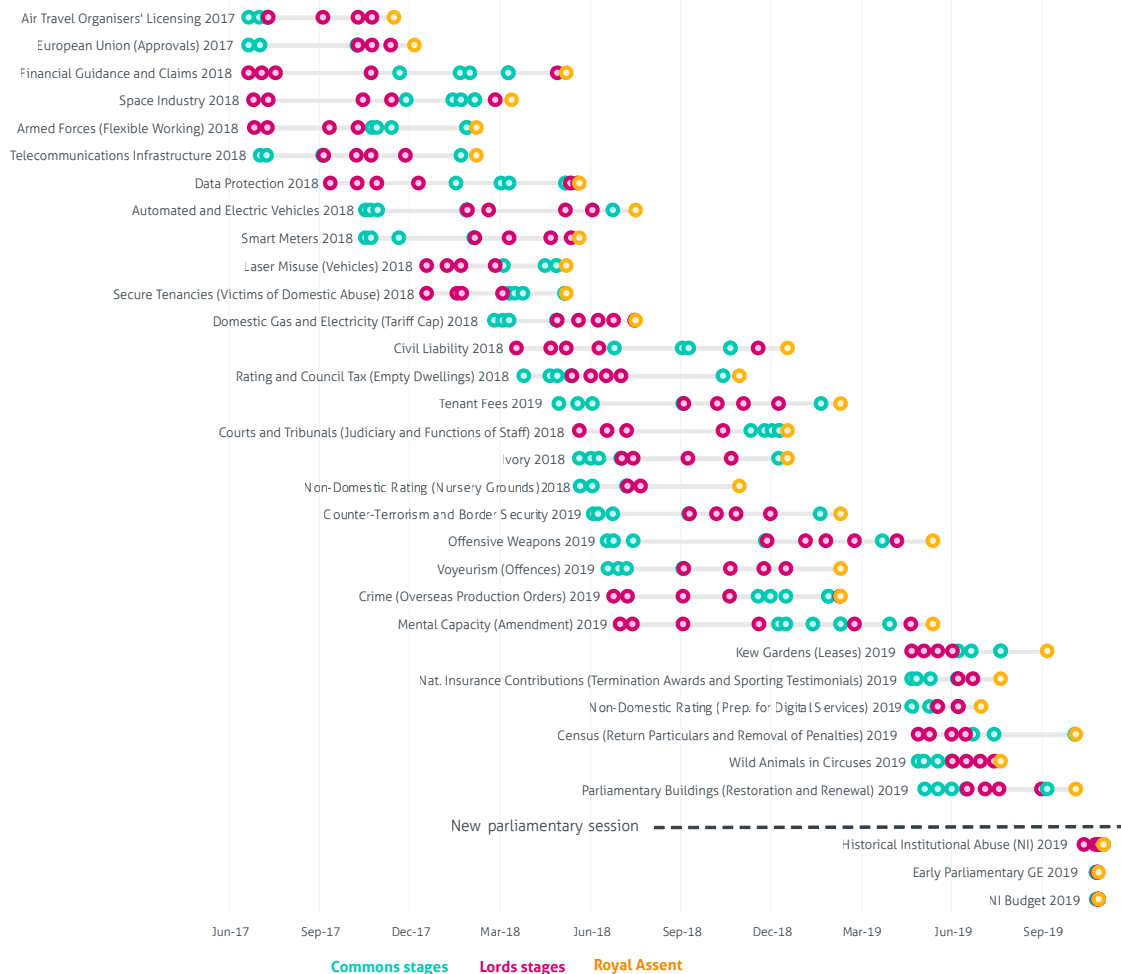
Finance bills



Nothern Ireland bills



Other bills



Source: Institute for Government analysis of Parliament.uk. Changes made by the Withdrawal Agreement Act 2020 ensure that, during the transition period, the UK continues to apply EU law as if it were a member state.

Government defeats were initially controlled

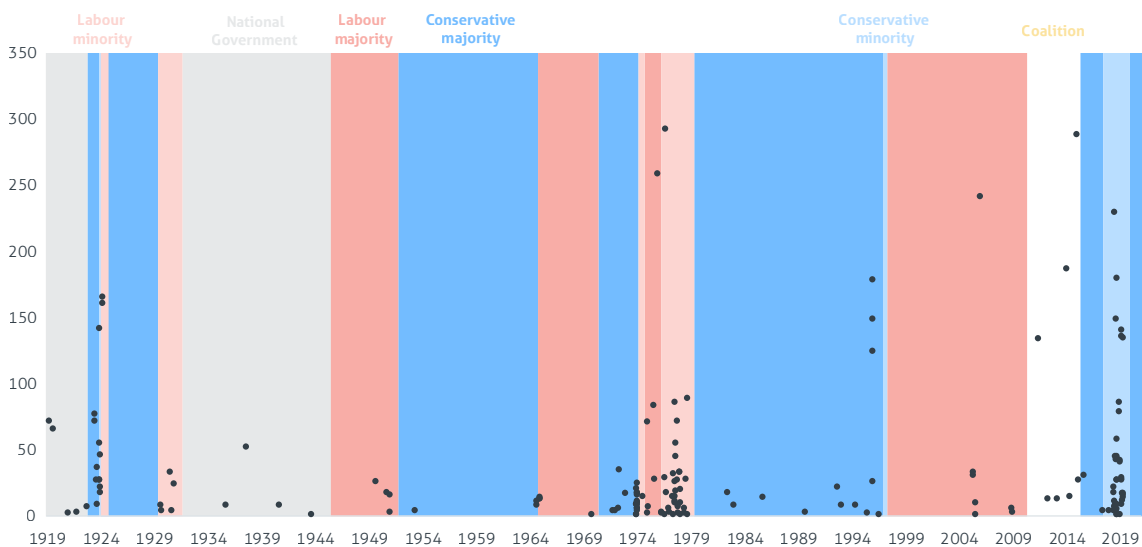
The May government’s approach to legislation was to introduce delay rather than risk defeat. While her government was defeated 28 times in the Commons during the 2017–19 session – the most defeats since the 1970s – only eight defeats were on government bills, six relating to Brexit.*

The May government was forced to make concessions on the Sanctions and Anti-Money Laundering Act 2018, and accepted an amendment to the Data Protection Act from Sarah Wollaston in light of the Windrush scandal to prevent the NHS having to share data with the Home Office. With the risk of defeats in mind, the government also made multiple concessions to facilitate the passage of the EU Withdrawal Act 2018.** For example, the government agreed to:

- establish a sifting process to scrutinise the secondary legislation passed under the Act
- work with the devolved administrations to deal with the controversial devolution provisions, eventually reaching agreement with the Welsh government
- ultimately, give MPs a ‘meaningful vote’ on its Brexit deal.

The meaningful vote concession temporarily strengthened the otherwise weak role parliament has in ratifying international treaties under the Constitutional Reform and Governance Act 2010. Many of the government’s defeats subsequently came on [meaningful votes](#).

Figure 3.2 **Size of government defeats in the House of Commons, 1919–2020**



Source: Institute for Government analysis of Butler and Butler, *British Political Facts*, and Wikipedia. Excludes opposition day motions, except 4 December 2018. Note that some non-whipped or partially whipped votes may be included in this data.

* The rest of the defeats were on non-legislative motions.

** Work by Ruth Dixon and Matthew Williams in *Parliamentary Monitor 2018* demonstrated how the majority of amendments made to the bill came from the government. www.instituteforgovernment.org.uk/publication/parliamentary-monitor-2018/primary-legislation

MPs focused on taking control of the Brexit process

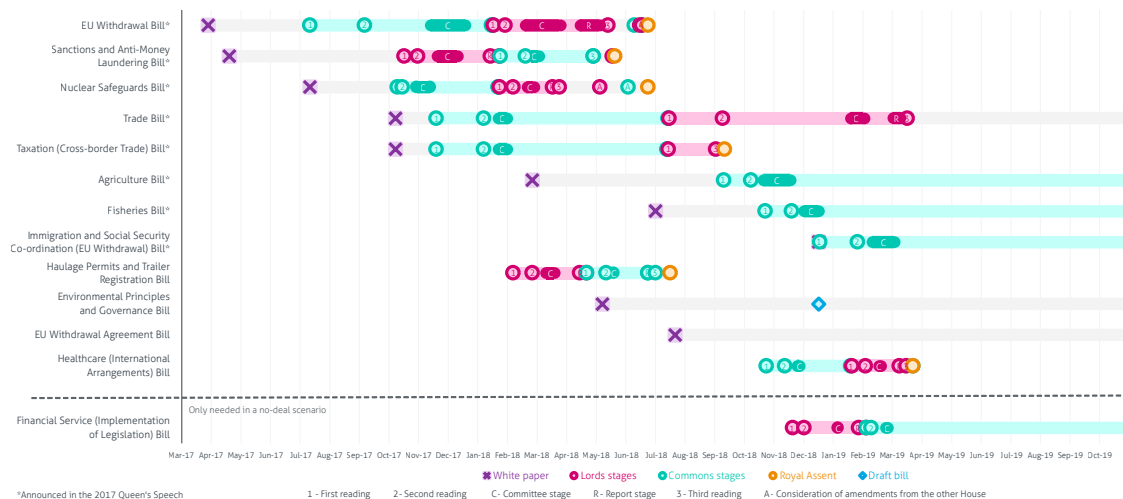
The meaningful vote amendments to the EU Withdrawal Act are an example of the way in which parliamentarians focused on controlling the **process** of Brexit, rather than the **substance**. They paved the way for MPs to have more of a say on the Brexit process. The government was forced to hold a vote both on the deal and the 'next steps' it would take if the Commons rejected it.

But having ruled out a no-deal Brexit more than once, MPs were unable to agree any alternative to Theresa May's Brexit deal, which they had also rejected. When MPs took control of the Commons order paper to hold 'indicative votes' on Brexit – an unusual approach to taking decisions in the Commons – they were unable to coalesce around any one option. When MPs did reach agreement, for instance, on finding "alternative arrangements" to the Northern Ireland backstop on 29 January 2019 – proposed by loyal government backbencher Graham Brady – it was in part because there was no detail about what these arrangements would entail.

Legislating for Brexit became increasingly difficult

Following the passage of the EU Withdrawal Act 2018, the struggle to pass Brexit legislation became ever greater as the session progressed. The May government faced vocal opposition from its own backbench MPs and DUP confidence and supply partners. As Brexit divisions deepened, the government was forced to delay key pieces of legislation to avoid possible defeats.

Figure 3.3 **Parliamentary progress of legislation introduced to implement Brexit during the 2017–19 parliamentary session**



Source: Institute for Government analysis of Parliament.uk.

For example, in the first half of 2018, difficult amendments tabled by backbench MPs delayed both the Taxation (Cross-border Trade) and Trade bills for six months. The May government conceded amendments tabled by backbench Conservative Brexiteers to the Taxation (Cross-border Trade) Bill aimed at preventing the UK staying in the EU customs union, in order to avoid defeat. The bill eventually became law in September 2018, some 10 months after it was first introduced (avoiding amendment in the Lords because it was a 'supply bill').

The Trade Bill, on the other hand, never made it onto the statute book. The Lords passed amendments that would have tied the government's hands in its future negotiations with the EU, for example requiring the government to include a customs union among its negotiating objectives. Peers also amended the bill to give parliament a clear role in future trade negotiations. The May government was sceptical that it had the numbers in the Commons to overturn the Lords amendments and so didn't bring the bill back to the Commons.

Legislation was not only delayed because of the threat of votes being lost. In 2019, after Theresa May had twice asked the Commons to agree her deal – and twice been rebuffed – her government considered bringing the session to an end in order to be able to hold a third meaningful vote. This would have had implications for legislation: bills that have not received royal assent are lost at the end of a session unless they are 'carried over'. A bill can only be carried over to a new session if it has not completed its final amending stage in the House into which it was introduced. Although the government had introduced the Agriculture, Fisheries and Immigration bills at the end of 2018, it did not allow these to progress beyond committee stage, presumably to allow for 'carry-over'.

After Theresa May was forced to agree an Article 50 extension, the government abandoned the idea of starting a new session and instead sought to prolong the parliamentary session. This was because it feared losing a vote on the Queen's Speech that would have to take place at the start of a new session (losing such votes has historically been viewed as a matter of confidence and would have been politically damaging).^{*} But the government still declined to let the Agriculture, Fisheries and Immigration bills progress – without the numbers to push them through. The absence of a normal government legislative programme led to criticism that the 2017–19 parliament was a 'zombie parliament'¹ – with very little activity taking place on the floor of the House and sitting days in the Commons finishing earlier than usual.²

Splits in parliament also affected non-Brexit bills. In November 2018, the DUP threatened to vote against the government on amendments to the Offensive Weapons Bill. In January 2019, concerns about the possibility of a no-deal Brexit led MPs to amend the Finance Bill – preventing certain powers to amend UK tax law from coming into effect unless either:

- a withdrawal deal had been approved;
- MPs had approved no deal; or
- the government had extended the Article 50 negotiating period.

In July 2019, MPs amended the Northern Ireland (Executive Formation etc) Act 2019 to try to guard against a long prorogation in the autumn.

^{*} Losing a vote on a Queen's Speech would not be considered a vote of no confidence for the purposes of triggering an early general election under section 2 of the Fixed-term Parliaments Act 2011. The status of non-statutory votes of confidence remain unclear. See Haddon C, 'The Fixed-term Parliaments Act has confused what it means for governments to command confidence', blog, Institute for Government, 13 September 2019. www.instituteforgovernment.org.uk/blog/fixed-term-parliaments-act-confusion

Some bills passed with very little scrutiny

The 2017–19 parliament raised questions about how long MPs and peers are given to scrutinise legislation and what the balance should be between scrutiny and timely passage of government bills.

The government typically controls the agenda in the Commons, and since 1998 has [timetabled the passage of legislation](#) using [programme motions](#) – which can be rejected, but not amended by MPs. In the House of Lords, the passage of legislation is not programmed in the same way – although business motions can allow peers to pass multiple stages of a bill in one day, if agreed.

While the government programmes legislation, there is no set timetable for how long parliament should spend scrutinising legislation. In normal circumstances, the government will allow time between each stage of a bill's passage to allow select committees to take evidence from external experts and publish reports on the provisions in the bill, and for parliamentarians to draft amendments.

Table 3.1 **Usual intervals between parliamentary stages for passing a bill**

	House of Commons	House of Lords
Publication/first reading to second reading	Two weeks	Two clear weekends between stages
Second reading to committee stage	One week/ 10 calendar days	14 calendar days
Committee stage to report stage	One week	14 calendar days
Report stage to third reading	Immediately follows report stage	Three sitting days

Source: Institute for Government analysis of Cabinet Office, [Guide to Making Legislation and Parliament.uk](#).

There is significant variation in the time spent on different bills – often depending on their scope and the level of controversy they provoke – for example, MPs and peers spent 273 hours scrutinising the EU Withdrawal Act 2018 in the last parliament, but only 8 hours 34 minutes on the Wild Animals in Circuses Act 2019.

How long parliament gets to scrutinise most legislation is often driven by political considerations. The government can choose to expedite the process, '[fast-tracking](#)' a bill's passage if the legislation needs to be passed quickly to respond to an emergency. Other non-urgent bills may also be fast-tracked simply to show the government is taking action on an issue.³ During the 2017–19 parliament, the nine bills relating to Northern Ireland each had only one or two days of debate in the Commons, followed by similar (or less) time in the Lords. While the legislation may have been relatively uncontroversial, and necessary, the government received criticism from Northern Irish MPs over the speed with which this legislation was passed. These were valid concerns given the increased risk of mistakes without adequate scrutiny.

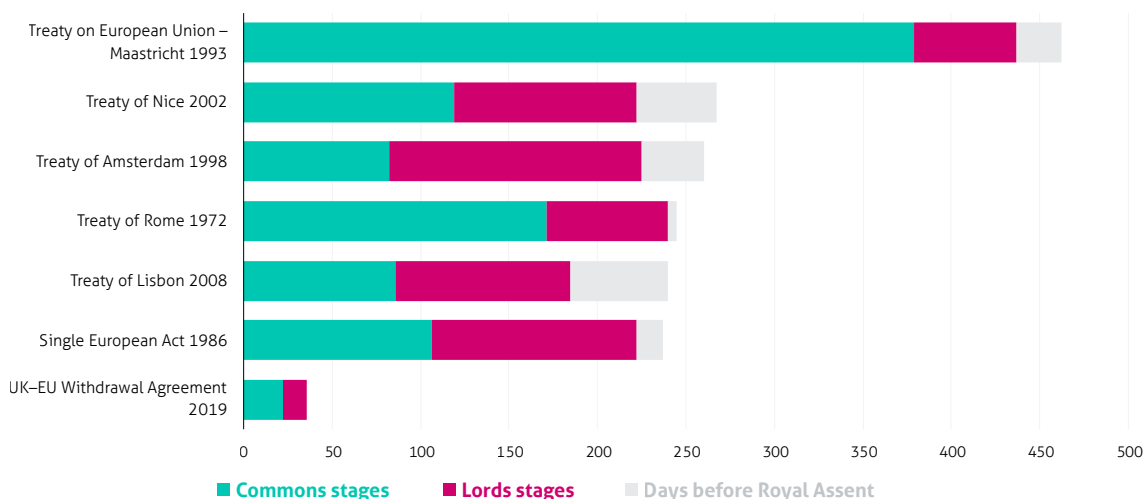
The Johnson government wanted to rush through the EU (Withdrawal Agreement) Bill (WAB) – required to implement the Brexit deal – to allow the UK to leave the EU on 31 October 2019. Despite the constitutional significance of the legislation and widespread opposition among parliamentarians, the government’s proposed timetable would have meant the bill clearing all its Commons stages just four days after the 100-plus-page bill was first published, before moving immediately to the Lords for consideration.⁴

The proposed timetable would have restricted the time available for select committees to report on the contents of the bill and to take evidence from external experts, and would have limited civil society’s ability to engage with contentious aspects of the legislation – such as the remit and structure of the Independent Monitoring Authority established by the bill to oversee the citizens’ rights provisions of the withdrawal agreement.

The proposed timetable would also have been significantly shorter than the time spent by parliament considering previous legislation relating to EU treaties. In total, MPs and peers spent 25 sitting days scrutinising the bill that would implement the Lisbon Treaty, across nearly 200 days. The government’s proposed timetable for the WAB was rejected by the Commons, even though MPs did pass the second reading of the bill, indicating MPs were willing to allow further debate. This forced the government to ask for an extension to Article 50 under the terms of the EU Withdrawal (No.2) Act 2019.

However, once the Conservative government was returned with a significant majority following the 2019 general election, MPs agreed to pass the bill on the exact same timetable the previous parliament had rejected. While the 31 January 2020 Brexit deadline was used to justify the quick timetable, it remains deeply undesirable for parliament to pass laws with significant constitutional implications without thorough scrutiny.

Figure 3.4 **Calendar days in each House on bills relating to EU treaties**

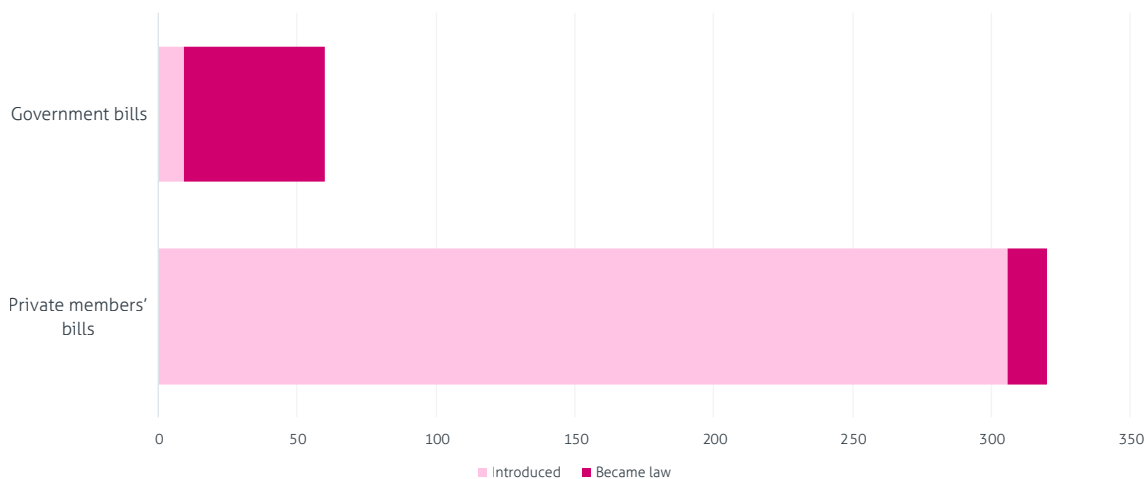


Source: Institute for Government analysis of House of Commons Library briefing ‘EU Treaty Change’ and Hansard. Changes to programming legislation were made in 1998.

Private members' bills were used to constrain the government

Private members' bills (PMBs) can be introduced by backbenchers in the House of Commons or the House of Lords. The majority are introduced by MPs either as Presentation bills, Ten Minute Rule bills or Ballot bills. As *Parliamentary Monitor 2018* demonstrated, PMBs usually struggle to make progress once they are introduced in parliament. This is, in part, due to the government's control of the timetable of the Commons; just 13 sitting Fridays in each session are given over to the consideration of PMBs,⁵ meaning that most simply run out of time.

Figure 3.5 **Number of private members' bills compared to government bills that became law in 2017–19 parliamentary session**



Source: Institute for Government analysis of House of Commons Sessional Return, session 2017–19.

But in the 2017–19 session, two PMBs took centre stage. Twice, backbench MPs took the unprecedented step of voting to set aside Standing Order No.14(1) – which gives government business precedence in the Commons – to introduce a PMB to force the government to request an extension to the Article 50 period. MPs who backed the bills were concerned that the government would ignore the majority in the Commons opposed to no deal, despite MPs passing motions declaring their opposition. In April 2019, MPs amended a business motion to pave the way for the Cooper bill – after first taking control of the order paper to hold indicative votes at the end of March. In September, MPs went a step further and used an emergency debate motion – not usually used for the Commons to make a 'decision' – to take control of the agenda. The government's announcement that it would prorogue parliament for five weeks galvanised MPs to pass the so-called [Benn bill](#).

The way both bills became law was controversial. Although there are set times when government business does not have precedence in the Commons (set out in the rest of Standing Order No.14), the vote on 25 March 2019 was the first time MPs had explicitly voted to set aside the rules about control of parliamentary time against the government's wishes. The Speaker's decision in September to allow an emergency debate motion to take control of the order paper was an even greater break with convention.

This move highlighted longstanding questions about how time should be managed in the House of Commons,⁶ as well as about the future use of emergency debates. John Bercow's replacement as Speaker in the Commons, Sir Lindsay Hoyle, has indicated he is likely to adopt a different interpretation of the parliamentary rules, closing down some of the more controversial options open to MPs during the 2017–19 parliament.

During the passage of the Cooper Act in April, some backbench MPs also raised concerns that the bills would set a precedent for "unaccountable" backbenchers to legislate.⁷ These concerns stemmed from the fact that none of the ways parliament examines and forces ministers to account apply to backbenchers in the same way. Commons backbenchers cannot, for example, defend legislation as the government would in the Lords. Backbenchers are also unable to lay 'money resolutions' – needed when an act of parliament requires government spending and can only be laid by ministers. The backbenchers had to ensure the drafting of their legislation avoided these obstacles.

The two PMBs were also controversial because of how quickly they passed through parliament, raising concerns that they may have received inadequate scrutiny and contain unidentified flaws. In the case of the Cooper Act in April 2019, peers had to amend the bill to ensure that a no-deal Brexit could not happen by accident (because, as introduced, the bill required a vote in the Commons to accept any extension offered by the EU). During the passage of the Benn Act, the bill ended up being amended – although not in a way which changed the legal implications of the bill – because the government forgot to appoint tellers opposed to an amendment proposed by Labour MP Stephen Kinnock.⁸ These events demonstrate the risks of legislating at pace and the need to ensure adequate time for parliamentary scrutiny wherever possible.

While the unique situation of Brexit is unlikely to be repeated any time soon, the events of the 2017–19 parliament have set a precedent for MPs to legislate against the government's wishes, where a majority can be found to do so.

Looking ahead

The challenges that the May and Johnson governments faced in passing primary legislation during the 2017–19 session were the result of both their minority governments and cross-party divisions over Brexit. But with a healthy working majority following the December 2019 general election, and the UK now out of the EU, Johnson's government should find it much easier to pass primary legislation – at least when parliament is sitting.

Emergency legislation passed in March 2020 in response to the coronavirus pandemic gave the government vast powers and was passed at pace. But backbenchers' willingness to approach the legislation constructively, and government's willingness to listen, highlighted the value of parliamentary scrutiny – particularly at times of crisis.

Good parliamentary scrutiny of legislation can allow parliamentarians and civil society to highlight problems in bills before they become law. The government should recognise this and give MPs and peers adequate time to consider legislation – and engage constructively with their recommendations.

4 Secondary legislation

Longstanding anxieties about the use and limited scrutiny of secondary legislation were brought centre stage during the 2017–19 and 2019 sessions. Both the May and Johnson governments asked parliament to approve extraordinarily broad powers to make secondary legislation to prepare for Brexit. Parliament granted these in exchange for only small changes to the parliamentary scrutiny of some instruments that the government was effectively able to circumvent.

In the end, the May and Johnson governments passed less Brexit secondary legislation than initially expected. Nonetheless, the scale, speed and complexity of the Brexit legislative task highlighted the longstanding shortcomings of scrutiny of secondary legislation, reinforcing the case for reform.

But the new majority government has not so far signalled that it has any intention of reforming the scrutiny of secondary legislation. Its flagship Brexit legislation – the Withdrawal Agreement Act 2020 – lacked the enhanced scrutiny processes that were included in the EU (Withdrawal) Act 2018.

Brexit time pressures forced the government to rely heavily on secondary legislation

The legislative challenge posed by leaving the EU meant it was inevitable that the government would need to rely heavily on [secondary legislation](#) – predominantly statutory instruments (SIs). The task of preparing the UK statute book for leaving the EU was simply too complex, the timeframe too compressed and the outcome of negotiations too uncertain to rely on primary legislation alone. This required a difficult balance to be struck between legislating quickly and ensuring effective parliamentary scrutiny.¹

To make the legal changes needed for Brexit, both the May and Johnson governments have primarily relied on powers contained in the EU (Withdrawal) Act 2018. The Act empowers the government to use secondary legislation to ‘correct’ retained EU law – to amend it to ensure that it continues to work post-Brexit.² Secondary legislation was also made using powers in other bills passed in the 2017–19 parliament, such as the Taxation (Cross-border) Trade Act 2018, as well as powers in existing legislation, such as the Immigration Act 1971.

Delays in Brexit complicated the government's SI programme

Repeated extensions to the Article 50 period during 2019 made it challenging to get the May and Johnson governments' programme of required secondary legislation in place. Many of the SIs that were introduced – or laid – before parliament were designed to make changes to 'retained EU law' on 'exit day'. However, repeated changes to the date of exit day meant that some of the SIs the government had laid before parliament became out of date, as the law to which they related had changed. This meant additional secondary legislation had to be passed. Updating SIs accounted for the majority of Brexit SIs laid between 12 April and the end of the 2017–19 session on 8 October 2019.³

Because the UK agreed an implementation period with the EU – eventually implemented in domestic law through the EU (Withdrawal Agreement) Act 2020 – many of the SIs made during the 2017–19 parliament will not need to be brought into effect until the end of the implementation period. This is currently expected to be 31 December 2020. The government may need to introduce additional SIs to reflect changes in EU law which will take effect in the UK during the implementation period.

Fewer SIs were laid than initially expected

The government initially expected to lay 800 to 1,000 SIs to prepare for Brexit, the majority of which would be made using powers in the EU (Withdrawal) Act.⁴ However, during the 2017–19 session, the government gradually revised down the number of Brexit SIs it expected to lay.* It eventually laid 572 Brexit-related SIs in the 2017–19 session.

This reduction was achieved by prioritising those SIs 'essential' for the UK's departure from the EU and consolidating closely related SIs into fewer, longer instruments.** The May government also reduced the number of other non-Brexit SIs by postponing some legal changes and encouraging departments to find ways to achieve policy objectives without needing to legislate.

Changes in how the government manages the flow of SIs across Whitehall were key to the reduction in the number of SIs eventually made. Accountability was improved by making a single senior civil servant the senior responsible owner (SRO) and departmental minister responsible for the oversight and delivery of each department's programme of secondary legislation. Cross-government co-ordination was also strengthened by expanding the role of the Parliamentary Business and Legislation (PBL) Cabinet Committee, which approves the introduction of most new primary legislation.

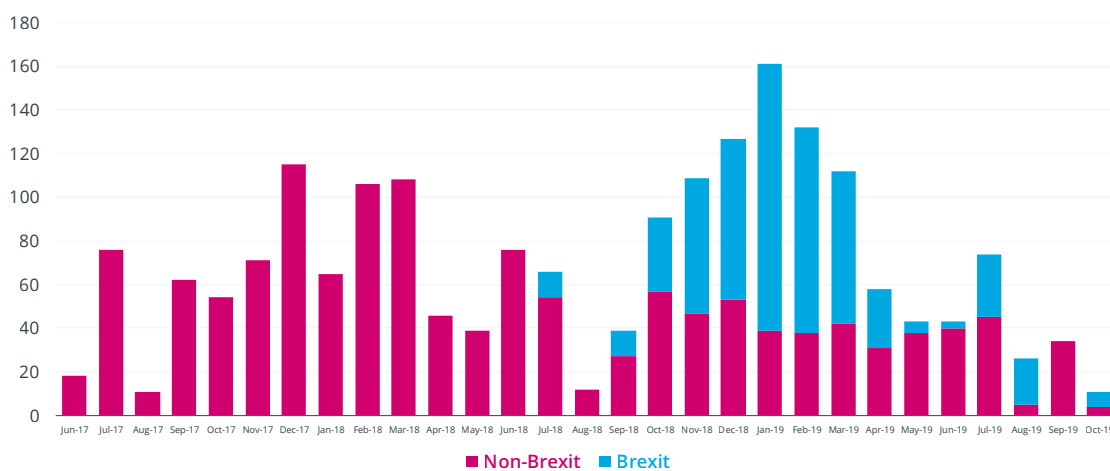
* On 6 September 2018, the then leader of the House of Commons, Andrea Leadsom, told MPs that the final figure would be "closer to 800 than 1,000". (Leadsom A, 'Business of the House', Hansard, 6 September 2018, vol. 646, col. 327, retrieved 10 September 2018, <https://hansard.parliament.uk/Commons/2018-09-06/debates/A8C45492-5DB2-45CC-8AB9-AF2972A40034/BusinessOfTheHouse>). On 19 November, the Leader of the House of Commons and Department for Exiting the EU (DExEU) minister Chris Heaton-Harris wrote to the chairs of parliamentary committees revising the figure down to approximately 700 SIs. (Letter from Leader of the House of Commons, Andrea Leadsom and DExEU minister Chris Heaton-Harris to committee chairs, 'Flow and volume of secondary legislation', 19 November 2018, www.parliament.uk/documents/commons-committees/procedure/2017-19/Letter-from-Leader-of-House-and-Chris-Heaton-Harris-MP-to-Procedure-European-Statutory-Instruments-and-Lords-Secondary-Legislation-Scrutiny-Committees-re-instruments-flow-under-EU-Withdrawal-Act-2018.pdf). On 7 January 2019, Lord Callanan told peers that the government expected the number of Brexit SIs to be slightly fewer than 600 (Lord Callanan, Hansard, 'Brexit: Legislative Timetable', 7 January 2019, vol. 794, <https://bit.ly/3bAdcp7>), and on 4 April the Leader of the House of Commons told MPs the final figure would be close to 550 (Leadsom A, 'Business of the House', Hansard, 4 April 2019, vol. 657, <https://bit.ly/2Vo6AEI>).

** Most secondary legislation passed under the EU (Withdrawal) Act 2018 needed to be in place in the event of a no-deal departure from the EU.

A new PBL sub-committee was created to require departments to justify the need to legislate, smoothing the flow of SIs and holding departmental ministers accountable for the delivery and quality of their secondary legislation.⁵ We welcome the fact that this improvement in the SI process, well received by some in parliament, looks set to be retained.

Despite effective prioritisation of SIs, Brexit meant that the number of SIs laid in the 2017–19 session was higher than the two preceding sessions, with an average of 5.7 SIs laid per sitting day during the 2017–19 session, up from 4.8 in 2015–16 and 5.1 in 2016–17. This was slightly lower than during the last two-year session (2010–2012), during which 6.2 SIs were laid per sitting day.*

Figure 4.1 **Number of Brexit and non-Brexit SIs laid per month, 2017–19 session**



Source: Institute for Government analysis of House of Commons, 2017–19 parliamentary session.

As Figure 4.1 shows, SIs were not evenly spread through the 2017–19 session. The rate at which legislation was made was particularly high in the second half of the session – when Brexit SIs began to be laid, with an average of 6.1 SIs laid per sitting day from July 2018 to the end of the session. The peak was in January 2019 when 161 SIs were laid – nearly 10 per sitting day.

In the run up to both the initial Brexit deadline of 29 March 2019 and subsequent deadline of 31 October 2019,⁶ the May and Johnson governments rushed through some SIs using the ‘made affirmative’ or ‘urgent’ procedure – a fast-track route that allows for retrospective parliamentary scrutiny and approval. Tight deadlines also meant several negative SIs came into effect fewer than 21 days after being laid before parliament.⁷ This breached the usual convention intended to ensure that parliament has sufficient time to scrutinise SIs – and potentially reject them – prior to them coming into effect.

The data indicates that the concerns raised by some parliamentarians at the start of the 2017–19 session about the high number and uneven flow of SIs were justified.⁸ Some variation throughout the session is to be expected (in part because affirmative instruments cannot be laid during recesses) but peaks and troughs in the number of SIs can make it difficult to ensure adequate resources are in place to scrutinise SIs effectively. The concentration of Brexit SIs over a few months drew criticism from

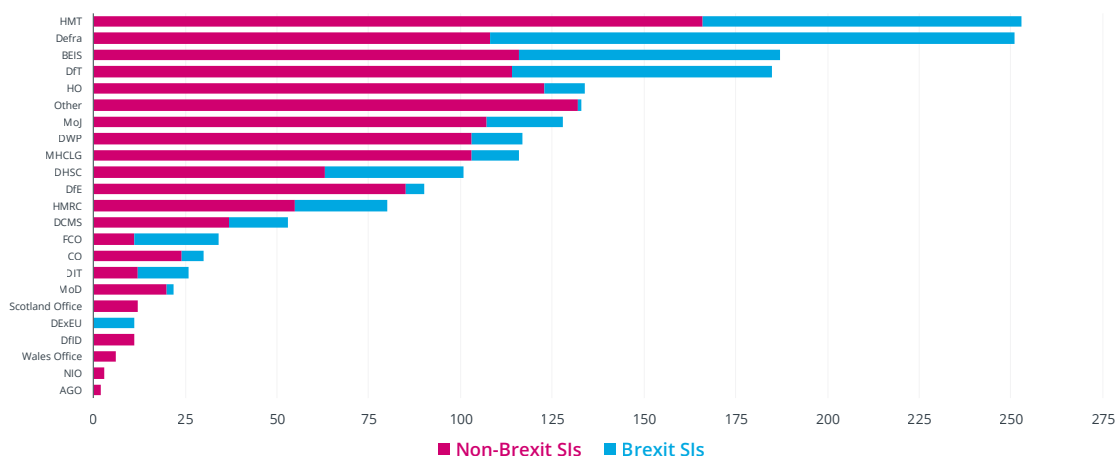
* In part, the 2010–12 figure may be higher due to reclassification of Road Traffic Orders in 2015. Prior to 2015 they were classified as SIs.

some parliamentarians⁹ and commentators.¹⁰ High peaks can be particularly challenging for opposition spokespeople, who at times are required to speak in multiple delegated legislation committee debates each week, without access to the same civil service resources as their counterparts in government.

However, others in parliament were more sanguine. Speaking in January 2019, Lord Trefgarne, member of the Lords Secondary Legislation Scrutiny Committee, said, “there will be more to do than we have been normally accustomed to for sure, but we can handle it... we will do what is necessary to make it all work, even if I have to stay up a bit later on Sunday evenings.”¹¹

The number of SIs varied between departments

Figure 4.2 Number of Brexit and non-Brexit SIs laid by department, 2017–19 session



Source: Institute for Government analysis of data provided by the House of Commons, 2017–19 session. Includes SIs laid by predecessor departments. MHCLG includes SIs laid by the Department for Communities and Local Government. DHSC includes SIs laid by the Department of Health. Excludes SIs withdrawn and proposed negative SIs laid under the EU (Withdrawal) Act 2018. We exclude SIs laid as proposed negatives to avoid double counting, as these may subsequently be laid as negative or affirmative SIs once they have been considered by the parliamentary committees that ‘sift’ SIs under the EU Withdrawal Act 2018. ‘Other’ includes instruments laid by the Privy Council Office, Local Government Boundary Commission for England, House of Commons, General Synod of the Church of England and the Government Equalities Office. A list of department abbreviations is found at the end of this report.

There was wide variation in the number of SIs laid by different departments, in part reflecting the differing impact of Brexit across the government as a whole.

Brexit SIs made up a majority of all those laid by four departments (the Department for Exiting the EU, the Foreign Office, the Department for International Trade and the Department for Environment, Food and Rural Affairs (Defra)). Other departments laid no Brexit SIs at all. These included the Scotland and Wales offices, since much of the legislative preparation for Brexit was undertaken by other government departments, or by the devolved administrations, rather than by Westminster.

Departments historically responsible for high numbers of SIs – such as the Treasury and the Department for Business, Energy and Industrial Strategy – continued to introduce large numbers. However, other departments saw notable changes in the number they needed to prepare as a result of Brexit. The volume of secondary legislation laid by Defra,¹² for example, more than doubled, from 0.27 SIs per sitting day in 2015–16¹³ to 0.72 SIs per sitting day during the 2017–19 session.

Other government departments saw a drop in the number of SIs they laid per sitting day between the 2015–16 and 2017–19 sessions. This may reflect the high volume of Brexit SIs squeezing out non-Brexit ones. It could also reflect the May government’s limited domestic policy agenda. The Department for Work and Pensions, for example, saw a decrease in SIs – from 0.46 per sitting day in 2015–16¹⁴ to 0.34 per sitting day in the 2017–19 session. The Cabinet Office, the Wales Office, the Northern Ireland Office and the Ministry of Defence all saw reductions over the same period.

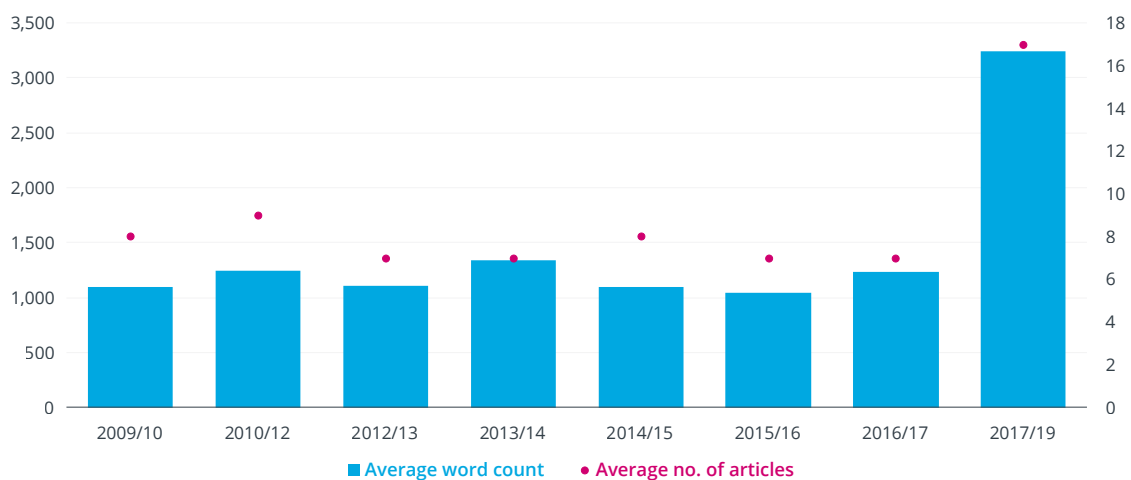
We will continue to track the number of SIs introduced by these departments now that the majority of Brexit SIs have been passed, to see whether they return to previous levels or whether the Brexit prioritisation exercise has led to a lasting cultural shift towards legislating only when absolutely necessary. The number of SIs may also be affected by the UK’s departure from the EU. For instance, there may be an increase in UK legislation – including SIs, reflecting the fact legal changes in some policy areas that previously took direct effect will now need UK legislation..

The number of SIs does not reflect the enormous scale of the legal changes they made

The relatively modest increase in the number of SIs laid per sitting day does not reflect the scale of the legal changes made during the session. A clearer picture can be provided by assessing the word count and number of articles (or sections) contained in SIs made during the 2017–19 session.*

Analysis by Dr Matthew Williams of the SIs made by the Treasury and HMRC – the departments which between them were responsible for the largest programme of SIs during the 2017–19 session – shows that the average word count of SIs made by these departments increased nearly 300% between the 2009–10 and 2017–19 sessions (Figure 4.3). The 2017–19 session showed a particularly sharp increase, with both average word count and number of articles per SI more than twice as high as any other session in the past decade.

Figure 4.3 **Average word length and number of articles per SI laid by the Treasury and HMRC, 2009–10 to 2017–19 parliamentary sessions**



Source: Data provided by Dr Matthew Williams, University of Oxford, www.matthewlippoldwilliams.com

* While word count is an imperfect measure of the scale of legal change made by legislation, when combined with analysis of the number of articles (or sections) in each SI, it can provide an indication of the scale and complexity of legal change made by an SI. However, the number of legal changes made by an SI does not necessarily reflect the importance of the legal changes made by the instrument.

More remarkably, the SIs produced by both departments together during the 2017–19 session accounted for 57% of the total word count of all SIs made by the departments over the past decade. Over a million words of Treasury and HMRC regulations were produced in the 2017–19 session alone – roughly equivalent to the entire series of Harry Potter books.¹⁵ In contrast, the 2010–12 session (the next longest session of the decade) accounted for less than 12% of the total word count for the decade.

Despite the increased length of secondary legislation, there has been no commensurate increase in the time and resources available to parliament to scrutinise these longer instruments. Members of the Commons Public Administration and Constitutional Affairs Committee have raised this issue; Scottish National Party (SNP) member Ronnie Cowan argued that: “When you are sitting in on the committee and there are five SIs being consolidated, it does not get the scrutiny that is required.”¹⁶ The House of Lords Secondary Legislation Scrutiny Committee also questioned how parliament can effectively fulfil its scrutiny function, noting that one SI ran to 619 pages.*

However, MPs rarely make use of the full time available to debate SIs. In the Commons, most pieces of secondary legislation subject to affirmative procedure are considered in delegated legislation committees (DLCs).** A total of 586 instruments were considered in such committees during the 2017–19 parliamentary session, with a further 24 considered during the 2019 session. Participating MPs receive little briefing to help them to prepare for the debate, beyond the explanatory memorandum provided with the piece of secondary legislation.¹⁷

Every DLC can run for a maximum of 90 minutes (or 150 minutes for DLCs covering an SI related to Northern Ireland) per instrument, although in practice they are typically limited to 90 or 150 minutes in total, even if multiple instruments are considered together. These debates rarely used the full time available during the 2017–19 session. The average length of debate in DLCs during the 2017–19 session was just over 26 minutes.*** Two DLCs lasted just one minute – although the issues considered in these instruments had been considered in more depth in previous DLC debates.****¹⁸

Despite these concerns, there has been a significant increase in the number of DLC meetings ending in a formal vote (known in parliament as a ‘division’), indicating MPs (typically from opposition parties) have sought to use DLCs to express dissatisfaction with SIs. In the first 12 months of the 2017–19 session, just 5% of DLCs ended with a division. But the data for the whole 2017–19 session shows that 14% of DLCs ended in a vote. This is partly because Brexit SIs – which formed the majority of SIs laid in the latter half of the session – have been more contentious – over 16% of Brexit-related DLCs resulted in a vote.

* The House of Lords Secondary Legislation Scrutiny Committee has expressed concern about the length of some SIs, including the draft Product Safety and Metrology etc. (Amendment etc.) (EU Exit) Regulations 2019, which runs to 619 pages. House of Lords, Secondary Legislation Scrutiny Committee (Sub-Committee B), Seventeenth Report of Session 2017–19, HL Paper 293, 21 February 2019, <https://publications.parliament.uk/pa/ld201719/ldselect/ldseclegb/293/29304.htm> However, given the technical nature of the legal changes usually made by an SI, it is not unusual for some SIs to be extremely long. For instance, the longest SI in the 2015–16 session ran to 547 pages.

** DLCs are usually composed of between 16 and 18 MPs, appointed ad hoc for each instrument or group of instruments, and chaired by a member of the Panel of Chairs (the group of MPs eligible to chair Public Bill Committees).

*** To some extent, this reflects the fact some statutory instruments must be debated by statute, even if their content does not necessarily merit debate.

**** MPs have previously told us that serving on a DLC is considered a punishment. Some have even reported being encouraged by whips to remain quiet and to use such meetings as an opportunity to get on with their correspondence.

The quality of some SIs was called into question

The quality of some of the May and Johnson governments' secondary legislation has been criticised during the 2017–19 parliament.¹⁹ Labour MP Anneliese Dodds, speaking in a DLC debate on a Brexit SI, argued that the "... level of error, ambiguity and lack of clarity is, to my knowledge, unprecedented".²⁰

Several SIs had to be withdrawn and re-laid* after drafting errors were spotted.²¹ Some of the Brexit SIs laid towards the end of the 2017–19 session made multiple corrections to earlier SIs.²² Others had to be changed after businesses and others pointed out that the policies they sought to implement were practically unworkable or would have unforeseen consequences,²³ or when it was shown they would have resulted, for example, in the UK's accidental withdrawal from European institutions that the UK could have continued to be a member of, or participate in, outside of the EU.²⁴ In some instances, there have been concerns that the government was exceeding its legal powers – with at least one SI withdrawn when the government was threatened with judicial review proceedings.²⁵

The House of Lords Secondary Legislation Scrutiny Committee has noted that the number of corrections needed to SIs and explanatory notes increased during the 2017–19 session,²⁶ with Defra (the department laying the second highest number of SIs) responsible for many of the errors. The extent of the problems highlights the risks posed by legislating quickly and without consulting businesses, lawyers and members of the public in the usual way. The government has accepted that, in some cases, the high quantity of legislation being produced partly contributed to the errors.²⁷

Concerns have also been raised about the quality of the documentation that accompanies SIs – including impact assessments and explanatory memoranda – which help parliamentarians understand the anticipated effect of legislation and conduct more effective scrutiny. The House of Lords Secondary Legislation Scrutiny Committee was critical about impact assessments for some SIs not being laid at the same time as the SIs to which they referred – noting that this was particularly unacceptable given the "exceptionally large volume of instruments concerning highly complex areas of law" that parliament was being asked to consider.²⁸ Other SIs have been tabled without impact assessments altogether; the government often argued the financial impact of the measures contained in the SI fell below the £5 million threshold for completing an assessment.²⁹

* During the 2017–19 session, 45 instruments introduced under the affirmative procedure and 32 instruments introduced as proposed negatives under the EU (Withdrawal) Act 2018 procedure, were withdrawn and re-laid (some more than once). One draft negative instrument was withdrawn and relaid. Data provided by the House of Commons and Institute for Government analysis of Parliament.uk Statutory Instruments online database, <https://beta.parliament.uk/procedure-steps/LkppQD8q/work-packages>

Parliamentarians had concerns about giving the government broad powers

The breadth of the powers given to the government during the 2017–19 parliament remains controversial. The House of Lords Constitution Committee outlined its concerns when the government introduced the EU (Withdrawal) Act 2018:

The number, range and overlapping nature of the broad delegated powers would create what is, in effect, an unprecedented and extraordinary portmanteau of effectively unlimited powers upon which the Government could draw. They would fundamentally challenge the constitutional balance of powers between parliament and Government and would represent a significant – and unacceptable – transfer of legal competence.³⁰

Box 4.1 Measuring the scale and breadth of powers in legislation

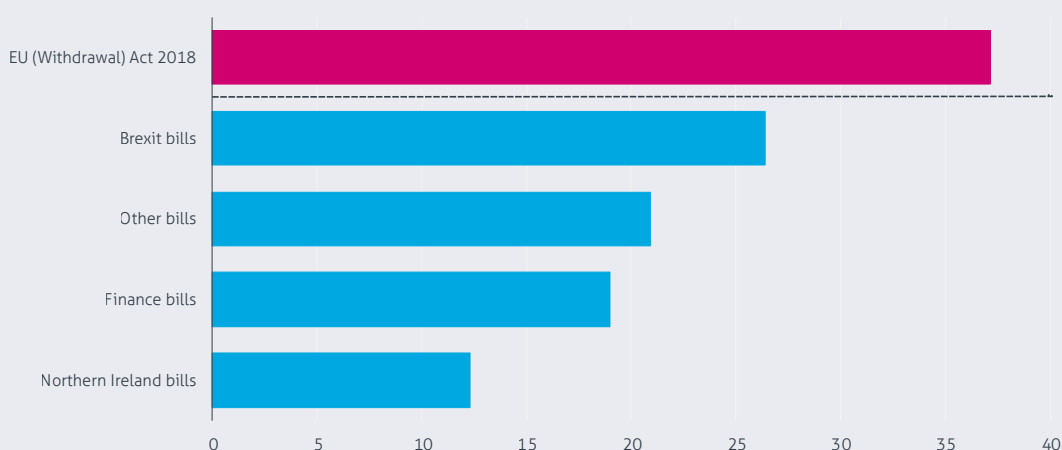
One way to assess the scale and breadth of these powers taken by government in new primary legislation is to use textual analysis to examine the language used. Textual analysis by Dr Matthew Williams quantifies the ambiguity of the language used in legislation.*

More ambiguous language (such as a frequent use of noun or verb qualifiers) can indicate that powers are broadly drafted and confer greater discretion on ministers.³¹ Very ambiguous language (high indeterminacy) makes it more difficult for parliament to be sure how the government intends to use the powers included in the bills, and forces parliamentarians to rely more heavily on the government's explanation, typically set out in the delegated legislation memorandum which accompanies each government bill on its introduction.

Williams calculates an 'indeterminacy score' for each bill, giving a higher score to legislation containing more ambiguous language. Figure 4.4 shows the average indeterminacy score of bills receiving royal assent during the 2017–19 session, compared to that of the May government's flagship Brexit bill – the EU (Withdrawal) Act 2018. This shows that the EU (Withdrawal) Act 2018 was notably more indeterminate than the average for the main categories of primary legislation and suggests the Lords Constitutional Committee's concerns about the breadth and scope of the powers in the bill are supported by textual analysis.

* Dr Williams of Jesus College, Oxford, used his machine reading algorithm to measure the frequency of noun/verb qualifiers per SI article. These qualifiers include: adjectives ("this regulation must, so far as is reasonable" SI 2019, No 679), adverbs ("where the sample of carcasses is sufficiently representative" SI 2019, No 822), conditional conjunctions ("and, if the originator or sponsor is a subsidiary" SI 2019, No 660), ambiguous auxiliary modal verbs ("The FCA and the PRA, acting jointly, may" SI 2019, No 660), and enabling verbs ("2 The Treasury may by regulations made by statutory instrument amend paragraph 12G so as to extend the extension period" SI 2019, No 405). Dr Williams's publications are available at www.matthewlippoldwilliams.com/contact

Figure 4.4 **Statutory indeterminacy score, average by type of bill, 2017–19 session, and the EU (Withdrawal) Act 2018**



Source: Institute for Government analysis of data provided by Dr Matthew Williams, University of Oxford. Dr Williams's publications are available at www.matthewlippoldwilliams.com/contact

During this parliament, MPs and peers raised particular concerns about government's use of so-called 'Henry VIII' powers, which enable ministers to amend or repeal primary legislation using secondary legislation, rather than using an act of parliament. Although these powers are only held by government if parliament has granted them in primary legislation, their use is often seen as undesirable because, compared to primary legislation, secondary legislation provides parliamentarians with fewer opportunities for scrutiny and no opportunity for amendment.

Analysis from the Hansard Society showed that, as of 21 May 2019, just under a quarter of Brexit SIs amended primary legislation.³² In contrast, during the 2015–16 session – that preceding the EU referendum – just 12.9% of SIs amended primary legislation.³³ Many of the legal changes achieved through Henry VIII powers were significant; for example, the government's 'settled status' scheme for EU and European Economic Area (EEA) citizens was largely delivered using secondary powers to amend immigration rules.* The changes were made under the negative resolution procedure, meaning they were not routinely actively scrutinised by a committee of MPs or peers.³⁴

MPs and peers also indicated that they were apprehensive about the sub-delegation of powers to make secondary legislation from ministers to other bodies, in the context of Brexit. For instance, the Treasury laid an SI to sub-delegate the EU (Withdrawal) Act 2018 power to amend retained EU law to the financial services regulators (the Bank of England, Financial Conduct Authority, the Prudential Regulation Authority and the Payment Systems Regulator),³⁵ allowing these bodies to make changes to certain categories of law,** on the basis they were better equipped to do so than the Treasury.

* These powers were originally delegated to ministers in the Immigration Act 1971. Further consequential amendments were made using SIs.

** The financial services regulators have been given powers to amend types of technical rules called 'Binding Technical Standards' and FSMA rules made under the Financial Services and Markets Act 2000. HM Treasury, Covering note on the Financial Regulators' Powers (Technical Standards) (Amendment etc.) (EU Exit) Regulations 2018, 19 December 2018, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700713/Covering_note_for_draft_Financial_Technical_Standards_SI.pdf

The Treasury has argued this model is in keeping with existing financial services regulatory arrangements and the departments maintain some oversight of legal changes made by the regulators, but MPs and peers expressed concerns about the consequent reduced opportunities for parliamentary scrutiny. Lord Tunnicliffe noted that such a “transference of powers from a Minister of the Crown to the regulators is not what parliament had in mind” when originally legislating.*

At the end of the Brexit transition period, the UK government, devolved authorities and arm’s length bodies are expected to take on powers currently exercised at EU level.³⁶ What level of parliamentary oversight is appropriate will therefore continue to be a live question, and one to which MPs and peers should pay close attention.

Tentative steps were taken to improve the scrutiny of some Brexit SIs

During the passage of the EU (Withdrawal) Act, MPs and peers expressed concern about whether the usual processes for scrutinising secondary legislation provided sufficient parliamentary oversight, given the scale and constitutional significance of the legal changes the government proposed to make.

The May government took some steps to address parliamentarians’ concerns about the broad powers afforded by legislation – making concessions to avoid defeats in parliament. For instance, it ‘sunsetting’ some of the most significant Henry VIII powers in the EU (Withdrawal) Bill,³⁷ meaning that they would lapse after a set period of time and in other cases it required SIs bringing about the most significant changes to be made under the (notionally) more thorough affirmative scrutiny procedure.³⁸

New processes were also introduced during the passage of the EU (Withdrawal) Bill. When it was originally introduced, it provided that most SIs should be subject to the less onerous negative procedure,** unless ministers used their discretion to upgrade an SI to the affirmative procedure. If either House disagreed with the choice of procedure, its only means of redress would have been to reject the instrument outright. In practice, based on past precedent, this was highly unlikely, given the last time the House of Commons rejected an SI was in 1979.³⁹

MPs and peers believed that this original formulation gave ministers too much discretion and could limit parliament’s ability to scrutinise legislation.⁴⁰ A combination of cross-party concern and tight parliamentary arithmetic led the government to accept an amendment proposed by the Chair of the House of Commons Procedure Committee to establish a ‘sifting committee’ in the Commons that would determine whether they agreed with the level of scrutiny proposed by the government. A similar amendment was later accepted in the Lords.***

* However, the Joint Committee on Statutory Instruments, charged with reporting to both Houses on ‘unexpected or unusual use of a power’, chose not to report these SIs.

** Some changes – such as the imposition of charges – were subject to the more onerous affirmative procedure.

*** These committees have 10 sitting days to recommend that relevant secondary legislation under the EU (Withdrawal) Act that the government intends to lay under the negative procedure should be ‘upgraded’ to the affirmative procedure. Should the minister disagree with the committee(s), they must make a statement to the House of Commons explaining why they have not followed the recommendation. The European Statutory Instruments Committee (ESIC) fulfils this role in the House of Commons. The Secondary Legislation Scrutiny Committee fulfils the sifting function in the House of Lords (although splits into two sub-committees to increase its capacity).

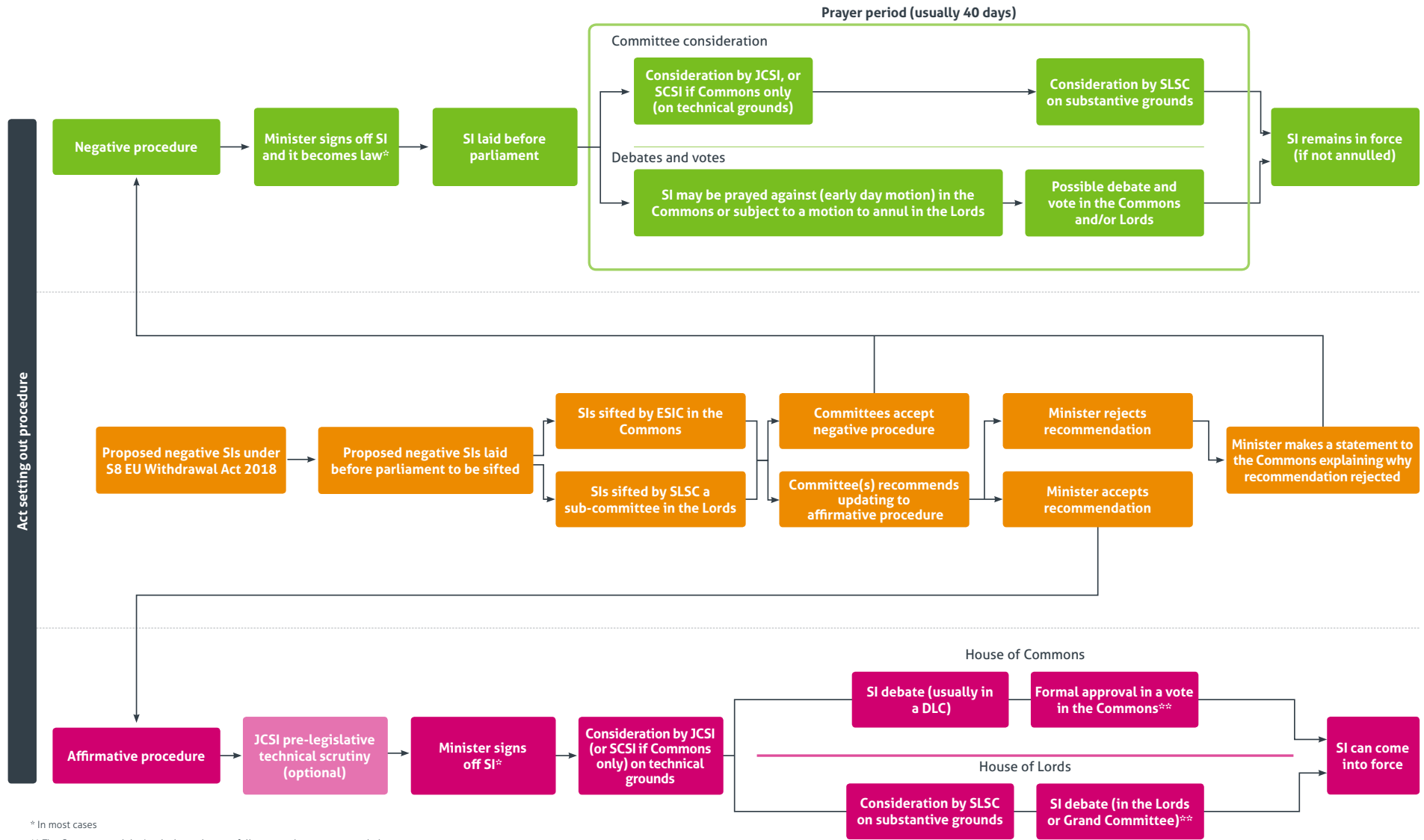
While falling short of wholesale reform, the creation of the sifting committees was welcomed.⁴¹ They have created a new channel of communication between MPs and government departments, arguably supporting a more iterative process in the development of SIs and their accompanying documentation, building on informal discussions about the appropriate procedures that commonly take place when SIs are drafted.*

The Commons European Statutory Instruments Committee operates on a standing basis, with the same members scrutinising different SIs – unlike the ad hoc DLCs that scrutinise affirmative SIs. This has allowed members to develop a degree of expertise and identify common themes across SIs. Parliamentary staff have also told us that, in their view, the requirement for civil servants to put the reason for using a certain scrutiny procedure in writing has provided valuable internal challenge for civil servants, even if the SI in question was not subsequently upgraded by the sifting committees.

Despite these benefits, the new majority Johnson government has not included similar processes in its flagship Brexit legislation – the EU (Withdrawal Agreement) Act 2020 – despite it containing similarly wide powers.

* Some departments – such as the Treasury – have also published draft Brexit SIs for consultation before laying them in parliament. HM Treasury, Financial services legislation under the EU (Withdrawal) Act 2018, 9 August 2018, www.gov.uk/government/collections/financial-services-legislation-under-the-eu-withdrawal-act

Figure 4.5 How secondary legislation is scrutinised



* In most cases

** The Commons and the Lords do not have to follow committee recommendations.

SI = Statutory Instrument; JCSI = Joint Committee on Statutory Instruments; SLSC = Secondary Legislation Scrutiny Committee; ESIC = European Statutory Instruments Committee; DLC = Delegated Legislation Committee

Source: Institute for Government analysis of the secondary legislation process and Parliament.uk

Parliamentary scrutiny of secondary legislation remains weak

Besides their direct impact on the scrutiny process, the existence of the sifting committees also appears to have encouraged the government to pre-emptively upgrade SIs to the affirmative procedure before they were introduced to parliament. Over half of Brexit SIs enacted in the 2017–19 session (the vast majority of which were made under the EU (Withdrawal) Act 2018) were laid using the affirmative procedure, significantly more than the 22% of non-Brexit SIs. This may reflect the fact that Brexit SIs were more likely than non-Brexit SIs to make significant legal changes. However, the suspicion among some in Westminster is that the government chose to use the affirmative procedure to avoid the sifting process.

Laying SIs as proposed negatives and then having them upgraded by one of the committees would have upset carefully planned internal timelines. This could have made central co-ordination of SIs more difficult and caused problems for departmental whips – who would have had to find the MPs to sit on unforeseen DLCs. The government's willingness to pre-emptively upgrade SIs for reasons of administrative convenience suggests that the scrutiny of the sifting committees was more onerous for government than that of normal DLCs.

The sifting committees are limited to examining SIs made under section 8 of the EU (Withdrawal) Act – despite similarly broad powers to make secondary legislation being included in other Brexit legislation (such as the Taxation (Cross-border Trade) Act). The EU (Withdrawal Agreement) Act passed in the new parliament does not include any equivalent sifting process, despite the House of Commons Procedure Committee and House of Lords Delegated Legislation and Regulatory Reform Committee having recommended the contrary.⁴² While welcome, the reforms made during the 2017–19 session do not address many of the enduring weaknesses in scrutiny processes.

Looking ahead

Concerns that the government was able to largely circumvent efforts to increase scrutiny of secondary Brexit legislation have exacerbated longstanding concerns about the adequacy of scrutiny for all secondary legislation. The new chair of the Commons Procedure Committee, Karen Bradley, has identified scrutiny of SIs as an issue for her committee to address, but reform is unlikely to happen without the support of the government.

So far, the Johnson government has not shown any sign of seeking to change current procedures. Meanwhile, it has also continued to seek broad powers to make secondary legislation, for example, in the EU (Withdrawal Agreement) Act 2020. Other Brexit legislation being brought forward by the government in the new parliament, such as the Agriculture and Fisheries bills, also seeks broad powers – without provisions for enhanced scrutiny.

Parliament has granted the government significant powers to respond to the coronavirus outbreak. This crisis situation will continue to keep questions about the adequacy of scrutiny of powers granted to the government firmly on the agenda.

5 Select committees

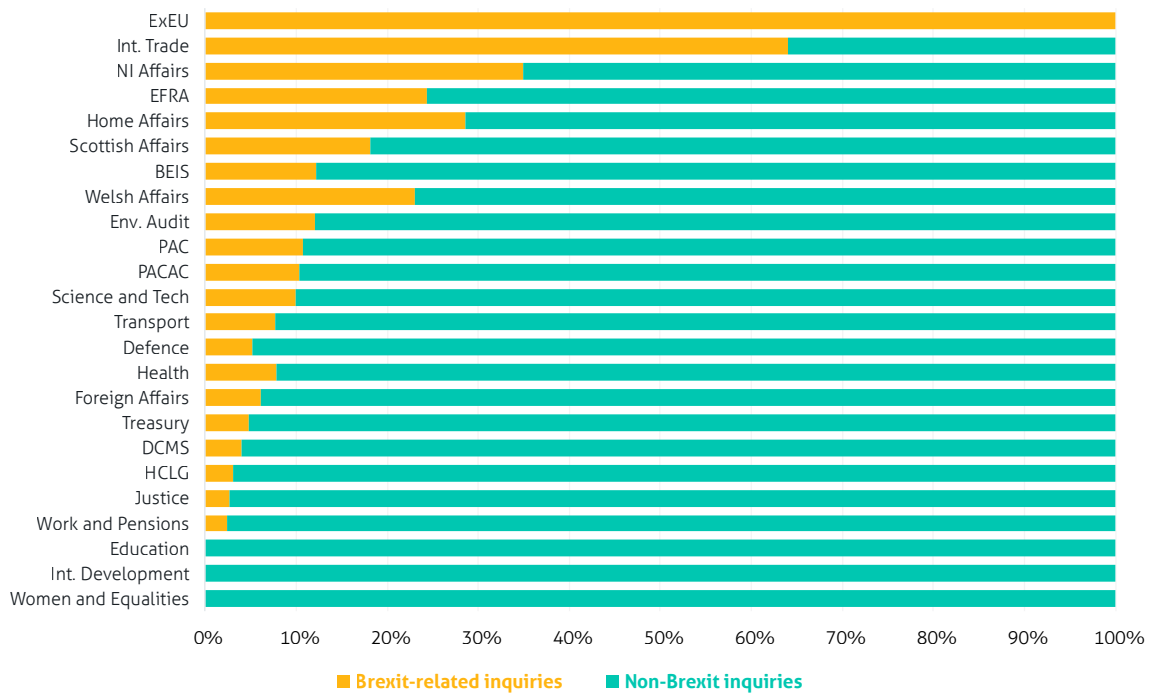
One in seven Commons departmental select committee inquiries focused on Brexit – the key political issue of the day – during the 2017–19 session. But while Brexit dominated committees’ work more than any other single issue, the politics of Brexit had less impact on committees than on many other aspects of parliamentary business. Most committees provided space for political consensus to be found and cross-party working to flourish, despite deep divisions among parliamentarians over Brexit.

Committees were able to help shape the Brexit debate, scrutinising the government’s plans and obtaining information on them. But the impact of their scrutiny was also apparent in areas beyond Brexit, including the Windrush scandal.

Departmental committees also explored new ways of working, including increasingly looking beyond their core government department to scrutinise the work of other public bodies, as well as private sector organisations – reflecting the greater involvement of the private sector in delivering public services. They continued to make progress on greater joint working, both within the UK parliament and with their counterparts in other legislatures. But despite these positive steps to look beyond the Westminster ‘bubble’, there is more for committees to do in ensuring that their witnesses represent a breadth of views.

Brexit was the most common theme of Commons committee inquiries

Figure 5.1 Percentage of select committee inquiries related to Brexit, by Commons committee, 2017–19 session



Source: Institute for Government analysis of select committee webpages, includes one-off evidence sessions. A list of abbreviations is found at the end of this report.

Brexit was the dominant political issue of the parliament and formed the largest single area of work across [Commons departmental and cross-cutting committees](#). Of the more than 800 inquiries undertaken by Commons committees (excluding the Liaison, Petitions and European Scrutiny committees) in the 2017–19 session, 107 were related to Brexit – more than one in every seven. No other single issue was so dominant in the work of committees. To adjust to this workload and reduce the risk of duplication of effort, the Commons appointed a Brexit co-ordinator tasked with ensuring better communication between different committees.

The proportion of Brexit inquiries varied considerably between committees. The committee responsible for scrutinising the new Department for Exiting the EU (DExEU) unsurprisingly focused 100% of its inquiries on Brexit. Other committees with a remit touching on core Brexit issues, such as the International Trade and Northern Ireland Affairs committees, had particularly high proportions of Brexit-related inquiries, at 64% and 35%, respectively. The Home Affairs Committee, scrutinising the department which will be responsible for implementing the post-Brexit immigration system, focused almost one third of its inquiries on Brexit. At the other end of the scale, committees including the International Development and Women and Equalities committees did not conduct any inquiries with a central focus on Brexit.

While Brexit dominated workloads across committees, they nonetheless also looked beyond Brexit, continuing to scrutinise other areas of the government’s work. Other frequent subjects of inquiry included:

-
- **environmental issues:** over 30 inquiries, from the sustainability of the fashion industry to the UK's progress on the sustainable development goals
 - **adult and child social care:** seven inquiries, from the long-term funding of adult social care to health and social care and the LGBT community.

Even as the 2017 parliament failed to reach agreement on Brexit, committees remained a place where scrutiny and challenge – on both Brexit and other issues – continued largely as usual.

Committees were able to achieve significant impact – on Brexit and other issues

Institute for Government research has shown how important it is for committees to track and measure the impact of their work.¹ This helps committees to assess the effectiveness of their work and adapt accordingly.

Quantifying impact can be hard to do because the exact contribution made by a committee is rarely clear. This means that it is more useful to look at case studies of the work of committees, exploring the recommendations they made and what changed as a result. The three case studies below, drawn from the 2017–19 parliamentary session, show how different committees were able to influence and even change the work of government – on Brexit and non-Brexit issues. They also illustrate the variety of ways in which committees can achieve impact.

Case study one: the Commons Environmental Audit Committee and disposable packaging

Shortly before the 2017 general election, the Environmental Audit Committee launched an inquiry into disposable packaging, focused on coffee cups and plastic bottles. Picking the inquiry back up at the beginning of the 2017–19 session, the committee focused on the environmental effects of disposable coffee cups and water bottles, and assessed possible solutions.

Two reports were generated by the inquiry – one on bottles and the other on coffee cups – drawing on four oral evidence sessions with a total of 24 witnesses and a total of 127 pieces of written evidence (collected before and after the election). The committee recommended:

- the introduction of a 25p “latte levy” on disposable coffee cups
- a ban on such cups if they were not all being recycled by 2023
- government regulations to require all premises serving food and drink to offer free drinking water
- a deposit return scheme for certain kinds of plastic bottle.

The government's response to these recommendations was mixed. They rejected the “latte levy”, preferring for coffee shops to incentivise customers by offering discounts for reusable cups. In the 2018 budget, following a consultation on the use of the tax system to cut down on plastic waste, the chancellor introduced a new tax on plastic packaging that did not meet certain recycling standards.

Although the committee's recommendations were not formally picked up, they achieved impact in other ways. The publication of its reports coincided with greater public interest in environmental issues – particularly plastics – and so received significant media attention. This helped spark greater awareness of the issue. The Commons itself introduced a levy on takeaway coffee cups, reducing the numbers used by over 40,000 a month.² The timing of the reports during the government's consultation on tax and plastic waste put pressure on the government to act.

Case study two: the Exiting the EU (ExEU) Committee and Brexit sectoral assessments

Following the 2016 EU referendum, the DExEU began compiling assessments of the potential effect of Brexit on different sectors of the economy, to feed into development of their negotiating positions. In November 2017, the opposition made use of an opposition day debate and managed to pass a 'motion for a return' (otherwise known as a humble address), requiring the government to publish the assessments. The government's fragile parliamentary position meant that the motion passed.

The government then downplayed the significance of the 39 assessments, asserting that they were not "impact assessments" as had been claimed. This was despite the fact that David Davis, the then Brexit secretary, had previously referred to the assessments' "excruciating detail" when before the committee in October 2017.

The government released 39 assessments to the ExEU Committee, which initially held a private meeting on their content. They then held a public evidence session with David Davis, the ExEU secretary of state. The committee subsequently informed the DExEU that it had decided to publish the assessments, but gave the government opportunity to redact any information that it wished not to be published.³ The government was also able to correct some information in the reports before the committee published them.

The committee did not begin the process that led to the publication of the impact assessments, but they did facilitate their publication.⁴ In doing this, the committee helped to facilitate scrutiny of the government's plans while ensuring they did so in a responsible way, understanding the nature of the information they were giving and working with the government to ensure that nothing unduly sensitive was published. Anecdotally, we have heard gratitude expressed for the committee's constructive approach.

This highlights the way that committees can allow scrutiny, but also how maintaining constructive relationships with government can help them in their work. This could offer a useful model for committees and government in the next stage of the Brexit process: showing that if government shares information, committees are prepared to be responsible with it and appreciate some of the potential sensitivities.

Case study three: the Home Affairs Committee and the Windrush scandal

In late 2017, stories began surfacing in the press alleging that members of the Windrush generation were being threatened by the Home Office with deportation despite having spent almost all of their lives in the UK, as they did not have specific documentation to prove their status.

In April 2018, the Commons Home Affairs Committee launched an inquiry into the scandal “to understand what went wrong, why the issues affecting the Windrush generation were not picked up sooner and whether the Government’s response to the crisis has been adequate.”⁵ The Committee held just two oral evidence sessions and received three pieces of evidence during the inquiry, which led to the publication of two reports: one covering the general scandal; and one focused more specifically on the issue of financial help for those affected.

Even before the committee published its two reports in the summer of 2018, its work had major impact on the government. Following an oral evidence session with the secretary of state for home affairs, Amber Rudd, it became apparent that there were some inaccuracies in the evidence she had given. The chair of the committee, Yvette Cooper, wrote to Rudd to request clarification.⁶ Within days, Rudd resigned, stating that she had “inadvertently misled” MPs.⁷

It is rare that a committee’s work should have such a clearly traceable impact, and some of this rested on Rudd’s own statements – though it also emphasised the importance of detailed questioning during evidence sessions, as well as follow-up afterwards. The committee’s inquiry continued, however. In June 2018, they recommended that the government urgently establish a hardship fund for the people affected by the Windrush scandal; and, several months later, such a fund was set up.⁸ The committee kept up pressure on the government, criticising the time taken to set up the fund, as well as the low numbers of people the fund assisted.⁹

It also maintained a regular correspondence with the government, seeking regular updates and asking detailed and specific questions about the Home Office’s work.¹⁰ Rudd’s replacement as home secretary, Sajid Javid, committed himself to providing the committee with monthly updates on the department’s work in relation to Windrush.¹¹ This highlights the value of the “pester power” of committees, where they follow up on an issue even once an inquiry has closed, pressing government for updates and ensuring that the issue remains in the spotlight.

This is not an exhaustive list of the impact achieved by committees during the 2017–19 session. But in all three of these case studies, committees were able to hold the government to account and scrutinise its work. On both Brexit and other issues, committees were a form of parliamentary business that worked largely as normal during what was a highly unusual parliament.

Committees made greater use of joint working

Committees have increasingly changed their ways of working, adapting to the challenges posed by modern policy issues, which often cut across departmental boundaries and even national borders. The Institute for Government has previously recommended that committees be willing to take a more flexible approach to their work, designing their work programmes based on the impact that they want to achieve.¹² It is therefore welcome that committees have sought to try new things – and this adaptability has arguably helped committees quickly adjust to the challenges since posed to their ways of working by the coronavirus pandemic.

The most notable innovation was in terms of joint working – across committees in the Commons, as well as across the four legislatures of the UK and international legislatures.

Commons committees have had the ability to work together on inquiries since changes were made to the standing orders in 2001, but joint working has become increasingly common in recent years.¹³ During the 2017–19 session further changes were made, allowing for the first time MPs on one committee to ‘guest’ at the hearings of another. This procedure has been used widely, allowing committees to better tackle issues that involve multiple government departments, and draw on the expertise of different committees.¹⁴

Several committees ran joint inquiries on subjects that cut across their remits, including:

- the inquiry into the long-term funding of adult social care by the Health and Social Care Committee and Housing, Communities and Local Government Committee
- the Work and Pensions Committee and Business, Energy and Industrial Strategy Committee’s inquiry into the collapse of Carillion
- an inquiry into air quality by the Environment, Food and Rural Affairs; Environmental Audit; Health and Social Care; and Transport Committees.

By bringing their collective expertise to bear, committees can improve the quality of scrutiny that they can deliver. Welcoming this change, the Commons Liaison Committee expressed its hope that the Lords will adopt similar procedures.¹⁵

Committees also undertook more joint working across different legislatures, both within the UK and internationally. Brexit encouraged committees in the UK parliament to liaise with their counterparts in the Scottish, Welsh and Northern Irish legislatures. In October 2017, the Inter-parliamentary Forum on Brexit held its first meeting, bringing together parliamentarians from England, Wales and Scotland, as well as officials from the Northern Ireland Assembly.* The forum aimed “to discuss the process of the UK’s withdrawal from the European Union, and our collective scrutiny of that process.”¹⁶ The forum met on seven occasions during the 2017–19 parliament. This kind of joint working across the legislatures of the UK is likely to become more important as the UK enters the next stage of the Brexit process.

Other Commons committees opted to work with their international counterparts, acknowledging that many modern policy issues transcend national borders. The Digital, Culture, Media and Sport Committee relaunched an inquiry on disinformation and ‘fake news’ begun in the 2015 parliament. As part of this, they held an oral

* Parliamentarians from the Northern Ireland Assembly were unable to attend due to the political situation in Northern Ireland at the time, where there was no executive and the assembly was not sitting. Officials there attended as observers.

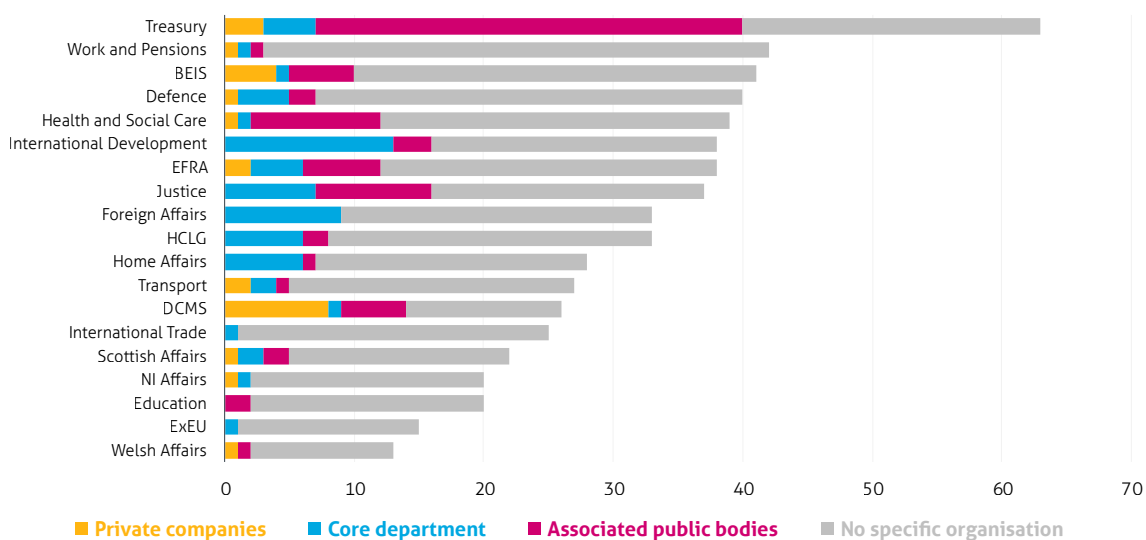
evidence session alongside parliamentarians from Argentina, Canada, Singapore and others. Elsewhere, the Commons Defence Committee conducted a joint inquiry into future anti-ship missile systems with the French Assemblée Nationale’s Standing Committee on National Defence and the Armed Forces. This reflected the longstanding British and French co-operation on defence issues and military equipment.¹⁷

A greater use of joint working was not the only innovation adopted by committees during the 2017–19 session. Some committees continued to take innovative approaches to running their inquiries and gathering evidence. For example, the Commons Science and Technology Committee allowed members of the public to submit questions for the universities minister via Twitter; while the Health and Housing committees ran a joint citizens’ assembly as part of their inquiry into the long-term funding of adult social care.

By making greater use of joint working and adopting more innovative ways of working, committees can better hold government to account, especially on many of the complex and interconnected policy challenges faced today, both in the UK and internationally. As parliament responds to the coronavirus pandemic, committees are likely to have to further innovate and adapt their ways of working – to deal with the unprecedented and highly complex nature of the subject, its international dimension and its effects on parliament itself.

Committees are adapting their work to changes in the delivery of public services

Figure 5.2 **Type of organisation named (where specified) in inquiries conducted by Commons departmental committees, 2017–19 session**



Source: Institute for Government analysis of select committee web pages.

One of the trends in the work of select committees that commentators have noted in recent years is an increase in inquiries looking at the work of private companies and other non-government organisations.¹⁸ Parliamentary committees have always done this to some extent, but as more public services are being delivered through private companies and the activities of non-government organisations are having a growing impact on areas of public policy, committees have increasingly seen it as appropriate to scrutinise them.

This can be a valuable role for committees to play. It ensures that companies involved in the delivery of public services are held to account. In situations where a private organisation is suspected of having behaved poorly, evidence sessions with representatives of those organisations can be important in helping the public to understand an issue – and to feel that their concerns are being addressed by MPs. Working in this way is another example of committees adapting their work to better scrutinise modern policy issues.

Figure 5.2 shows the types of organisation scrutinised by 19 Commons departmental committees during the 2017–19 session, illustrating the extent to which they are inquiring beyond the work of their core department. Between them, these committees conducted 600 inquiries over the course of the session, of which 172 named a specific organisation in the title of the inquiry. We estimate that 25 of these inquiries focused on a private organisation. Over half – 11 – of the Commons’ departmental committees conducted inquiries that focused on a private organisation.

High profile examples included:

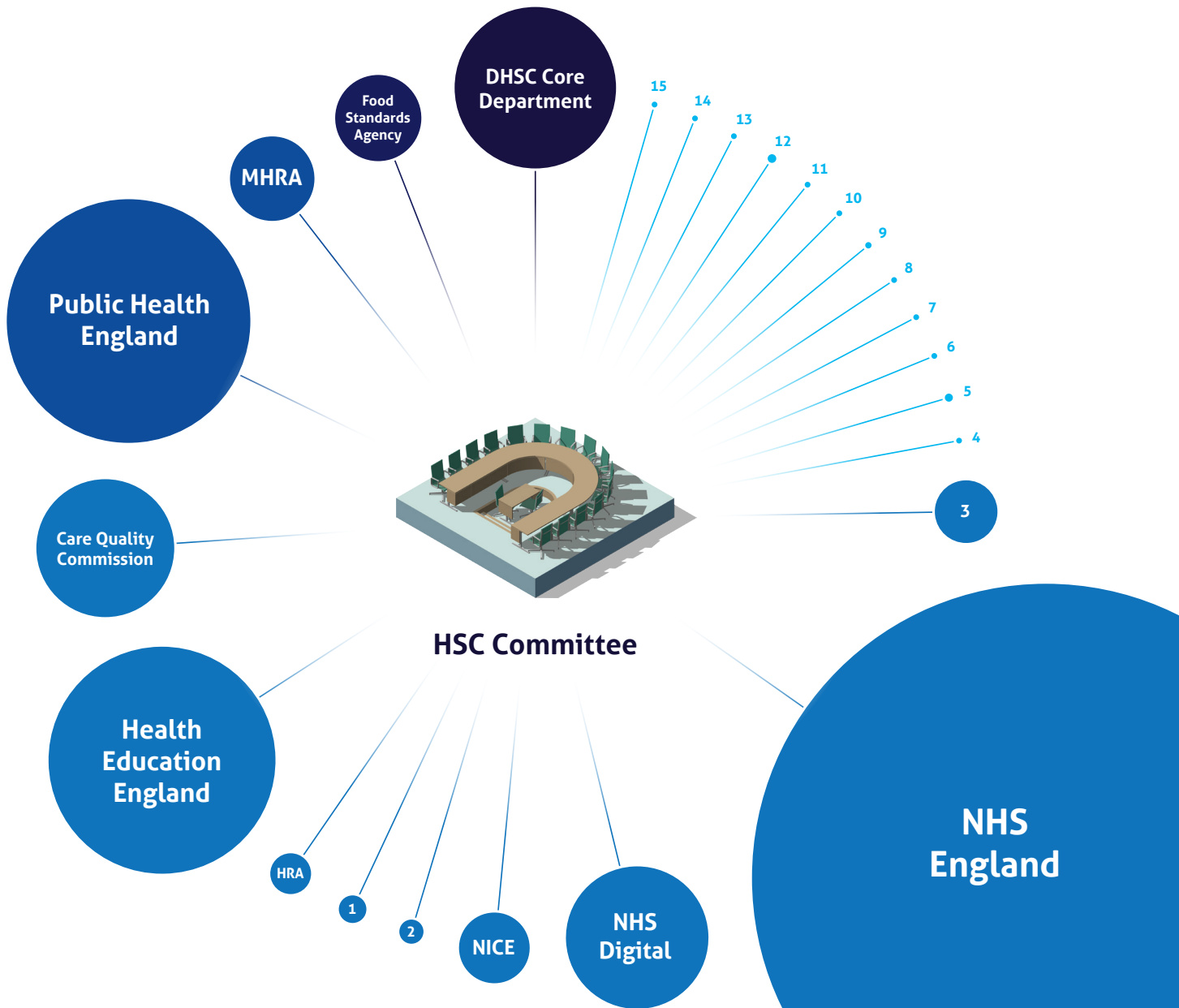
- **Carillion:** The Business, Energy and Industrial Strategy (BEIS) and Work and Pensions committees conducted a joint inquiry into the collapse of Carillion, a company that had supported the delivery of key public services. The Public Accounts and Public Administration and Constitutional Affairs committees also inquired into Carillion’s collapse.
- **Thomas Cook:** The BEIS committee held an inquiry into Thomas Cook, a holiday company which collapsed in 2019. The inquiry was cut short by the 2019 general election, but the committee made a number of recommendations for legislative changes to try and prevent similar situations.

The Commons standing orders currently require departmental committees to scrutinise the “policy, administration and expenditure” of specific government departments, and some have questioned whether committees are operating beyond their terms of reference by scrutinising non-government organisations. In 2019, this concern was acknowledged by the Commons Liaison Committee, which suggested that the standing orders should be revised to explicitly include wider scrutiny.¹⁹

The remit of these committees extends to all the public bodies associated with that department. The number of public bodies linked to a government department, as well as their size and role, varies considerably. To illustrate this, Figures 5.3 to 5.5 show the public bodies overseen by three different committees – Health and Social Care; Business, Energy and Industrial Strategy; and Environment, Food and Rural Affairs.



Figure 5.3 Health and Social Care Committee – Associated Public Bodies



1 Ministerial department

1 Non-ministerial department 2 Executive agencies 9 Executive NDPBs 12 Other NDPBs

1 Human Fertilisation and Embryology Authority

2 Human Tissue Authority

3 NHS Improvement

4 Adv. Committee on Animal Feedingstuffs

5 Adv. Com. on Clinical Excellence Awards

6 Adv. Com. on Novel Foods and Processes

7 Advisory Committee on the Microbiological Safety of Food

8 British Pharmacopoeia Commission

9 Commission on Human Medicines

10 Committee on Mutagenicity

11 Committee on Toxicity

12 Ind. Reconfiguration Panel

13 NHS Pay Review Body

14 Review Body on Doctors' and Dentists' Remuneration

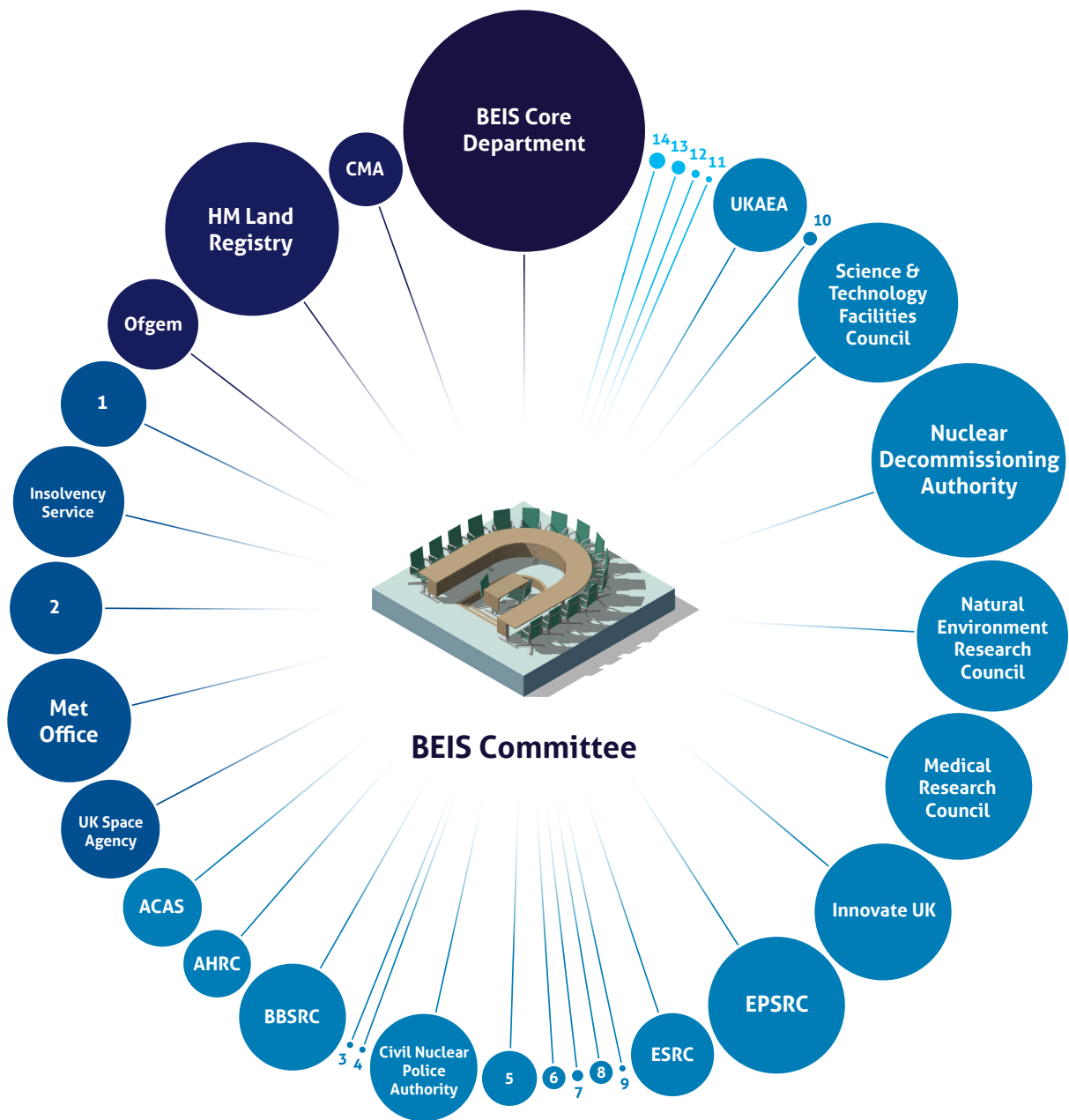
15 The Social Science Research Committee

Note: The size of each circle in the diagram reflects the relative size of each public body in terms of both expenditure (in RDEL and CDEL) and staff numbers (as full-time equivalent). These two measures were weighted equally in the calculations.

Source: Diagram provided by Thomas Ambrose using data primarily from Cabinet Office, *Public Bodies 2018/19*.



Figure 5.4 Business, Energy & Industrial Strategy Committee – Associated Public Bodies



Select committees

1 Ministerial department 3 Non-ministerial departments 5 Executive agencies 20 Executive NDPBs 4 Other NDPBs

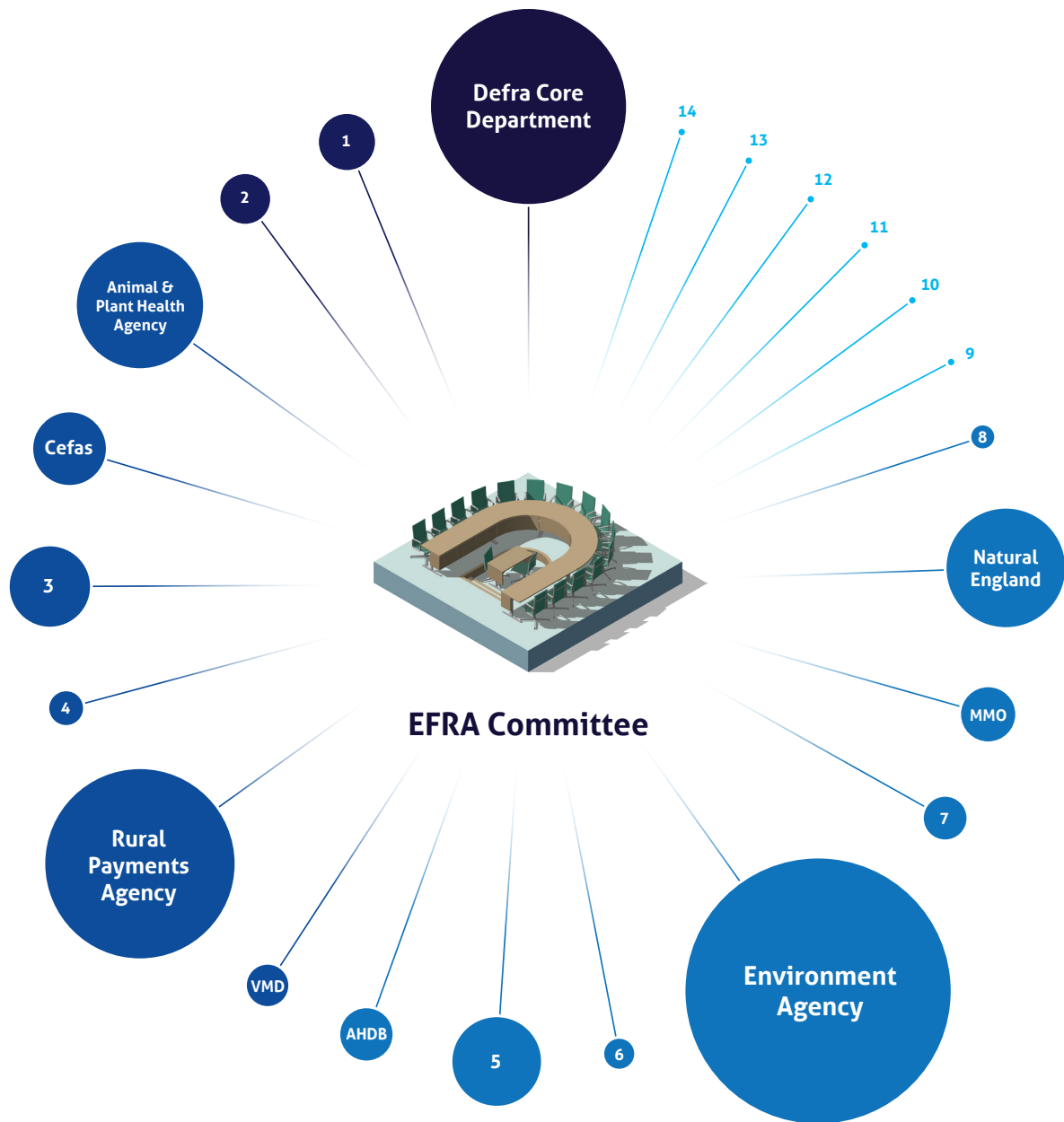
- | | | |
|---------------------------------|--------------------------------|--|
| 1 Companies House | 6 Committee on Climate Change | 11 Committee on Fuel Poverty |
| 2 Intellectual Property Office | 7 Competition Appeals Tribunal | 12 Committee on Radioactive Waste Management |
| 3 British Hallmarking Council | 8 Competition Service | 13 Low Pay Commission |
| 4 Central Arbitration Committee | 9 Copyright Tribunal | 14 Regulatory Policy Committee |
| 5 Coal Authority | 10 Small Business Commissioner | |

Note: The size of each circle in the diagram reflects the relative size of each public body in terms of both expenditure (in RDEL and CDEL) and staff numbers (as full-time equivalent). These two measures were weighted equally in the calculations.

Source: Diagram provided by Thomas Ambrose using data primarily from Cabinet Office, *Public Bodies 2018/19*.



Figure 5.5 Environment, Food & Rural Affairs Committee – Associated Public Bodies



Select committees

1 Ministerial department 2 Non-ministerial departments 6 Executive agencies 8 Executive NDPBs 6 Other NDPBs

- | | | |
|---------------------------------------|---|--|
| 1 Forestry Commission | 6 Consumer Council for Water | 11 Regional, and Forestry & Woodlands, Advisory Committees |
| 2 Water Services Regulation Authority | 7 Joint Nature Conservation Committee | 12 Science Advisory Council |
| 3 Forest Enterprise England | 8 Sea Fish Industry Authority | 13 Veterinary Products Committee |
| 4 Forest Research | 9 Advisory Com. on Releases to the Envir. | 14 Plant Varieties and Seeds Tribunal |
| 5 Board of Trustees at the RBG, Kew | 10 Independent Agricultural Appeals Panel | |

Note: The size of each circle in the diagram reflects the relative size of each public body in terms of both expenditure (in RDEL and CDEL) and staff numbers (as full-time equivalent). These two measures were weighted equally in the calculations.

Source: Diagram provided by Thomas Ambrose using data primarily from Cabinet Office, *Public Bodies 2018/19*.

The Health and Social Care Committee (HSCC) oversees relatively few public bodies in addition to the core department – but one of these, NHS England, is far bigger than the core department, and the means through which much of the department’s work is actually delivered. The HSCC also oversees other large public bodies such as Public Health England – which is playing such a crucial role in shaping the government response to the coronavirus pandemic.

By contrast, the BEIS Committee is responsible for scrutinising the work of many more smaller public bodies, given that BEIS was formed from two previous departments, giving it a considerable workload. The Environment, Food and Rural Affairs (EFRA) Committee oversees almost two dozen public bodies, some of which – like the Environment Agency – are larger in terms of spending and staffing than the core department.

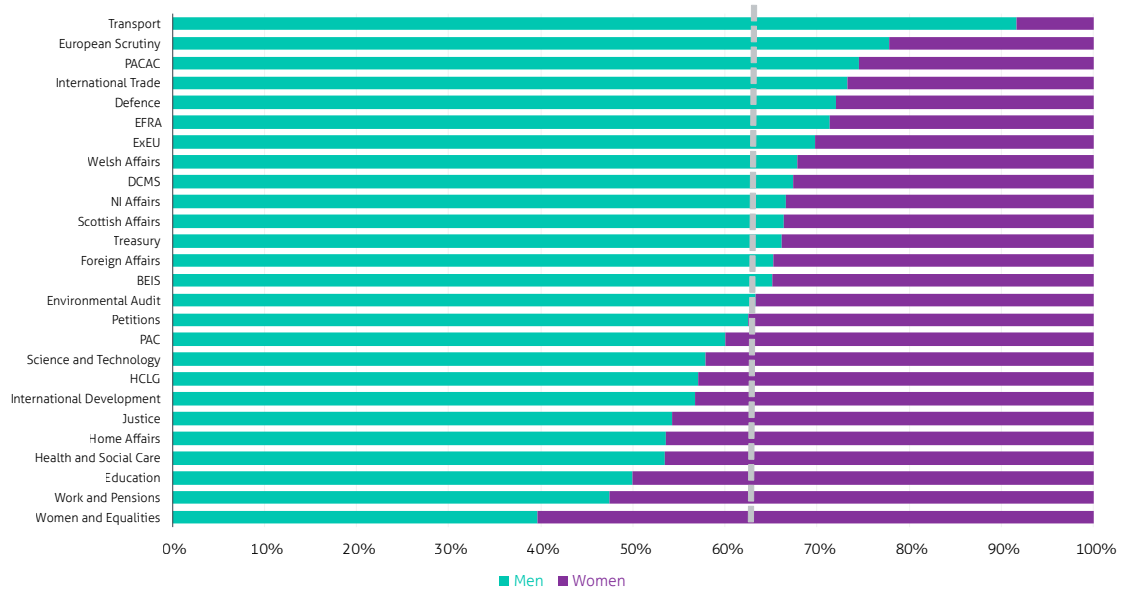
The extent of a committee’s responsibility for public bodies will affect their choices of inquiry. As Figure 5.2 shows, the HSCC held 10 inquiries (out of a total of 39) focused on the department’s associated public bodies, such as NHS England and NHS Improvement. This is unsurprising given the proportion of the Department of Health and Social Care funding that flows through these bodies. But other departments spent even more time on public bodies: the Treasury Select Committee held 33 inquiries focused on public bodies – including one-off evidence sessions – because it conducts pre-appointment hearings for bodies such as the Financial Conduct Authority. The BEIS and EFRA committees also held relatively large numbers of hearings focused on public bodies, reflecting the large number of bodies that those departments oversee.

Committees can do more to ensure that they receive a diversity of views

One of the most important powers that committees have is the ability to call for “persons, papers and records” to assist their inquiries. Committees routinely call for witnesses to give oral evidence to them in person. In recent years, committees have acknowledged the importance of drawing on the testimony of diverse witnesses who can offer different perspectives on an issue. This means that diversity in witnesses is important – both in terms of personal characteristics (such as gender, ethnicity and socio-economic status) and in terms of a witness’s sector and expertise.

However, while committees in the 2017–19 session demonstrated their ability to reach beyond the Westminster bubble – working with their counterparts in other legislatures, as well as scrutinising private sector organisations – they can still do more to ensure that their witnesses offer a diversity of perspectives beyond the ‘usual suspects’.²⁰

Figure 5.6 **Gender balance of discretionary witnesses appearing before Commons departmental and cross-cutting committees, 2017–19 session**



Source: Institute for Government analysis of House of Commons, Sessional Return 2017/19. The figures for the Women and Equalities Committee include two witnesses who identified as non-binary, which is not currently included as a witness category; discretionary witnesses are those invited to attend by committees, as opposed to those who attend because they hold a particular position (non-discretionary witnesses). Grey dotted line = average percentage of male witnesses.

Gender is the only personal characteristic of witnesses that the Commons collects data about. The data shows that during the 2017–19 parliamentary session, 64% of discretionary witnesses (defined by parliament as witnesses who are selected by the committee, rather than appearing as a witness because of an official role that they hold) were male.

But this masked considerable significant variation between committees. Of the Transport Committee’s discretionary witnesses, 92% were men, and over 75% of the Public Administration and Constitutional Affairs Committee and the European Scrutiny Committee’s witnesses were male. At the other end of the scale, just three committees had a majority of female discretionary witnesses – the Women and Equalities, Work and Pensions, and Education committees. It is notable that the committees with higher proportions of female witnesses are ones that deal with issues that have historically been viewed as ‘women’s work’ – such as education. By contrast, committees dealing with more historically male-dominated issues, such as defence, tend to have higher proportions of male witnesses

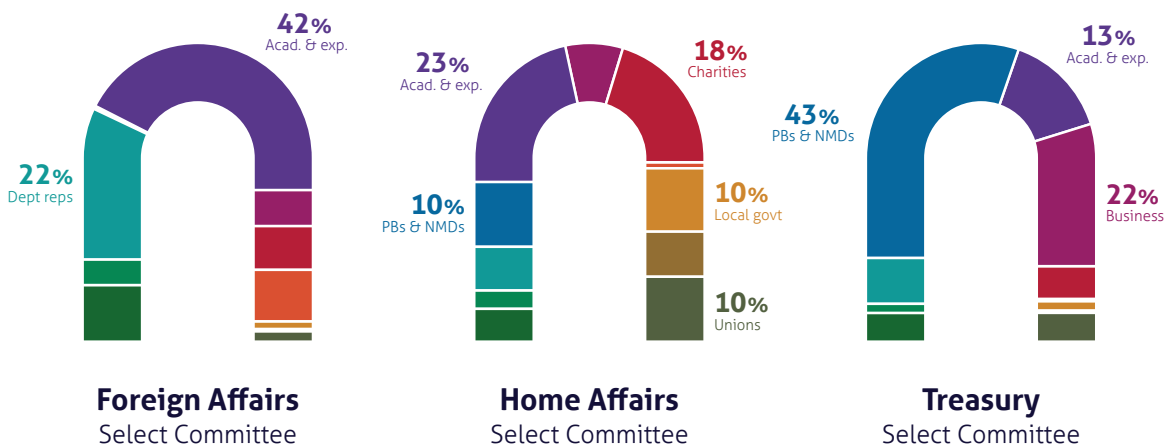
Improving the gender balance of witnesses is not solely the responsibility of committees. Their ability to achieve parity will be affected by the extent to which men and women are equally represented in senior positions in the organisations they are seeking to scrutinise. But collecting the data allows committees to understand whether they are seeing diverse witnesses who can offer a range of perspectives to better inform their work. It is welcome that the House of Lords plans to begin collecting this data for witnesses appearing before its committees – and that the Commons Liaison Committee has called for committees to collect data on other measures of witness diversity.²¹

But both Houses of Parliament currently collect only limited data on other measures of diversity. While some of this data is difficult to collect – for example, witnesses may not wish to provide information about their personal characteristics, or they may hold multiple roles that makes their sector difficult to classify – failure to do so can limit committees’ awareness of the views that they are, and are not, receiving.

Data collected by Commons committees on the expertise and sector of their witnesses – the types of organisation that they represent – is only broken down into limited categories. Witnesses are categorised as either ministers, officials, representatives of public bodies, or “other”. But the category of “other” can contain hundreds of witnesses per committee, meaning that these categories do not offer as much information as they could. Further breaking down the expertise and sector of committees’ witnesses illustrates far more, enabling committees to ensure that they receive a diversity of views, as we show here.

 **Figure 5.7 Witness diversity – Commons Select Committees**

Witnesses who provided oral evidence to Commons select committees represent a diverse range of sectors and many parts of government. In order to illustrate this, those witnesses who gave evidence in the 2017–19 session (to a chosen sample of select committees) have been counted and grouped under 11 categories. The three horseshoe diagrams below depict the relative size of these witness categories for each committee.



- Ministers
- Public bodies and non-ministerial depts
- Charities and advocacy groups
- Members of the public
- Other MPs and peers
- Academics and experts
- International governance
- Unions and professional bodies
- Department officials and representatives
- Business
- Local government

Note: For legibility, only those categories with values of 10% or greater have been labelled on the diagrams. Further information on how the witnesses were categorised is included in the Report scope and data section of this report.

Source: Diagram provided by Thomas Ambrose, using the formal minutes of the Foreign Affairs, Home Affairs, and Treasury select committees.

Our analysis suggests that the Commons committees scrutinising the three major departments of state made use of witnesses from nearly a dozen different sectors in the 2017–19 session, from ministers to charities, academics and experts, and even members of the public. The balance of these different kinds of witnesses varied across committees, reflecting their different remits: for example, the Treasury committee had more witnesses representing business than the Home and Foreign Affairs committees. But if committees do not collect data on their witnesses in this depth, they may be missing out on insights into their witnesses – and whether they are reaching the people with the most relevant expertise for their work.

As discussed in Chapter 7, greater use of technology by committees may provide an opportunity to diversify the range of witnesses.

Looking ahead

Select committees played a valuable role in the 2017–19 parliament. Many provided an arena for cross-party working and political consensus that was often lacking in the main Commons chamber, although the work of some was constrained by Brexit divisions. Committees had success in scrutinising the government’s Brexit policy, but also on other topical issues, such as the Windrush scandal and the environmental impact of plastic packaging.

It is regrettable that women are still under-represented as witnesses before almost all Commons departmental select committees, with detrimental consequences for the balance of committee scrutiny. Efforts to increase the numbers of under-represented groups giving evidence to select committees must continue in the new parliament.

Committees are likely to play an important role in scrutinising the government’s response to the coronavirus crisis. Parliamentary authorities need to ensure that a shift to remote working does not undermine the transparency of their work. Co-ordinating committee work on coronavirus will also pose a challenge, especially given the Liaison Committee has yet to meet following the 2019 general election. Lessons from the co-ordination of committee work on Brexit may well prove valuable in the context of coronavirus.

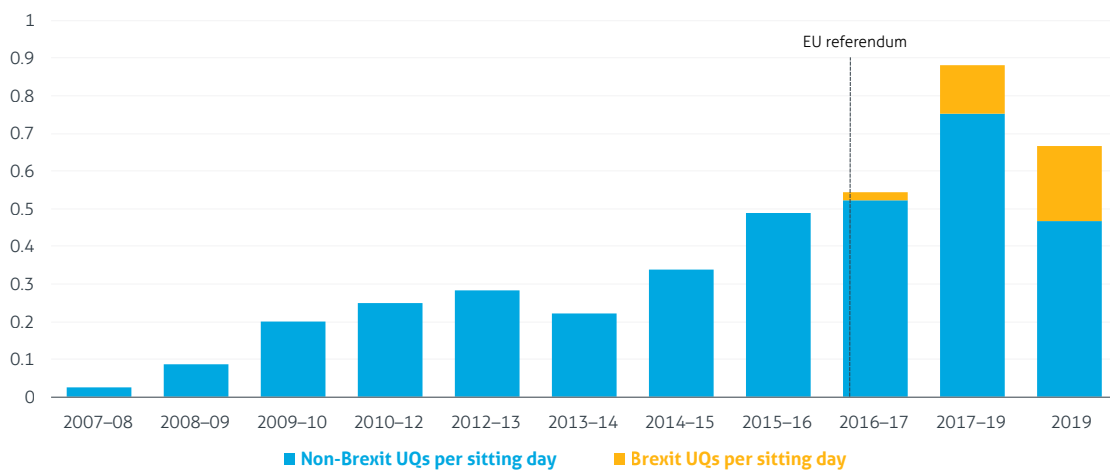
6 Backbench activity

During the 2017–19 parliament, backbench MPs were able to assert themselves due to the unique combination of cross-party divisions over Brexit and a minority government. The then Speaker, John Bercow, was willing to facilitate creative uses of parliamentary procedure in ways that gave backbenchers more power to influence than usual. Opposition frontbench MPs also made frequent use of backbench procedures to hold the government to account.

The long-term impact of these uses of parliamentary processes is not yet clear. Backbenchers will have less scope to use innovative tactics with the return of a majority government following the 2019 election. However, the 2017–19 parliament may have had a cultural impact in facilitating backbench activism that could be hard to reverse. As they did in the last parliament, backbenchers will now have to focus on using more conventional parliamentary procedures to hold the government to account, influence debate and represent their constituents' interests.

The number of urgent questions increased

Figure 6.1 Number of urgent questions (UQs) per sitting day, 2007–08 to 2019 sessions



Source: Institute for Government analysis of House of Commons, Hansard; House of Commons Library, Number of UQs granted by the Speaker since 1997; House of Commons Order Papers. 2017–19 parliament. Brexit classification determined by Institute for Government analysis of subject matter.

As shown in Figure 6.1, there has been a huge increase in the number of urgent questions (UQs) asked in the Commons over the past decade.* During the 2007-08 parliamentary session, only four UQs were asked, equivalent to just 0.02 per sitting day. In contrast, MPs asked 307 UQs during the 2017–19 session, almost one (0.88) per sitting day, covering a diverse range of topics, from free TV licences for the over-75s to the gender pay gap.¹ Brexit accounted for 14% of questions granted during the 2017–19 session and 30% during the short 2019 session.

The increase in UQs has provided far more frequent opportunities for backbenchers to raise matters of urgent importance and receive a timely response from a minister. During the 2017–19 session, it meant that between them ministers spent over 196 hours in the Commons answering questions at short notice. This will have had consequences for the time they spent in their departments. Two main factors are likely to have contributed to this increase in UQs:

- MPs may have requested a higher number of UQs in response to a turbulent period in domestic and international politics. It is difficult to test this hypothesis as details of UQ applications are not published.
- The greater willingness of the former Commons Speaker – John Bercow – to grant UQs is likely to have been the most significant driver of the increase. He has said that he allowed more UQs as a means of empowering backbenchers to hold the government to account. He granted an average of 0.4 UQs per sitting day during his tenure as Speaker, compared to his predecessor, Michael Martin, who granted just 0.07 per sitting day.**

It remains to be seen whether the new Speaker, Sir Lindsay Hoyle, will grant as many UQs as his predecessor. While he has indicated that he will continue to support backbench causes,² he has also trailed the idea of introducing a weekly “questions of relevance” slot for MPs to question ministers on topical issues as an alternative to UQs.³ UQs are usually described as a tool for backbenchers, but almost half of UQs asked during the 2017–19 session were posed by members of the opposition front bench.

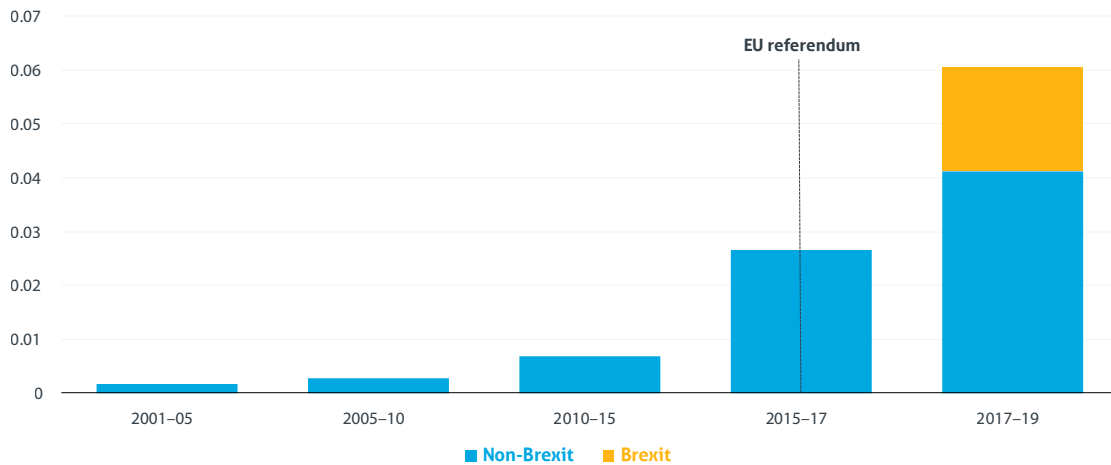
UQs have long acted as a useful political tool for the opposition because they provide an opportunity to take control of part of the parliamentary agenda and secure a government response. This was particularly useful during the 2017–19 parliament, during periods when the government chose not to schedule any opposition days (as discussed in Chapter 2).

* In the Commons, MPs can apply to the Speaker to ask ministers questions that are, in the Speaker’s opinion, “of an urgent character and relate either to matters of public importance or the arrangement of business”. Backbenchers commonly use such ‘urgent questions’ to secure a government response to high-profile issues.

** 2000–01 figures for Michael Martin include private notice questions.

The number of emergency debates dramatically increased

Figure 6.2 Number of Brexit and non-Brexit emergency debates per sitting day, 2001–05 to 2017–19 parliaments



Source: Institute for Government analysis of House of Commons Hansard; House of Commons Order Papers 2017–19 parliament and House of Commons Library Briefing 'Emergency debates in the House of Commons since 1979', <https://commonslibrary.parliament.uk/research-briefings/sn04569>. Brexit classification determined by IfG analysis of subject matter.

Emergency debates played a key role in the battle for control of the Commons agenda in relation to Brexit.* The former Speaker facilitated backbenchers' attempts to wrest control from government by permitting an emergency debate on a motion that MPs could make a decision upon – something not normally permitted following an emergency debate. This allowed MPs to use an emergency debate to give themselves control of the order paper and to schedule time to pass the Benn Act, which required the government to request an extension to Article 50.

There has been a significant increase in the number of emergency debates held in recent years. As Figure 6.2 shows, the number of emergency debates increased 30-fold between the 2001–05 and 2017–19 parliaments, from 0.002 per sitting day (just a single debate) to 0.06 per sitting day (or 22 debates in the entire parliament).

Of the 22 debates in the 2017–19 parliament, seven related to Brexit. There was a concentration of emergency debates related to Brexit towards the end of the parliament – when Brexit tensions were high; all but two of the emergency debates in the last year of the parliament related to leaving the EU. Given emergency debates are normally used to apply political pressure on the government, it is unsurprising that the vast majority of emergency debates – 20 out of 22 debates during the 2017–19 parliament – were initiated by opposition MPs.**

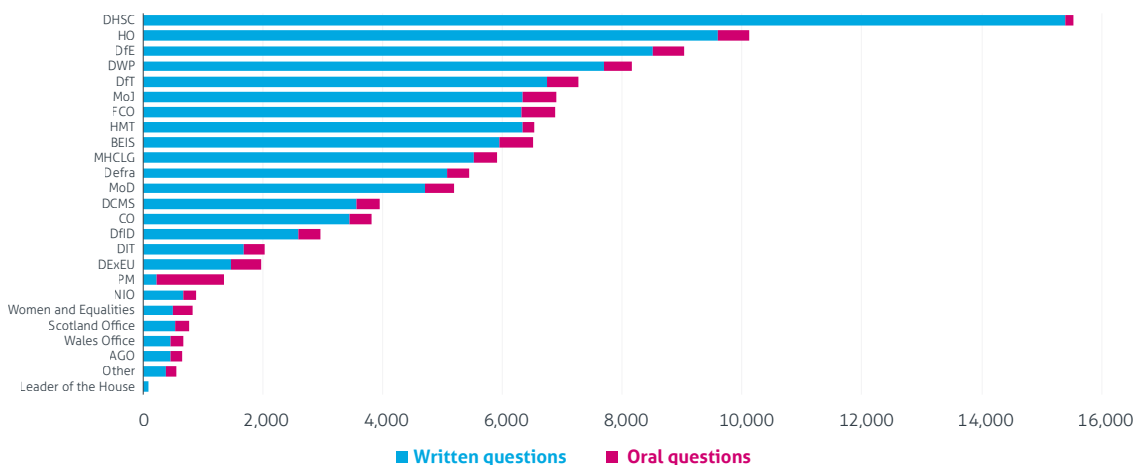
* Backbenchers can request emergency debates if they believe the Commons needs to "debate a specific and important matter that should have urgent consideration". Emergency debates involve a full debate and vote.

** Dominic Grieve is considered an opposition MP, as he did not hold the Conservative Party whip when initiating an emergency debate.

MPs ask most questions of ministers running public services

Written and oral parliamentary questions (PQs) play an important role in extracting information from the government and holding ministers to account. During the 2017–19 session, MPs asked 103,339 written questions, while peers tabled 18,198 written questions. The number of written questions asked by MPs has increased slightly over recent years, with an average of 296 per sitting day during the 2017–19 session, compared to 244 in 2016–17 and 228 during the 2015–16 session. The number of oral questions has remained more constant because a finite amount of time in the Commons is allotted to them.

Figure 6.3 Number of written and oral questions by receiving department, 2017–19 session



Source: Institute for Government analysis of Parliament.uk online database of PQs and answers. 'Other' includes Church Commissioners, House of Commons Commission, Public Accounts Commission, Speaker's Committee on the Electoral Commission and the chancellor of the Duchy of Lancaster. A list of department abbreviations is found at the end of this report.

As Figure 6.3 shows, the number of PQs asked during the 2017–19 session varied significantly between departments. Unsurprisingly, departments responsible for important public services – such as health, education and welfare – consistently receive the highest number of questions – with the Department of Health and Social Care receiving by the far the most. This reflects the fact that MPs often use questions to raise matters brought to their attention by constituents, as well as raising issues of personal interest and to increase the salience of issues, including – in this parliament – the Windrush scandal.⁴

MPs and peers may ask the same question of all departments – so-called 'round robin' questions.⁵ Such questions can be a useful way of identifying trends or inconsistencies across government on thematic issues. Answers to these questions are commonly co-ordinated across government. While this can provide consistency, it risks undermining the purpose of such questions – to illuminate notable disparities between departments.

Concerns have been raised about whether PQs are really a rigorous tool for parliamentary scrutiny, given government answers can often be short and light on detail – and the fact they are normally focused on answering the letter rather than the spirit of the question.⁶ Despite this, they can be used to raise an issue's profile, demonstrate to constituents that their MP takes their issues seriously, act as a show of backbench feeling on important issues and remind ministers that they will be held to account for their actions.⁷

It is unfortunate that data has not been published on government response times to PQs since 2017.⁸ This prevents evaluation of how well departments are responding to recent increases in the number of PQs.

Early day motions rarely influence government behaviour

MPs can also express their views by tabling 'early day motions' (EDMs), which take the form of motions for debate.⁹ During the 2017–19 session, 2,778 EDMs were tabled, with a further 102 tabled during the short 2019 session. EDMs cover a wide range of topics and are often used by MPs to highlight constituency matters – such as the success of a local football team⁹ or problems with local transport.¹⁰ They can also be used to 'pray against' negative statutory instruments¹¹ – to indicate that MPs do not wish the piece of secondary legislation to remain in force.

The influence of EDMs on government tends to be limited. Most EDMs are not debated in the House, as there is no obligation on the government to schedule time for debate. Ten negative statutory instruments that had been prayed against were debated during the 2017–19 session, with four subject to a division.¹²

The Backbench Business Committee facilitates cross-party co-operation

Backbench MPs can also apply for debates to be held during time set aside for the Backbench Business Committee. The cross-party committee schedules non-ministerial business in the Commons on the equivalent of 35 sitting days over the course of a session. Of this time, the equivalent of 27 days must be held in the Commons chamber, with the remainder held in Westminster Hall, an additional debating chamber.¹³ During the 2017–19 session, 143 debates were held in the Commons chamber, with 99 additional debates held in Westminster Hall.

At a time when there are divisions both within and between major political parties, the committee offered an important mechanism for encouraging cross-party activity. Backbenchers are encouraged to gain cross-party support for their application. Backbench Business Committee debates can also be used as an opportunity to debate the cross-party work undertaken by select committees; during the 2017–19 session, 41 of the debates related to select committee reports. However, attendance at backbench business debates varies and tends to be low compared with many other activities in the Commons chamber. For instance, in 2019, the deputy Speaker described a debate on climate change in which 37 members spoke or intervened as "well subscribed".¹⁴

* EDMs are usually tabled by backbench MPs (although occasionally by the opposition front bench). Other MPs can sign EDMs as a show of support. By convention, ministers, whips, parliamentary private secretaries, the Speaker and deputy Speaker do not table or sign EDMs – making them a largely backbench enterprise.

Looking ahead

In the new parliament, a government with a large working majority means that backbenchers will have less power than in the 2017–19 session. They will still be able to use established procedures, such as urgent questions, to ask questions of ministers and hold the government to account. But they will be less able to make creative use of procedures – especially as the new Speaker, Sir Lindsay Hoyle, has indicated he would not have taken some of the same decisions that his predecessor, John Bercow, did.

But the events of the 2017 parliament may have set lasting precedents. MPs from all parties have grown accustomed to being able to demand that ministers come to the House and answer questions on the main headlines of the day. While the new Speaker may want to move away from some of the choices made by his predecessor in relation to backbench scrutiny, there may be other areas where he will find it harder to depart from precedent.

The approach of the Johnson government to parliament will also be crucial. The national crisis caused by the coronavirus pandemic has provided a reminder of the ways that backbench scrutiny can improve the government's work – when a constructive and good-faith approach is taken by all sides. But the conditions caused by the emergency will eventually fade, and it remains to be seen how the relationship between parliament and the executive will evolve.

7 Parliament and the public

During the 2017–19 parliament, efforts continued to involve the public in Westminster’s work. Reaching beyond the traditional links between MPs and their constituencies, parliamentarians adopted new ways of working that involved actively seeking out and listening to the views of the public.

But the main driver of public interest in parliament was Brexit. Media attention relentlessly focused on Westminster, as the details of parliamentary procedure became increasingly important to the course of Brexit. A growing British and international audience tuned into live broadcasts of parliamentary debates – and millions more made use of the e-petitions system to air their views on Brexit and other subjects.

Brexit may have led to greater interest in parliament, but the public did not always like what it saw. The session highlighted a lack of shared public understanding about the role of parliament, especially its relationship with direct democracy.

The coronavirus crisis has led some aspects of parliamentary procedure to be changed rapidly – including the introduction of virtual select committee hearings. The new circumstances may provide opportunities to introduce novel forms of public engagement, but they also pose challenges for maintaining transparency and digital security.

Parliament needs to listen – not simply broadcast – to the public

Activity that allows the general public to understand and contribute to parliament’s work – beyond voting in general elections or contacting their local MP – is often described as ‘engagement’ by parliament and parliamentary academics. Over the past decade, parliament has put an increasing emphasis on engagement activities, establishing a dedicated ‘participation’ team to promote information about parliament outside of Westminster and an education centre to inform visitors to the parliamentary estate.¹

Significant effort goes into education and outreach activities; 90% of MPs and 38% of peers were involved during the 2018/19 financial year. But there are questions: about whether these activities provide the public with an opportunity to contribute to parliament’s work or whether the public is simply being broadcast to; and, about whether all parts of the UK population are being reached.

Parliament's use of social media remains inconsistent

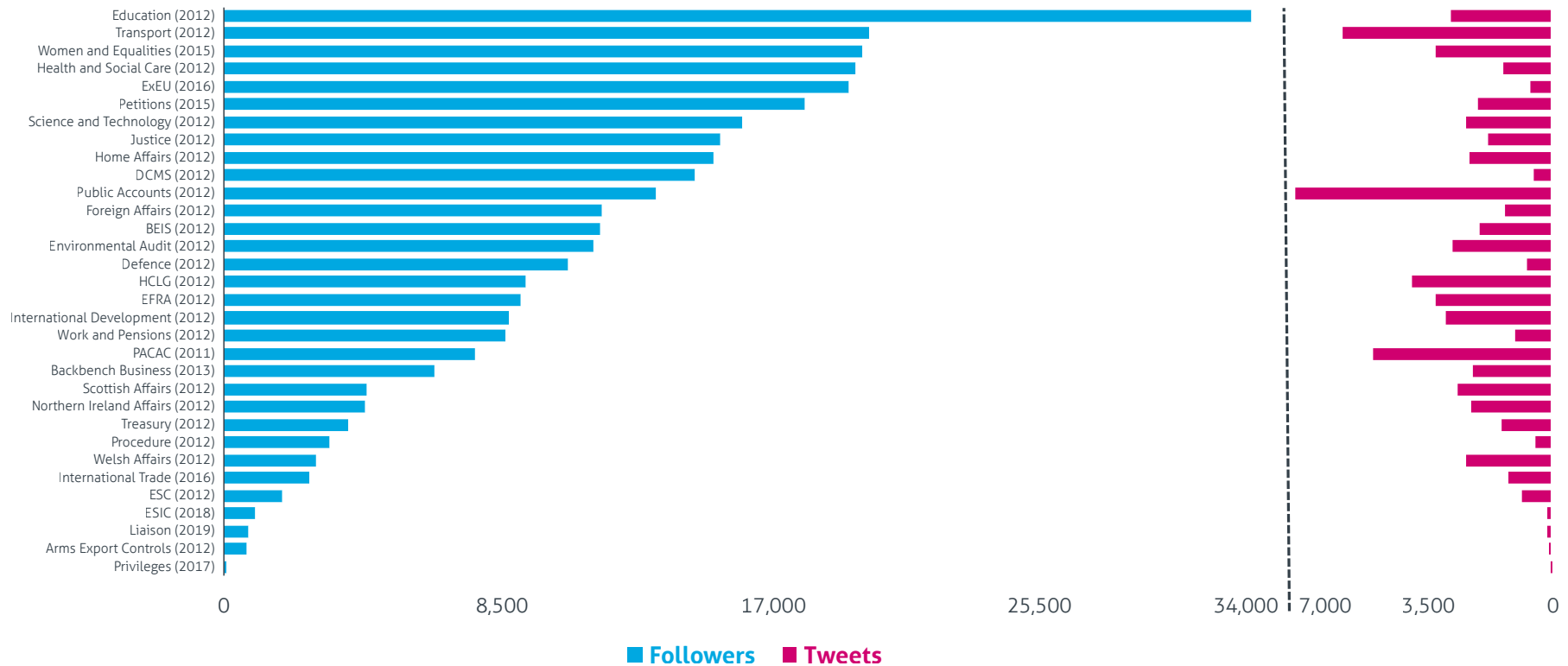
Parliament has, slowly, embraced the potential of social media as a mechanism for reaching its audiences and raising the profile of its work. Parliamentarians have recognised that social media makes parliament, as an institution, appear more transparent and responsive to public debate.²

Most Commons committees joined Twitter in 2012, following a Commons Liaison Committee report enjoining them to do so.³ But use of other social media platforms like Facebook is very limited and often takes the form of links shared by the main House of Commons Facebook page. And while over 75% of all Commons committees in the 2017–19 parliament had some social media presence, the figure for Lords committees was much lower, with just over 40% of committees having at least one social media account.

As Figure 7.1, overleaf, shows, there are also significant differences in how frequently committees use Twitter: the Commons Public Accounts Committee and Commons Transport Committee are frequent tweeters, posting 8,109 and 6,582 times, respectively, since joining in 2012, whereas the Commons Procedure Committee – which primarily focuses on internal Commons matters – tweeted just 504 times in the same period.

Twitter audiences vary widely between committees. The Education Committee is in a clear first place, with 32,500 followers as of 19 November 2019, significantly more than the second-placed Transport Committee, with 20,400. This is likely to reflect strong public interest in these policy areas. At the other end of the scale, the narrowly focused Privileges Committee – which considers issues related to parliamentary privilege – had just 93 followers. The Commons Library also has a significant presence on Twitter, with 28,300 followers and almost 5,000 tweets since 2011, primarily providing links to its research outputs, which have been in high demand during the Brexit process.

Figure 7.1 **Number of Twitter followers (left) and number of tweets (right), House of Commons select committees, as of 19 November 2019**
(date joined Twitter in brackets on the Y axis)



Source: Institute for Government analysis of House of Commons select committee followers and number of tweets, as of 19 November 2019. The number in brackets on the Y axis indicates the year the committee joined Twitter. A list of abbreviations is found at the end of this report.

The inconsistencies in social media use between committees may be confusing for the public and prevent committees taking advantage of the greater public profile that social media can create. Parliament is taking steps to address this disparity – the Parliamentary Digital Service has established strategies for Facebook⁴ and Instagram⁵ use, and the Commons and Lords Liaison committees have both made recommendations for more effective use of social media by Commons and Lords committees.⁶

Despite increased uptake, the social media presence of all select committees is small in absolute terms, particularly when compared to that of the government departments they shadow and parliament as a whole. The UK parliament Twitter account has nearly three times as many followers as all select committee accounts across both Houses combined. Both chambers also maintain Facebook accounts, although these have a smaller footprint, with 54,388 likes for the Commons and 26,237 for the Lords.

It is not clear to what extent use of social media by committees is creating new audiences for parliament. It may be that individuals or organisations with an existing interest in select committees are simply adopting social media to keep up to date with committee activity they would have been following anyway.

Social media can lead to a greater emphasis on parliament broadcasting its work, rather than using it to undertake two-way engagement with the public. But this is not always the case.⁷ In its recent report on select committee effectiveness, the Commons Liaison Committee recognised the importance of two-way communication, highlighting occasions when select committees had effectively used social media to collect thoughts from the public.

The examples used showed Commons committees have been using social media for several years, for instance, in 2014, the Environment, Food and Rural Affairs Committee used the hashtag #AskPickles to encourage people to submit questions for the committee to put to Department of Environment, Food and Rural Affairs Committee ministers, with contributors subsequently sent a timestamped link to the relevant section of the oral evidence session.⁸ The Liaison Committee also observed that select committees could make better use of new technologies – such as sentiment analysis software – to judge the tone of public debate and make better use of social media.⁹

At times, social media platforms have proved hostile environments for parliamentarians – especially women – who have been subject to unprecedented levels of threats and abuse online. Expanding the use of social media in a way that takes account of this remains a challenge for parliament.¹⁰

Select committees are doing more to listen to the public

Select committees are an important mechanism for parliament to move beyond simply 'broadcasting' to the public, to listening to the views of the public.¹¹ But there are questions about the diversity of the voices to which committees are listening; they are often accused of talking only to 'the usual suspects' and being too London-centric – stuck within a 'Westminster bubble' of civil servants, media and think tanks.¹²

Both Houses of Parliament are collecting data to try to understand the extent of this problem and address it – as discussed in Chapter 5.¹³ Committees have also been provided with additional support; they can draw on a specialist engagement team – that can help organise face-to-face evidence sessions and other events in and outside Westminster.

The number of committees making use of the team's support increased from nine in the 2016/17 and 2017/18 financial years, to 19 committees in the 2018/19 financial year.*

Examples of ways in which committees have tried to listen to a more diverse set of voices in their work this parliament include:

- **The Work and Pensions Committee** used an online forum to allow personal independence payment claimants to share their experiences – attracting almost 3,500 contributions.¹⁴
- **The Health and Social Care, and Housing, Communities and Local Government committees** held a citizens' assembly on social care in 2018.¹⁵ This involved a group of people chosen to reflect the wider population being given the time and opportunity to learn about and discuss different solutions to securing long-term funding for social care. The conclusions reached helped give parliamentarians an understanding of informed public opinion on the contentious issue and – it is hoped – may help open space for political consensus. Building on this experience, a further citizens' assembly – this time on climate change adaptation – was commissioned by six committees in 2019 and will conclude in mid-2020. Citizens' assemblies can go beyond merely listening and facilitate a clearer two-way dialogue between parliament and a section of the public.
- **The Northern Ireland Affairs Committee** filmed semi-structured interviews with Northern Irish fishermen, who would have otherwise found it hard to participate in the committee's fisheries inquiry.¹⁶
- **The Commons European Statutory Instrument Committee** set up an online tool to allow stakeholders to comment on proposed negative statutory instruments under the EU (Withdrawal) Act 2018.¹⁷

* The engagement team's output was affected by the 2017 general election, with no engagement activity delivered from April 2017 to November 2017.

Committees have also tried to move beyond listening to the public to give them the opportunity to set the agenda for their work. For example, both the Science and Technology and the Scottish Affairs committees looked to the public to 'crowdsource' ideas for committee inquiries.¹⁸

Initiatives such as collating semi-structured interviews with those unable to travel to Westminster may provide useful templates to help committees adapt to remote working in response to the coronavirus pandemic, enabling them to hear from a wider range of voices in Westminster inquiries, reflecting the broad geographical, social, political and economic effects of the coronavirus pandemic.¹⁹ However, it is worth noting that the overall use of video technology by Commons select committees to take formal evidence was limited before the coronavirus pandemic.²⁰

Survey evidence suggests that outreach activity supported by the engagement team is an effective way to reach new audiences that would not typically be involved in select committee activity. Between April 2018 and March 2019, over 80% of participants in events organised by the engagement team reported having never engaged with a select committee before. Nearly 90% of participants since April 2019 felt that they had had opportunity for their views to be heard by committees.

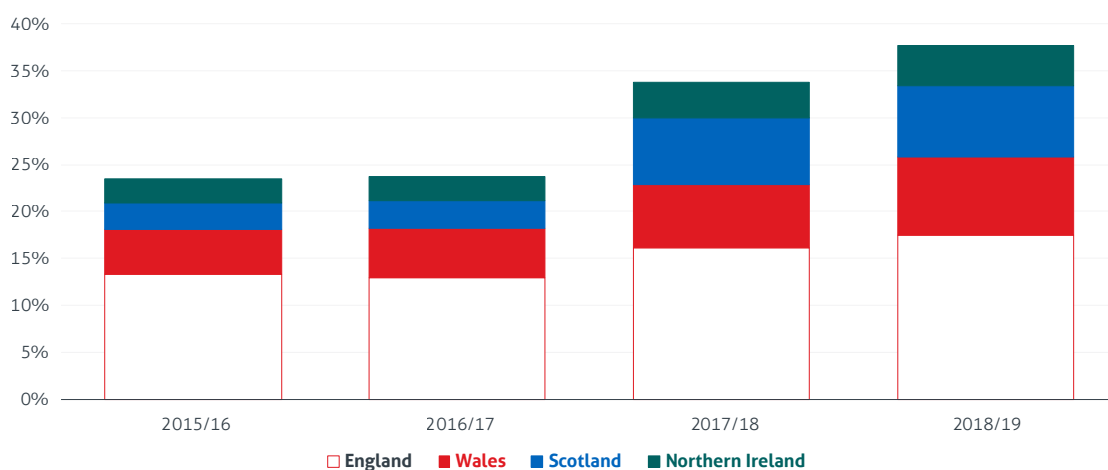
However, despite this success, the number of people reached by this type of select committee outreach activity remains relatively small: 61,515 people were involved in the 2018/19 financial year. There also remains significant variation between committees.

Some aspects of parliamentary procedure also make it difficult for select committees to engage the public in innovative ways, particularly outside London. Some MPs have lamented the fact that, unlike in other legislatures, including the German Bundestag and Scottish parliament, there is no 'committee day' or plenary free time scheduled in Westminster, in part reflecting the fact MPs commonly spend Fridays in their constituencies.²¹ This means that, in theory, important votes can be scheduled for any day of the parliamentary week. As MPs normally vote in person, this makes it difficult for MPs to be away from Westminster. The informal practice of 'pairing' MPs from opposing parties who need to be away from Westminster when a vote is due to take place came under pressure during the 2017–19 parliament. Tight parliamentary arithmetic and high-profile breaches of pairing arrangements²² reduced trust in the system, which was only partially repaired by the piloting of a new proxy-voting system for new parents.

Parliament's education and outreach activity is regionally imbalanced

Parliament's dedicated participation team runs the education centre in Westminster and undertakes a programme of work across the UK – including school visits, teacher training and community outreach.

Figure 7.2 **Percentage of schools reached by parliament's Education and Engagement Service, by nation of the UK**



Source: Institute for Government analysis of information provided by the parliamentary Education and Engagement Service, 2015/16 to 2018/19 academic years.

However, it has proven difficult for the Education and Engagement Service to reach the public consistently across the UK. For example, as Figure 7.2 shows, the percentage of schools involved in parliament's education and outreach activity has increased across the UK in recent years. Yet, there is considerable regional imbalance across the UK, with the percentage of schools reached in England more than twice that of any other nation of the UK. Geography also plays a significant role in visits to the education centre in Westminster, with more schools from London and the South East visiting the centre than any other region. In part, this may reflect the fact that the devolved administrations, rather than the UK parliament, are responsible for many areas of government in Scotland, Wales and Northern Ireland, and the devolved legislatures undertake their own community outreach activity.

Public interest in parliament was primarily driven by Brexit

Parliament has played a central role in non-Brexit related events during the 2017–19 parliament, including the Windrush scandal and Grenfell tragedy. But the drama of Brexit was the primary driver of public attention to parliament during 2017–19. A series of heated debates, knife-edge votes and controversial decisions meant parliamentary proceedings became prime-time viewing. The increasingly antagonistic relationship between the government and parliament – brought to a head in the unlawful prorogation of parliament in September 2019 – further fuelled public fascination.

High levels of public interest in Brexit and parliament can be seen in the number of people both watching parliamentary proceedings and choosing to sign e-petitions relating to Brexit.

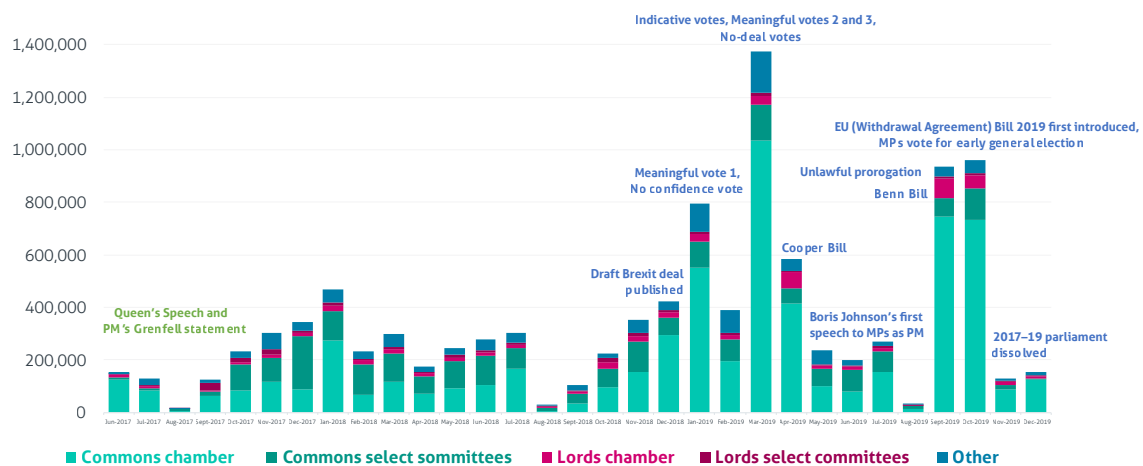
High-octane Brexit votes led to a significant increase in parliament’s TV audiences

Parliament has come a long way from the introduction of the first television cameras in the Lords in 1985.^{23,*} Members of the public can now view parliamentary proceedings on a variety of platforms. Run by the parliamentary Digital Service, [Parliamentlive.tv](https://www.parliamentlive.tv) is the most comprehensive source of parliamentary video and audio, publishing recordings of all events – including meetings of select committees – taking place in public.²⁴ The site allows members of the public to watch events live, access video on demand and search archive footage going back to December 2007. It is also possible to download clips from [Parliamentlive.tv](https://www.parliamentlive.tv) – with nearly one thousand clips downloaded on average each week between 5 March 2018 and 30 December 2019. These clips are often shared by MPs, interest groups and political parties on social media. BBC Parliament also carries live coverage of key parliamentary activity.

Parliamentary tensions over Brexit were a massive driver of viewers for [Parliamentlive.tv](https://www.parliamentlive.tv). Average daily viewer numbers increased over 150% from 6,552 per day in 2017 to 16,607 per day in 2019. BBC Parliament also saw record viewing figures – the only BBC TV channel experiencing an increase in viewers. An average of one million adults tuned into the channel for at least three minutes each week during 2019, with viewing figures exceeding two million in several key weeks. One commentator described the channel as “the ratings hit that’s Big Brother meets 24 – with added Bercow”.²⁵

TV viewing figures varied significantly over the parliament

Figure 7.3 [Parliamentlive.tv](https://www.parliamentlive.tv) viewing figures by type of parliamentary activity, annotated with selected parliamentary events, June 2017 to December 2019



Source: Institute for Government analysis of data provided by [Parliamentlive.tv](https://www.parliamentlive.tv).

As Figure 7.3 shows, [Parliamentlive.tv](https://www.parliamentlive.tv) audiences varied across the 2017–19 parliament. Numbers of viewers were particularly concentrated in 2019, driven by the increasingly turbulent politics surrounding Brexit, particularly in March 2019, as people tuned in to watch the results of knife-edge votes on Theresa May’s deal, and indicative votes on different Brexit options. Viewer numbers increased again in September and October as MPs grappled with the fallout from the government’s unlawful attempt to prorogue parliament, analysed Boris Johnson’s revised Brexit deal and took steps to avoid the UK leaving without a deal on 31 October 2019.

* Cameras were subsequently allowed in the Commons in 1989.

BBC Parliament figures show a similar trend; the channel's audience figures reached an all-time high on Tuesday 3 September 2019 – the day MPs voted to take control of the Commons agenda to pass the Benn Bill to try and prevent a no-deal Brexit – with 1.5 million viewers in one day. Prior to 2019, the channel's viewing figures ranged from 1.5 to 2 million a month.²⁶

Parliamentary activity has had a significant international reach, with 40% of the Parliamentlive.tv audience between January and March 2019 watching from outside the UK, up from 18% for the same period in 2018.

Figure 7.4, overleaf, shows that the Commons rather than the Lords dominated Parliamentlive.tv viewing figures. Together, the Commons chamber and select committees accounted for nearly 80% of total viewers in the 2017–19 parliament. During the most contentious periods, the Commons chamber alone accounted for over 75% of viewers.

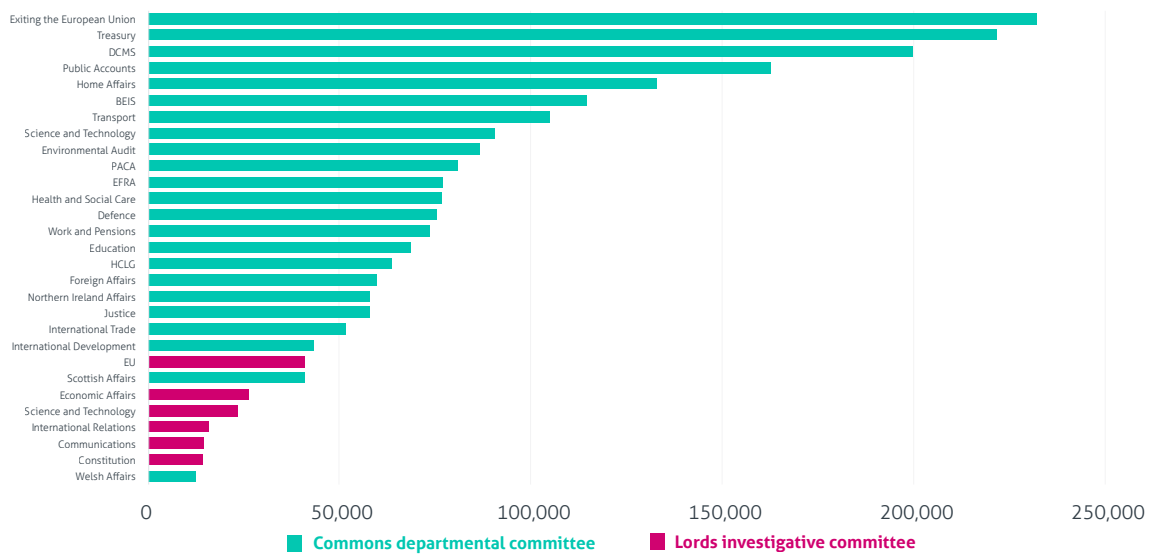
The dominance of the Commons chamber during the 2017–19 parliament contrasts with the 2016–17 session, when viewing figures for the Commons chamber and Commons select committees were much more evenly matched. Other key (non-Brexit) events – such as the Queen's Speech and Theresa May's statement on the Grenfell tragedy in June 2017 – did not attract the same spikes in Parliamentlive.tv viewers as recent Brexit events.

Viewing figures for December 2019 suggest that public appetite to view parliamentary activity has declined with the return of a majority government – only 31,369 people tuned in to watch the Commons chamber on the day of the majority government's revised Withdrawal Agreement Bill's second reading, down from 100,966 who watched the Commons chamber on the day of original bill's second reading debate in October (although this was still higher than most second reading debates).*

* For comparison, just 10,319 people watched Parliamentlive.tv footage of the Commons chamber on 7 September 2017, the day of the EU (Withdrawal) Bill second reading, the May government's flagship Brexit legislation.

Select committees attract wildly different TV audiences

Figure 7.4 Commons departmental and Lords investigative committee viewers, 2017–19



Source: Institute for Government analysis of information provided by Parliamentlive.tv.

Select committees only account for a small proportion of total Parliamentlive.tv viewers and there is significant variation between committees in numbers of viewers. As Figure 7.4 shows, Commons select committees attract far more viewers than Lords committees – even when they cover similar policy areas. For example, the Commons Public Administration and Constitutional Affairs Committee received over five times as many viewers as the Lords Constitution Committee over the period 2017–19.

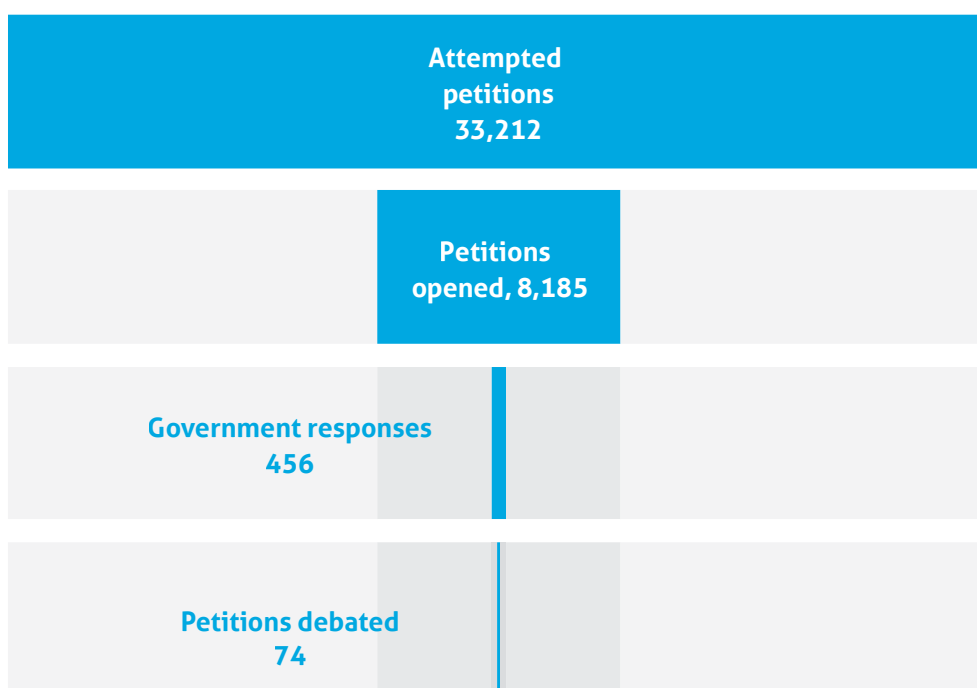
Brexit brought many viewers, with the Exiting the EU Committee attracting the most viewers of any committee, closely followed by the high-profile Treasury Committee, and the Digital, Culture, Media and Sport Committee, which increased its media profile during the 2017–19 parliament through its work on the behaviour of social media companies. In contrast, committees covering the devolved nations tended to attract fewer viewers, perhaps illustrative of their smaller core audience in Westminster.

The public used petitions to put issues on parliament’s agenda

Since 2015, members of the public have been able to start e-petitions, calling for action from the House or the government on a specific matter* – with almost 23 million people starting or signing an e-petition since the system was launched.²⁷ Unlike general elections – when the public vote on a range of issues – the e-petitions system allows the public to lobby parliament on single issues.

During the 2017–19 parliament, the public showed significant appetite to use petitions to express their views on Brexit, although the total number of petitions has declined slightly and participation in the petitions system continues to vary significantly across the country.

Figure 7.5 **Number of e-petitions attempted, opened, receiving a government response and debated in Westminster Hall, (2017–19 parliament)**



Source: Institute for Government analysis of House of Commons, Sessional Returns (2017–19 and 2019 sessions) and data supplied by the House of Commons Petitions Committee.

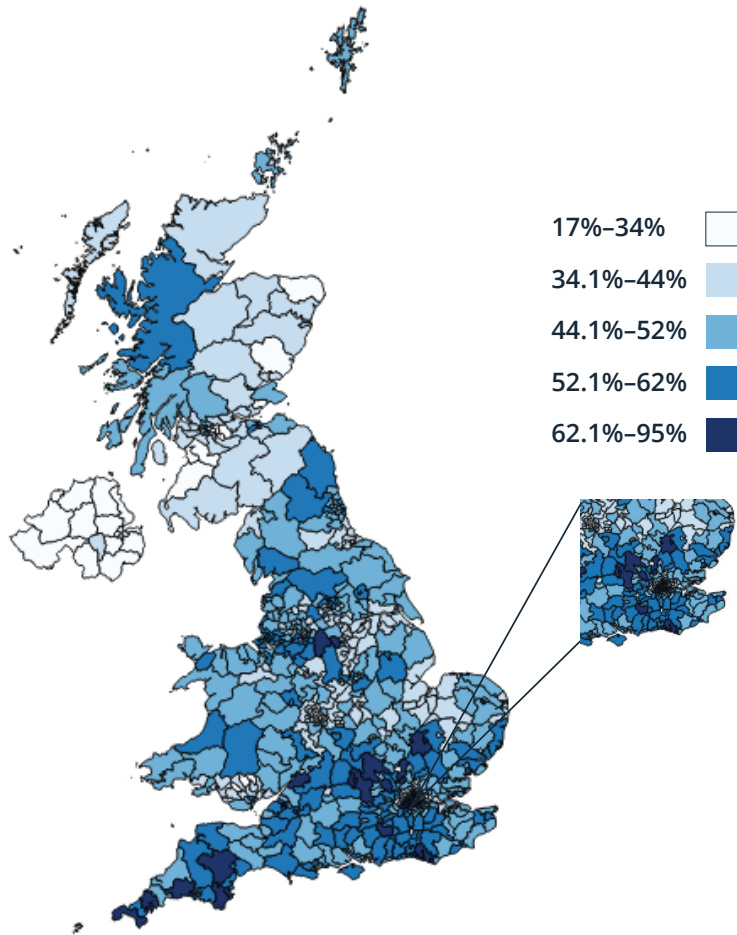
The e-petitions system was widely used during the 2017–19 parliamentary session, with 33,212 petitions attempted. Nearly 25,000 petitions were rejected, most commonly because they duplicated existing petitions, did not call on the government to act, or related to an issue for which the government or parliament is not responsible: 8,185 petitions were successfully opened for signature. In comparison with recent parliamentary sessions, this represents a reduction in number of petitions opened each day – from 14.7 in the 2015–17 sessions to 8.7 in the 2017–19 session.

* The e-petitions system is administered jointly by government and parliament, and is additional to the long-standing public petitions system, through which paper-based petitions are presented to parliament by an MP or, more rarely, a peer. Any member of the public may start an e-petition, which must be supported by at least six other people to be published online. The Petitions Committee reviews petitions to ensure they meet the required standards. If petitions don't meet the required standards, they are rejected, for example, duplicate petitions. Petitions that are libellous, or express offensive or extreme views are also rejected.

The 2019 Hansard Society Audit of public engagement showed a fall in the proportion of those saying they were willing to open an e-petition – from 38% in 2018 to 34% in 2019²⁸ – perhaps indicating that declining public faith in parliament is also affecting public willingness to engage in the e-petitions system.

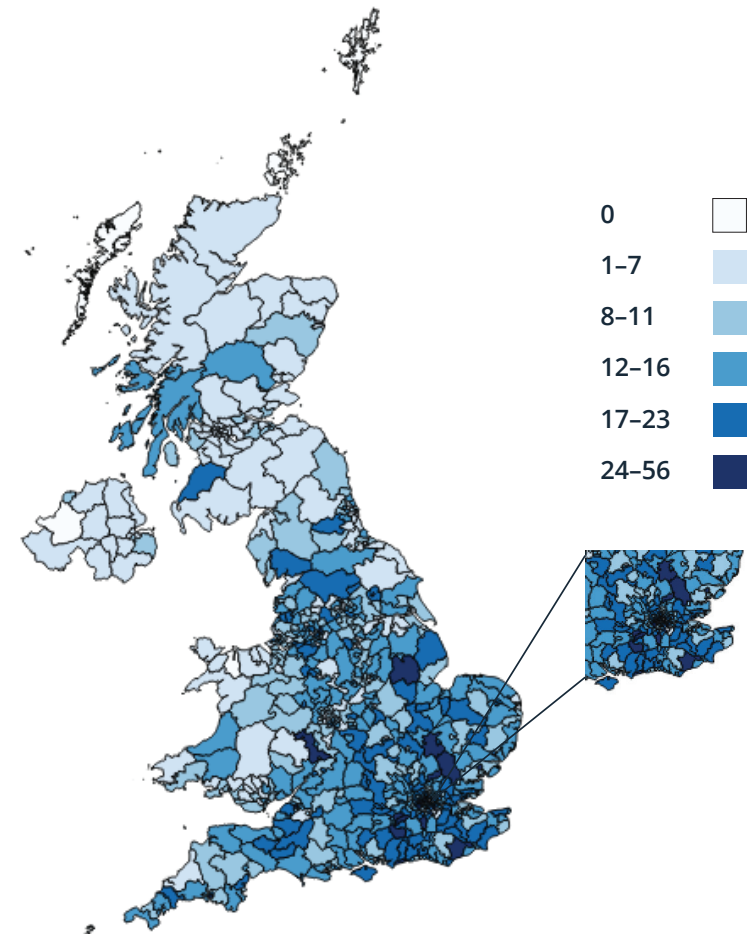
As Figures 7.6 and 7.7, overleaf, show, there was notable variation between constituencies both in terms of the number of petitions started and the number of petition signatures. More people participated in the e-petitions system in England than any other nation in the UK, with data from the Petitions Committee and Commons Library showing 22–24% of the population starting or signing a petition, compared to 20–22% for Scotland, 18–20% for Wales and 14–16% for Northern Ireland.²⁹

Figure 7.6 e-petition signatures as a percentage of UK parliamentary constituency population, 2017–19 session (London and South East England magnified)



Source: Institute for Government analysis of data supplied by the House of Commons Petitions Committee, 2017–19 parliament, Parliamentary Constituency Mid-year Population Estimates (Office for National Statistics), UK Parliamentary Constituency Population Estimates (National Records of Scotland) and Mid-year Population Estimates (Northern Ireland Statistics and Research Agency). Number of signatures may include one individual signing multiple petitions.

Figure 7.7 Number of e-petitions opened per UK parliamentary constituency, 2017–19 session (London and South East England magnified)



Source: Institute for Government analysis of data supplied by the House of Commons Petitions Committee, 2017–19 parliament.

Of the top 20 constituencies by number of e-petition signatories, all but one were in England, with the south-east of England particularly dominant (12 of the top 20 were in London). Of the bottom 20 ranking constituencies, seven were in Northern Ireland and six in Wales. West Tyrone in Northern Ireland and Orkney and Shetland in Scotland did not start any petitions.*

Analysis from the House of Commons Library and Petitions Committee has found that starting and signing petitions is generally more popular in constituencies with higher voter turnout – suggesting greater participation in the petitions system from those already engaged in the democratic process.³⁰

Many of the most popular petitions reflected the major themes of the parliament. Of the 10 petitions receiving the most signatures, three related to Brexit. A petition calling on the government to revoke Article 50 attracted over six million signatures, making it by far the most popular parliamentary petition ever.³¹ While this petition did not change the government’s position on leaving the EU, it was cited as an informal mandate by the Independent Group for Change (also known as Change UK) in the absence of votes in elections.³² The e-petitions system was also used by those in favour of leaving the EU, with the third most popular petition of the parliament calling for the UK to leave the EU without a deal in March 2019.³³

The government has committed to respond to e-petitions gaining at least 10,000 signatures. Petitions gaining over 100,000 signatures are usually debated in Westminster Hall.** As Figure 7.5 shows, 456 petitions received a government response during the 2017–19 parliament, with 73 receiving a Westminster Hall debate (taking up over 127 hours of parliamentary time during the 2017–19 session). While a petition being debated is normally seen as a good thing, Twitter analysis of petitions debates has indicated that the public often responds negatively to the adversarial nature of Westminster Hall debates – with some describing the debates as “polarising, frustrating and biased” – instead of focused on the substance of the petition.³⁴ MPs need to be aware of how their contributions to such debates may be viewed by petitioners.

There have been welcome efforts to maximise the value participants can derive from the petitions system by integrating it with other elements of parliamentary activity and allowing signatories to follow the petition through to its conclusion. For instance, signatories of e-petitions are sent links to the Hansard transcripts and Parliamentlive.tv livestream of parliamentary debates on the e-petition they signed. Evidence suggests that signatories welcome this initiative. Helen Jones MP, former chair of the Petitions Committee, noted a 300% increase in public reading of Hansard and a 900% increase in viewing figures for Westminster Hall debates that had been advertised to petitioners.³⁵ Roughly 5% of signatories to the revoke Article 50 petition reviewed the transcript for the subsequent parliamentary debate.***

* The Petitions Committee will only accept petitions on issues that are the responsibility of the UK government or House of Commons. The devolved legislatures in Scotland and Wales – responsible for key areas of government policy, such as education and health – run their own petitions systems. The committee believes this may partly explain the different rates of participation in the system across the UK. However, there is still notable variation in participation within England, suggesting other factors – such as rates of political participation – are also having an effect.

** Some petitions failing to reach the 100,000 threshold are also debated – such as debate on British Sign Language. ‘That this House has considered e-petition 200,000 relating to British Sign Language being part of the National Curriculum’, Westminster Hall Debate, Parliamentlive.tv, 5 March 2018, retrieved 20 April 2020, www.Parliamentlive.tv/Event/Index/981f3ea2-b033-4599-a3de-56036727acf7

*** Figures provided by the House of Commons Petitions Committee.

Data suggests that the petitions system can attract political and public attention to low-profile issues. Two of the top 10 most popular petitions called for the sale of fireworks to the public to be banned, while the sixth most popular petition called on the 'netting' of hedgerows to prevent birds from nesting to be made a criminal offence. This suggests that the petitions system can put issues onto the parliamentary agenda that may not otherwise have been discussed.

Many of those starting e-petitions have described them as a valuable tool for directly raising policy issues or grievances with those in authority, unmediated by politicians or the press. As journalist Jon Kelly argues: "if you ever wish to stare deep inside the United Kingdom's collective subconsciousness, and take a sample of the variety of the current hopes, fears, aspirations, worries, preoccupations, aversions and enthusiasms of the British populace, you could do far worse than browse the 'open petitions' section of the e-petitions website."³⁶

Negative coverage of parliament has damaged public trust

MPs and peers have welcomed the increase in interest in parliament that Brexit has driven. In April 2019, the then leader of the House of Commons, Andrea Leadsom, told MPs that "more people than ever are watching what is going on in parliament... we might be facing a very challenging time in parliament, but the silver lining is a huge increase in democratic participation."³⁷

Despite this increase in participation, the media narrative around parliament became increasingly negative towards the end of the 2017–19 parliament. Divisions over Brexit led to newspaper headlines that condemned the "zombie parliament" and "House of Fools" and criticised the former speaker for his interpretation of the parliamentary rules and alleged political bias. Much coverage reflected a perception that parliamentary gridlock reflected parliamentarians' opposition to the outcome of the Brexit referendum; for example a *Daily Express* headline asked "Why won't they let us leave?" after MPs rejected the government's proposed timetable for enacting Boris Johnson's revised Brexit deal.³⁸ These headlines indicate a tendency in the media to view inaction in parliament as a sign of ineffectiveness, even when the government does not command a majority for its policies.

Ongoing controversy over allegations of bullying and harassment also showed parliament in a negative light. Three damning reports into the issue during the 2017–19 parliament identified a "significant problem" with MPs mistreating parliamentary staff³⁹ and a culture in which abusive behaviour towards Commons staff was "tolerated and covered up".⁴⁰

Preventing digital technology from being misused is a priority

Parliament has identified a risk that clips of parliamentary video could be edited or redubbed, as video from other sources was during the 2019 general election campaign.⁴¹ This increases the risk of parliamentary activity being presented out of context – potentially misleading the public. Digital security concerns have been amplified during the debate on how parliament can adapt to the coronavirus crisis, with questions being raised about how to ensure digital platforms are secure.⁴²

Trust in parliament has declined

The events of the 2017–19 parliament mean it is perhaps unsurprising that increased public interest has coincided with a decline in public trust in parliament and politicians. A survey of 1,198 adults conducted by Ipsos MORI for the Hansard Society indicates that parliamentary deadlock over Brexit had a detrimental impact, with just 25% of those asked expressing confidence in MPs' handling of Brexit, and 42% believing the country's problems could be dealt with more effectively if the government didn't have to worry about votes in parliament.⁴³

For many, parliament played little role in their lives, with 47% believing they had no influence at all over national decision making. Despite the high-octane politics of the 2017–19 parliament, 30% said they never discuss government and politics.⁴⁴

Looking ahead

The exceptional politics of the 2017–19 session undoubtedly spurred greater interest in parliament. But with the return to majority government, the confirmation of Britain's departure from the EU, a new and less theatrical Speaker in the Commons, and attention on the coronavirus crisis, it is unlikely that parliament will continue to provide regular primetime viewing.

Nonetheless, efforts by both members and parliament to engage the public in their work – from the use of social media to greater inclusion of the public in select committee inquiries – are likely to continue and may be accelerated by the need to adapt to remote working during the coronavirus crisis.

Parliamentarians will need to ensure that this greater engagement and interest enhances parliament's role as the key institution of representative democracy. There is a risk that greater participation could become counter-productive and fuel public frustration if participants feel that their contributions do not affect outcomes. MPs and peers must also reflect on the damage done to parliament's reputation over recent years and seek to rebuild public trust.

8 Conclusion

The 2017–19 parliament was shaped by minority government and Brexit – a divisive issue that cut across party lines. These twin factors had a profound and detrimental effect on the relationship between the government and parliament and pushed parliamentary procedures to their limits, exposing many longstanding concerns about the way the two Houses operate, and raising important questions about how politicians and the public see parliament’s role.

Since the end of the 2017–19 parliament, the coronavirus crisis – and the unprecedented political and economic response to it – have put many of the events of the 2017–19 parliament into sharp perspective. Nonetheless, while the twists and turns of events in parliament are no longer headline news, the turbulence of the past two and a half years is still likely to have a lasting impact.

The coronavirus crisis has required parliament rapidly to revisit many of its procedures and ways of working – testing its resilience. Some changes that in normal times would have taken months, if not years, to reach consensus on have been rushed through in days. Effective democratic scrutiny is essential for ensuring the legitimacy and efficacy of the government’s response. This has meant that difficult questions about how to prioritise limited technical and staffing resources, maintain security and transparency and ensure parliament can fulfil all of its functions in spite of the pandemic are having to be addressed under considerable time pressure. Compared to some other legislatures – in the UK and internationally – the Westminster parliament has maintained a broader array of parliamentary activity, albeit often in modified form, demonstrating that it can reform at pace when required. But it is also clear that there is considerable desire among many politicians to ensure that the changes that have been made remain temporary.

The flexibility parliament is showing is welcome, but it is not without risks. The procedural innovations adopted in response to the coronavirus crisis are inevitably specific to the unique circumstances of the moment. While the solutions found speak to the longstanding concerns of some about how parliament works – such as the time-consuming nature of voting in person and inflexibility of select committee formats for evidence-taking – they are not necessarily the same reforms that would have been made had there been opportunity for considered debate and decision.

This is important for two reasons. First, it is unclear to what extent these ‘temporary’ changes to parliamentary procedure will be sustained – even where beneficial – once the disruption caused by the coronavirus crisis has passed. Second, as with all rushed reform, there is a risk that mistakes are made and that procedures do not work as well as hoped, which could damage appetite for more permanent changes.

The coronavirus crisis provides a clear opportunity for reform and to show that things can be done differently. The solutions found may not be perfect – but they should be seen as just the start of the process.

Our analysis of the 2017–19 parliament has identified three priorities for the current parliament:

- 1. Ensure adequate parliamentary scrutiny of the government.** Despite the return to majority government, effective parliamentary scrutiny remains vital. Good scrutiny can improve both the quality and legitimacy of government policy and legislation, and is especially important at present given the extraordinarily broad powers being exercised by the government in response to the coronavirus crisis. In particular:
 - The government should schedule regular opposition day debates, provide sufficient time for parliamentary scrutiny of government bills, and publish data on the performance of government departments in responding to parliamentary questions.
 - Parliament should review whether the existing processes for scrutinising secondary legislation are sufficient and consider whether the sifting processes introduced under the EU (Withdrawal) Act 2018 should be extended to other statutory instruments.
 - Parliament should review whether select committees have sufficient powers to call for witnesses and evidence – including government information.
 - In response to the coronavirus crisis, parliament should ensure that mechanisms for scrutinising the government – such as ministerial and urgent questions and emergency debates – can continue in a manner compatible with social distancing, including use of video-conferencing technology, where necessary. Any moves to return parliament to its usual ways of working should not disadvantage members unable to attend in person.

- 2. Improve parliament's technical capacity and ability to work remotely.** In recent years, parliament has increased its use of digital technology to disseminate its work and provide new ways for the public to contribute to parliamentary business. The coronavirus crisis has further required parliament to enhance its technical capabilities.
 - Parliament should continue to ensure it has the necessary digital technology in place to operationalise a 'virtual parliament' in response to the coronavirus crisis. Moves to return parliament to its usual ways of working should be inclusive and allow all parliamentarians to fulfil their roles. Parliament needs to be clear about how it is prioritising its technical resources and must ensure that parliamentary activity remains as transparent and accessible to the public as possible.
 - Parliament should consider how better use of technology and new ways of working, including changes made in response to the coronavirus crisis, could be retained where appropriate, and influence how and when the restoration of the Palace of Westminster takes place.

3. Review the areas of parliamentary procedure that proved most contentious during the 2017–19 parliament. The 2017–19 parliament pushed parliamentary procedure to its limits, exposing how ill-equipped much of the parliamentary rulebook was for minority government and illustrating the powerful discretion afforded to the Commons Speaker. It remains uncertain whether all the precedents set in the last parliament should be sustained. In particular, parliament should review:

- When and how emergency debates under Standing Order No.24 can be used to make a decision – including to take control of the Commons agenda against the government’s wishes.
- What obligations a ‘humble address’ imposes on the government and what recourse MPs have if the government fails to comply.
- The meaning of ‘forthwith’ in the Commons rulebook and whether it should be subject to interpretation by the Commons Speaker.

List of abbreviations

Government departments and committees

AGO	Attorney General's Office
APPG	All-Party Parliamentary Group
BEIS	Department for Business, Energy and Industrial Strategy
CO	Cabinet Office
DCMS	Department for Digital, Culture, Media and Sport
Defra	Department for Environment, Food and Rural Affairs
DExEU	Department for Exiting the European Union
DfE	Department for Education
DfID	Department for International Development
DfT	Department for Transport
DHSC	Department of Health and Social Care
DIT	Department for International Trade
DLC	Delegated Legislation Committee
DWP	Department for Work and Pensions
EFRA	Environment, Food and Rural Affairs Committee
ESC	European Scrutiny Committee
ESIC	European Statutory Instruments Committee
ExEU	Exiting the EU Committee
FCO	Foreign and Commonwealth Office
HMRC	HM Revenue and Customs
HMT	HM Treasury
HO	Home Office
IPSA	Independent Parliamentary Standards Authority
JCSI	Joint Committee on Statutory Instruments
MHCLG	Ministry of Housing, Communities and Local Government
MoD	Ministry of Defence
MoJ	Ministry of Justice
NAO	National Audit Office
NIO	Northern Ireland Office
OBR	Office for Budget Responsibility
PAC	Public Accounts Committee

PACAC	Public Administration and Constitutional Affairs Committee
SCSI	Select Committee on Statutory Instruments
SLSC	Secondary Legislation Scrutiny Committee

Other abbreviations and acronyms

DUP	Democratic Unionist Party
EDM	Early Day Motion
EU	European Union
FTE	Full-time equivalent
[HL]	Starting in the House of Lords
HS2	High speed 2
PM	Prime minister
PMB	Private Member's Bill
PPS	Parliamentary private secretary
PQ	Parliamentary question
SI	Statutory instrument
SNP	Scottish National Party
SO	Standing Order
SR	Sessional return
TME	Total managed expenditure
UQ	Urgent question

References

Overview

- 1 House of Commons Procedure Committee, *Voting Procedure in the House of Commons Inquiry*, 2017–19 session, (no date), retrieved 21 April 2020, www.parliament.uk/business/committees/committees-a-z/commons-select/procedure-committee/inquiries/parliament-2017/inquiry11/
- 2 Marshall J, 'Primetime Brexit drama doesn't tell the whole story of parliament's TV audiences', blog, *Institute for Government*, 5 September 2019, retrieved 21 April 2020, www.instituteforgovernment.org.uk/blog/primetime-brexit-drama-doesnt-tell-whole-story-parliaments-tv-audiences
- 3 Cox L, *The Bullying and Harassment of House of Commons Staff*, UK Parliament, 15 October 2018, www.parliament.uk/documents/Conduct%20in%20Parliament/dame-laura-cox-independent-inquiry-report.pdf
- 4 White G, *Bullying and Harassment of MPs' Parliamentary Staff Independent Inquiry Report*, UK Parliament, 20 July 2019, www.parliament.uk/documents/Conduct%20in%20Parliament/GWQC%20Inquiry%20Report%2011%20July%202019_.pdf
- 5 Ellenbogen N, *An Independent Inquiry into Bullying and Harassment in the House of Lords*, UK Parliament, 10 July 2019, www.parliament.uk/documents/lords-committees/house-of-lords-commission/2017-19/ellenbogen-report.pdf
- 6 Cox L, *The Bullying and Harassment of House of Commons Staff*, UK Parliament, 15 October 2018, www.parliament.uk/documents/Conduct%20in%20Parliament/dame-laura-cox-independent-inquiry-report.pdf; For example, p.140, Cox Report: Implementation, *Hansard*, 19 June 2019, vol. 662, retrieved 21 April 2020, <https://bit.ly/2jZiyV3>; and Leversidge A, 'Parliament's reputation is at risk – MPs must act now on bullying', blog, *The House Magazine*, 18 October 2018, retrieved 21 April 2020, www.politicshome.com/thehouse/article/parliaments-reputation-is-at-risk-mps-must-act-now-on-bullying
- 7 Hogarth R, 'Supreme Court decision on prorogation', explainer, *Institute for Government*, 24 September 2019, retrieved 21 April 2020, www.instituteforgovernment.org.uk/explainers/court-challenges-prorogation
- 8 Rea A, 'The daunting task facing Lindsay Hoyle as Speaker of the Commons', *The New Statesman*, 5 November 2019, retrieved 21 April 2020, www.newstatesman.com/politics/uk/2019/11/daunting-task-facing-lindsay-hoyle-speaker-commons
- 9 House of Commons Reform Committee, *Rebuilding the House, First report of session 2008–09*, HC 1117, The Stationery Office, November 2009, <https://publications.parliament.uk/pa/cm200809/cmselect/cmrefhoc/1117/1117.pdf>

1 Cost and administration

- 1 Independent Parliamentary Standards Authority, *Annual Report and Accounts 2018/19*, Independent Parliamentary Standards Authority, December 2019, www.theipsa.org.uk/publications/annual-reports-and-accounts, p. 62.
- 2 BBC News, 'Parliament: MPs to get an extra £20m for staffing costs', BBC News, 3 March 2020, www.bbc.co.uk/news/uk-politics-51727638
- 3 House of Commons, *House of Commons Annual Report and Accounts, 2018/19*, July 2019, www.parliament.uk/business/publications/commons/resource-accounts
- 4 BBC News, 'Yvette Cooper: Knottingley man jailed over threats about MP', BBC News, 7 February 2020, www.bbc.co.uk/news/uk-england-leeds-51417011
- 5 *The Guardian*, 'Man who sent death threat to Anna Soubry is jailed', 15 November 2019, www.theguardian.com/uk-news/2019/nov/15/man-who-sent-death-threat-to-anna-soubry-is-jailed
- 6 BBC News, 'Man jailed for death threats to "anti-Brexit" MPs', 2 August 2019, www.bbc.co.uk/news/uk-49211222
- 7 Scott J, 'Women MPs say abuse forcing them from politics', BBC News, 31 October 2019, www.bbc.co.uk/news/election-2019-50246969
- 8 BBC News, 'Threats to MPs at "unprecedented" levels, says Met chief', BBC News, 8 May 2019, www.bbc.co.uk/news/uk-politics-48205408
- 9 House of Lords, *Guide to Financial Support for Members*, April 2019, www.parliament.uk/documents/lords-finance-office/members-guide-Apr2019.pdf.
- 10 Calver T and Urwin R, 'House of Lords expenses spiral out of control', *Sunday Times*, 23 February 2020, www.thetimes.co.uk/article/house-of-lords-expenses-spiral-out-of-control-36w0cbq5s
- 11 *Ibid.*
- 12 BBC News, 'House of Lords "could move to York or Birmingham" – Tory chairman', BBC News, 19 January 2020, www.bbc.co.uk/news/uk-politics-51168744.

-
- 13 House of Lords Library, *House of Lords – Statistics on Size and Composition November 2019*, December 2019, House of Lords, <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/LLN-2019-0161>
 - 14 House of Lords, *Annual Report and Resource Accounts 2018/19*, July 2019, www.parliament.uk/business/lords/house-lords-administration/how-the-lords-is-run/business-and-financial-information/business-plans-annual-reports-and-accounts, p. 86.
 - 15 Lord Speaker's Committee on the Size of the House, *Second Report of the Lord Speaker's Committee on the Size of the House*, House of Lords, October 2018, www.parliament.uk/documents/lords-committees/size-of-house/size-of-house-second-report.pdf
 - 16 Lord Speaker's Committee on the Size of the House, *Third Report of the Lord Speaker's Committee on the Size of the House*, House of Lords, July 2019, <https://committees.parliament.uk/committee/369/lord-speakers-committee-on-the-size-of-the-house/news/141839/progress-made-in-reducing-size-of-house-of-lords-reviewed>
 - 17 Lord Fowler, 'We do not need an Upper House of 800 members. It's time for a moratorium on new peers', *The House*, 24 January 2020, <https://politicshome.com/news/uk/government-and-public-sector/house/house-magazine/109296/lord-fowler-we-do-not-need-upper>
 - 18 Joint Committee on the Palace of Westminster, *Restoration and Renewal of the Palace of Westminster*, UK parliament, 8 September 2016, https://publications.parliament.uk/pa/jt201617/jtselect/jtpow/41/4102.htm?utm_source=41&utm_medium=fullbullet&utm_campaign=modulereports
 - 19 BBC News, 'New Speaker to disallow unusual parliamentary procedures,' BBC News, 7 November 2019, www.bbc.co.uk/news/uk-politics-50336267
 - 20 Rees-Mogg J, Hansard col. 920, 31 January 2018, House of Commons, <https://bit.ly/2Je6AQq>
 - 21 Webber E, 'Parliament's £4bn renovation may be swapped for quick fix', *The Times*, 10 March 2020, www.thetimes.co.uk/article/parliaments-4bn-renovation-may-be-swapped-for-quick-fix-53br777xr
 - 22 Joint Committee on the Palace of Westminster, *Restoration and Renewal of the Palace of Westminster: First report of session 2016/17*, House of Commons, August 2016, https://publications.parliament.uk/pa/jt201617/jtselect/jtpow/41/4102.htm?utm_source=41&utm_medium=fullbullet&utm_campaign=modulereports
 - 23 *Financial Times*, 'Parliament's £4bn refurbishment faces years of delays,' 12 April 2019, www.ft.com/content/31890558-55f7-11e9-a3db-1fe89bedc16e
 - 24 BBC News, 'Big Ben: Cost of repairing Elizabeth Tower rises by £18.6 million,' BBC News, 13 February 2020, www.bbc.co.uk/news/uk-politics-51482370
 - 25 Brake T, Response to written parliamentary question, 18 July 2017, www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-07-06/3465
 - 26 Magra I, 'Parliament really is broken: Water leak derails UK House of Commons,' *New York Times*, 4 April 2019, www.nytimes.com/2019/04/04/world/europe/parliament-water-leak.html
 - 27 Maguire P, 'Could the renovation of parliament change the race for Speaker?' *New Statesman*, 18 September 2019, www.newstatesman.com/politics/uk/2019/09/could-renovation-parliament-change-race-speaker
 - 28 Leadsom A, Hansard, House of Commons, 21 May 2019, <https://bit.ly/2WjOhS8>
 - 29 *Ibid.*
 - 30 Cook C and Day L, 'Bullying and harassment at the House of Commons', BBC News, 8 March 2018, www.bbc.co.uk/news/uk-43338305
 - 31 Cox L, *The Bullying and Harassment of House of Commons Staff*, UK parliament, 15 October 2018, parliament.uk/documents/Conduct%20in%20Parliament/dame-laura-cox-independent-inquiry-report.pdf
 - 32 White G, *Bullying and Harassment of MPs' Parliamentary Staff Independent Inquiry Report*, UK parliament, 20 July 2019, www.parliament.uk/documents/Conduct%20in%20Parliament/GWQC%20Inquiry%20Report%2011%20July%202019_.pdf
 - 33 Ellenbogen N, *An Independent Inquiry into Bullying and Harassment in the House of Lords*, UK parliament, 10 July 2019, www.parliament.uk/documents/lords-committees/house-of-lords-commission/2017-19/ellenbogen-report.pdf
 - 34 BBC News, 'Bullying in parliament: MPs extend complaints scope,' BBC News, 17 July 2019, www.bbc.co.uk/news/uk-politics-49015261
 - 35 Proctor K, 'Westminster progress on toxic culture "still too slow" two years on', *The Guardian*, 14 October 2019, www.theguardian.com/politics/2019/oct/14/westminster-progress-on-toxic-culture-still-too-slow-two-years-on-inappropriate-behaviour
 - 36 Rawlinson K, 'Independent body to rule on MP bullying and sexual harassment claims,' *The Guardian*, 11 February 2020, www.theguardian.com/politics/2020/feb/11/independent-body-to-rule-on-mp-bullying-and-sexual-harassment-claims
 - 37 House of Lords Commission, 'House of Lords Commission respond to Ellenbogen Report,' House of Lords, 18 July 2018, www.parliament.uk/business/committees/committees-a-z/lords-select/house-of-lords-commission/news-parliament-2017/ellenbogen-statement

2 Time

- 1 Lilly A, White H and Haigh J, *Parliamentary Monitor 2018*, Institute for Government, 2018, www.instituteforgovernment.org.uk/publications/parliamentary-monitor-2018
- 2 Simons N, 'Geoffrey Cox triggers backlash by claiming parliament has "no moral right" to sit', *Huffington Post*, 25 September 2019, retrieved 13 May 2020, www.huffingtonpost.co.uk/entry/geoffrey-cox-triggers-backlash-by-claiming-parliament-has-no-moral-right-to-sit_uk_5d8b4c33e4b01c02ca61869d

3 Primary legislation

- 1 Shabi R, 'British parliament goes full Zombie over Brexit', *The Nation*, 15 March 2019, retrieved 22 April 2020, www.thenation.com/article/archive/brexit-great-britain-labour-party-corbyn-theresa-may-parliament
- 2 BBC News, 'MPs finishing early amid Brexit deadlock', 29 May 2019, retrieved 22 April 2020, www.bbc.co.uk/news/uk-politics-48436803
- 3 Hallsworth M, Egan M, Rutter J and McCrae J, *Behavioural Government: Using behavioural science to improve how governments make decisions*, Institute for Government, 2018.
- 4 White H, 'The government's timetable is designed to frustrate Brexit scrutiny', Institute for Government, 22 October 2019, www.instituteforgovernment.org.uk/blog/governments-timetable-designed-frustrate-brexit-scrutiny
- 5 House of Commons Standing Order 14(8). House of Commons Standing Orders, 6 November 2019, https://publications.parliament.uk/pa/cm201919/cmstords/341/so_341_051119_web.pdf
- 6 Lilly A, 'Who should control the parliamentary timetable?', Institute for Government, blog, 28 January 2019, retrieved 22 April 2020, www.instituteforgovernment.org.uk/blog/who-should-control-parliamentary-timetable
- 7 'Business of the House', House of Commons, Hansard, 3 April 2019, retrieved 22 April 2020, <https://hansard.parliament.uk/Commons/2019-04-03/debates/8AAF1BEF-0694-4960-ACB8-F74CE53A3B94/BusinessOfTheHouse>
- 8 Rodgers S, 'Kinnock amendment to Benn Bill passes possibly by mistake', *LabourList*, 4 September 2019, retrieved 22 April 2020, www.labourlist.org/2019/09/kinnock-amendment-to-benn-bill-passes-possibly-by-mistake/

4 Secondary legislation

- 1 Department for Exiting the EU, *Legislating for the United Kingdom's Withdrawal from the European Union*, CM 9446, 2017, p. 24, www.gov.uk/government/publications/the-repeal-bill-white-paper
- 2 Thimont J, 'EU Withdrawal Act' Explainer, Institute for Government, 7 November 2018, www.instituteforgovernment.org.uk/explainers/eu-withdrawal-act
- 3 Letter from Sir Patrick McLoughlin, chair of the European Statutory Instruments Committee to Jacob Rees-Mogg, leader of the House of Commons and James Duddridge, parliamentary under secretary of state, Department for Exiting the European Union, 'The use of the urgent made affirmative procedure for EU exit SIs', 2 October 2019, www.parliament.uk/documents/commons-committees/european-statutory-instruments/Leader-to-Sir-Patrick-McLoughlin--Use-of-Urgent-Made-Affirmative-Procedure-for-EU-Exit-SIs.pdf
- 4 Department for Exiting the EU, *Legislating for the United Kingdom's Withdrawal from the European Union*, CM 9446, 2017, p. 24, www.gov.uk/government/publications/the-repeal-bill-white-paper
- 5 House of Lords Secondary Legislation Scrutiny Committee, oral evidence session, 12 September 2017, www.parliament.uk/documents/lords-committees/Secondary-Legislation-Scrutiny-Committee/Written-Evidence-Cabinet-Office-120917.pdf
- 6 Letter from Sir Patrick McLoughlin, chair of the European Statutory Instruments Committee to Jacob Rees-Mogg, leader of the House of Commons and James Duddridge, parliamentary under secretary of state, Department for Exiting the European Union, 'The use of the urgent made affirmative procedure for EU exit SIs', 2 October 2019, www.parliament.uk/documents/commons-committees/european-statutory-instruments/Leader-to-Sir-Patrick-McLoughlin--Use-of-Urgent-Made-Affirmative-Procedure-for-EU-Exit-SIs.pdf
- 7 Letter from Andrea Leadsom, the leader of the House of Commons and Chris Heaton-Harris, parliamentary under secretary of state, Department for Exiting the European Union, to the chairs of the Commons Procedure Committee, European Statutory Instruments Committee, Lords Secondary Legislation Scrutiny Committee and Lords Secondary Legislation Scrutiny Committee Sub-Committee B, 'Parliamentary consideration of statutory instruments', 5 March 2019, [www.parliament.uk/documents/commons-committees/european-statutory-instruments/23%2020190305_Leader%20to%20Committee%20Chairs%20-%20Exit%20SIs%20\(1\).pdf](http://www.parliament.uk/documents/commons-committees/european-statutory-instruments/23%2020190305_Leader%20to%20Committee%20Chairs%20-%20Exit%20SIs%20(1).pdf)
- 8 House of Commons Procedure Committee, *Scrutiny of Delegated Legislation under the European Union (Withdrawal) Bill: Interim report, first report of session 2017–19, (HC 386)*, The Stationery Office, 6 November 2017, <https://publications.parliament.uk/pa/cm201719/cmselect/cmproced/386/386.pdf> and House of Lords Constitution Committee, *The Legislative Process: The delegation of powers, 16th report of Session 2017–19*, HL Paper 225), <https://publications.parliament.uk/pa/ld201719/ldselect/ldconst/225/225.pdf>
- 9 Oral question from Lord Beith to Lord Callanan, Minister of State, Department for Exiting the European Union, Hansard, 10 January 2019, vol. 794, <http://bit.ly/2FNy79S>

- 10 Blackwell J and Fox R, 'Legislating for Brexit: can the government get all the statutory instruments it needs through parliament by 29 March?', *Prospect Magazine*, 8 February 2019, retrieved 20 April 2020, www.prospectmagazine.co.uk/politics/legislating-for-brexit-can-the-government-get-all-the-statutory-instruments-it-needs-through-parliament-by-29th-march
- 11 Casalicchio E, 'Instruments of change: inside the Brexit sifting process', *The House Magazine*, 10 January 2019, retrieved 20 April 2020, www.politicshome.com/thehouse/article/instruments-of-change-inside-the-brexit-sifting-process
- 12 Comptroller and Auditor General, Department for Environment, Food and Rural Affairs, *Progress in Implementing Brexit*, Session 2017–19, HC 1498, 2018, www.nao.org.uk/wp-content/uploads/2018/09/Defra-Progress-Implementing-EU-Exit.pdf
- 13 Institute for Government analysis of the *Westminster Lens: Parliament and delegated legislation in the 2015–16 session*, Hansard Society, 2017, https://assets.ctfassets.net/rdwvqctnt75b/21cT00JLzGlyckwosYqwyu/c321fc7534e1f357eae8c9a3ec939a6f/publication__westminster-lens-2017.pdf
- 14 *Ibid.*
- 15 'How many words are there in the Harry Potter book series?', Word Counter, 23 November 2015, retrieved 20 April 2020, https://wordcounter.net/blog/2015/11/23/10922_how-many-words-harry-potter.html
- 16 House of Commons Public Administration and Constitutional Affairs Committee, Oral Evidence: The Work of the Cabinet Secretary: Brexit Preparedness, HC 1250, 28 February 2019, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-administration-and-constitutional-affairs-committee/the-work-of-the-cabinet-secretary/oral/97457.pdf>
- 17 Hansard Society, *Westminster Lens: Parliament and delegated legislation in the 2015/16 session*, Hansard Society, 2017, www.hansardsociety.org.uk/publications/westminster-lens-parliament-and-delegated-legislation-in-the-2015-16
- 18 Hansard, Draft Cambridgeshire and Peterborough Combined Authority (Business Rate Supplements Function) Order 2018, Delegated Legislation Committee, 10 July 2018, [https://hansard.parliament.uk/Commons/2018-07-10/debates/f9533207-57c0-4856-a875-e05369275e88/DraftCambridgeshireAndPeterboroughCombinedAuthority\(BusinessRateSupplementsFunction\)Order2018](https://hansard.parliament.uk/Commons/2018-07-10/debates/f9533207-57c0-4856-a875-e05369275e88/DraftCambridgeshireAndPeterboroughCombinedAuthority(BusinessRateSupplementsFunction)Order2018) and Hansard, Draft Greater Manchester Combined Authority (Functions and Amendment) Order 2019, Delegated Legislation Committee, 5 March 2019, [https://hansard.parliament.uk/commons/2019-03-05/debates/55a1035a-4115-4b94-9ef5-db20ccee7512/DraftGreaterManchesterCombinedAuthority\(FunctionsAndAmendment\)Order2019](https://hansard.parliament.uk/commons/2019-03-05/debates/55a1035a-4115-4b94-9ef5-db20ccee7512/DraftGreaterManchesterCombinedAuthority(FunctionsAndAmendment)Order2019)
- 19 House of Lords Secondary Legislation Scrutiny Committee, *Work of the Committee in Session 2017–19: Second Interim Report*, 51 Report of Session 2017, HL Paper 376, <https://publications.parliament.uk/pa/ld201719/ldselect/ldsecleg/376/376.pdf>
- 20 Hansard, Draft Financial Services (Miscellaneous) (Amendment) (EU Exit) (No.2) Regulations 2019, Delegated Legislation Committee, 22 May 2019, <https://bit.ly/2l1dZ4P>
- 21 See, for example, Lord Bates, Financial Services (Miscellaneous) (Amendment) (EU Exit) Regulations 2019, *Hansard* Vol. 796, 21 March 2019, retrieved 20 April 2020, [https://hansard.parliament.uk/lords/2019-03-21/debates/CC859435-1B0B-4BCA-A185-C322E2781F64/FinancialServices\(Miscellaneous\)\(Amendment\)\(EUExit\)Regulations2019](https://hansard.parliament.uk/lords/2019-03-21/debates/CC859435-1B0B-4BCA-A185-C322E2781F64/FinancialServices(Miscellaneous)(Amendment)(EUExit)Regulations2019)
- 22 The Draft Financial Services (Miscellaneous) (Amendment) (EU Exit) (No.2) Regulations 2019, <http://bit.ly/2RazGE5>
- 23 Department for Environment, Food and Rural Affairs, The Reach Etc, (Amendment Etc.) (EU Exit) (No. 2) Regulations 2019, Explanatory Memorandum, 5 April 2019, https://assets.publishing.service.gov.uk/media/5ca4dadbe5274a77dea4232a/The_REACH_etc___Amendment_etc___No._2__Regulations_2019_-_EM.pdf
- 24 Garner O, 'Henry VIII arrives in Florence: the UK's withdrawal from the convention establishing a European University Institute', *European Law Blog*, 15 February 2019, retrieved 20 April 2020, <https://europeanlawblog.eu/2019/02/15/henry-viii-arrives-in-florence-the-uks-withdrawal-from-the-convention-establishing-a-european-university-institute/>
- 25 Letter from the Public Law Project to HM Treasury, 'Proposed judicial review of the decision to make "The Cross-border Trade (Public Notices) (EU Exit) Regulations 2019"', 9 October 2019, <https://publiclawproject.org.uk/wp-content/uploads/2019/10/PLP-Pre-Action-Protocol-letter-191009.pdf>
- 26 House of Lords Secondary Legislation Scrutiny Committee, *Work of the Committee in Session 2017–19*, 60th Report of Session 2017–19, 10 September 2019, HL Paper 420, <https://publications.parliament.uk/pa/ld201719/ldselect/ldsecleg/420/42003.htm>
- 27 See, for example, Baroness Vere of Norbiton, Hansard, Food and Farming (Amendment) (EU Exit) Regulations 2019, Lords Grand Committee, 25 March 2019, vol 796. <http://bit.ly/2WkY7UO>
- 28 Letter from chair of the Lords Secondary Legislation Scrutiny Committee and Sub-Committee A, Lord Trefgarne and chair of the Secondary Legislation Scrutiny Committee Sub-Committee B, Lord Cunningham, to the chancellor of the exchequer, 'Secondary Legislation – Impact Assessments', 19 February 2019, www.parliament.uk/documents/lords-committees/Secondary-Legislation-Scrutiny-Committee/Session%202017-19/SKM_C30819021911490.pdf

-
- 29 The Plant Protection Products (Miscellaneous Amendments) (EU Exit) Regulations 2019, Explanatory Memorandum, www.legislation.gov.uk/uksi/2019/556/pdfs/uksiem_20190556_en.pdf
 - 30 House of Lords Constitution Committee, European Union (Withdrawal) Bill: Interim report: 3rd report of session 2017–19 (HL 19), The Stationery Office, 2017, <https://publications.parliament.uk/pa/ld201719/ldselect/ldconst/19/19.pdf>
 - 31 Epstein D and O'Halloran S, *Delegating Powers: A transaction cost politics approach to policy making under separate powers*, Cambridge University Press, 1999; Huber J and Shipan C, *Deliberate Discretion? The institutional foundations of bureaucratic autonomy*, Cambridge University Press, 2002; Williams M, *How Language Works in Politics: The impact of indeterminate legislation on policy*, Bristol University Press, 2018.
 - 32 Westminster Lens, Brexit Statutory Instruments Dashboard, Hansard Society, 8 April 2019, <https://web.archive.org/web/20190521171113/www.hansardsociety.org.uk/blog/westminster-lens-brexit-statutory-instruments-dashboard>
 - 33 Institute for Government analysis of the *Westminster Lens: Parliament and delegated legislation in the 2015–16 session*, Hansard Society, 2017, p 4. https://assets.ctfassets.net/rdwvqctnt75b/21cT00JLzGlycKwosYqwyu/c321fc7534e1f357eae8c9a3ec939a6f/publication__westminster-lens-2017.pdf
 - 34 Statement of Changes in Immigration Rules, HC 1919, 7 March 2019, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784057/CCS001_CCS0319710302-001_HC_1919__PRINT.pdf
 - 35 The Financial Regulators' Powers (Technical Standards etc.) (Amendment etc.) (EU Exit) Regulations 2018, www.gov.uk/government/publications/the-financial-regulators-powers-technical-standards-etc-amendment-etc-eu-exit-regulations-2018
 - 36 Hogarth R, Stojanovic A and Rutter J, *Supervision after Brexit: Oversight of the UK's future relationship with the EU*, Institute for Government, November 2018, www.instituteforgovernment.org.uk/sites/default/files/publications/IfG_Supervision_after_Brexit_WEB_vb.pdf
 - 37 See, for example, S8(8), EU Withdrawal Act 2018.
 - 38 See, for example, Schedule 7, EU Withdrawal Act 2018.
 - 39 The Paraffin (Maximum Retail Prices) (Revocation) Order 1979, www.legislation.gov.uk/uksi/1979/797/contents/made
 - 40 House of Lords Delegated Powers and Regulatory Reform Committee, *European Union (Withdrawal) Bill, 3rd Report of Session 2017–19*, HL Paper 22, September 2017, <https://publications.parliament.uk/pa/ld201719/ldselect/lddelreg/22/22.pdf>
 - 41 Lord Anderson QC speaking at Institute for Government event: 'The Withdrawal Agreement Bill', 8 January 2020, www.instituteforgovernment.org.uk/the-withdrawal-agreement-bill and Sinclair A and Tomlinson J, 'Brexit delegated legislation: problematic results', *UK Constitutional Law Association*, 9 January 2020, <https://ukconstitutionallaw.org/2020/01/09/alexandra-sinclair-and-joe-tomlinson-brexit-delegated-legislation-problematic-results>; Karen Bradley MP, chair of the Procedure Committee, Procedure Committee Twitter video, 17 February 2020, retrieved 20 April 2020, <https://twitter.com/CommonsProcCom/status/1229461758651191296>
 - 42 House of Commons Procedure Committee, *Scrutiny of Delegated Legislation under the European Union (Withdrawal) Act 2018, Sixth Report of Session 2017–19*, HC 1395, July 2018, <https://publications.parliament.uk/pa/cm201719/cmselect/cmproced/1395/1395.pdf> and House of Lords Delegated Powers and Regulatory Reform Committee, *European Union (Withdrawal Agreement) Bill, First Report of Session 2019–21*, HL Paper 3, 9 January 2020, <https://publications.parliament.uk/pa/ld5801/ldselect/lddelreg/3/3.pdf>

5 Select committees

- 1 White H, *Select Committees under Scrutiny: The impact of parliamentary committee inquiries on government*, Institute for Government, 2015, www.instituteforgovernment.org.uk/publications/select-committees-under-scrutiny
- 2 Weston P, 'Costa Coffee lobbied government against 25p "latte levy" before proposals were binned', *The Independent*, 16 September 2019, www.independent.co.uk/environment/costa-coffee-plastic-waste-single-use-coffee-cups-latte-levy-a9104611.html
- 3 Benn H, 'Letter to the Secretary of State', Exiting the EU Committee, House of Commons, 6 December 2017, www.parliament.uk/documents/commons-committees/Exiting-the-European-Union/17-19/Correspondence/Letter-to-Secretary-of-State-from-Chair-on-sectoral-analyses-6-December-2017.pdf
- 4 Lynch P and Whitaker R, 'Select committees and Brexit: parliamentary Influence in a divisive policy area', *Parliamentary Affairs*, vol. 72, no. 4, October 2019, pp. 923–44.
- 5 Home Affairs Committee, *Windrush: The need for a hardship fund, Fifth report of session 2017–19*, House of Commons, 13 June 2018, <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/1200/1200.pdf>
- 6 Cooper Y, 'Letter to the Home Secretary', House of Commons Home Affairs Committee, 27 April 2018, www.parliament.uk/documents/commons-committees/home-affairs/Correspondence-17-19/180426-Chair-to-HS-Windrush.pdf
- 7 BBC News, 'Amber Rudd resigns as Home Secretary', BBC News, 30 April 2018, retrieved 12 May 2020, www.bbc.co.uk/news/uk-politics-43944988

- 8 Mohdin A and Syal R, 'Windrush hardship fund to offer sums of up to £5,000 to victims', *The Guardian*, 17 December 2018, retrieved 12 May 2020, www.theguardian.com/uk-news/2018/dec/17/windrush-hardship-fund-to-offer-sums-of-up-to-5000-to-victims
- 9 Gentleman A, 'Home Office Windrush fund helped only one person by end of 2018,' *The Guardian*, 7 February 2019, retrieved 12 May 2020, www.theguardian.com/uk-news/2019/feb/07/home-office-windrush-fund-only-helped-one-person-by-end-of-2018
- 10 Cooper Y, 'Letter to the Home Secretary,' House of Commons Home Affairs Committee, 24 May 2018, www.parliament.uk/documents/commons-committees/home-affairs/Correspondence-17-19/Letter-to-Home-Secretary-from-Chair-regarding-Windrush-follow-up-questions-24-May-2018.pdf
- 11 Javid S, 'Letter to the Home Affairs Select Committee,' House of Commons Home Affairs Committee, 10 July 2018, www.parliament.uk/documents/commons-committees/home-affairs/Correspondence-17-19/Windrush-Home-Office-update-10-July-2018.pdf
- 12 White H, *Select Committees Under Scrutiny: The impact of parliamentary committee inquiries on government*, Institute for Government, 2015, www.instituteforgovernment.org.uk/publications/select-committees-under-scrutiny
- 13 House of Commons Liaison Committee, *Changing Committee Practice and Procedure: Enhancing effective working, First report of session 2017-19*, House of Commons, 27 March 2018, <https://publications.parliament.uk/pa/cm201719/cmselect/cmliaisn/922/922.pdf>
- 14 Maer H, 'Select Committee reform: Shifting the balance and pushing the boundaries,' *Parliamentary Affairs*, vol. 72, No. 4, October 2019, retrieved 12 May 2020, <https://doi.org/10.1093/pa/gsz030>
- 15 House of Commons Liaison Committee, *The Effectiveness and Influence of the Select Committee System, Fourth report of session 2017-19*, House of Commons, 9 September 2019, <https://publications.parliament.uk/pa/cm201719/cmselect/cmliaisn/1860/1860.pdf>
- 16 Lords EU Select Committee, 'Interparliamentary forum on Brexit holds first meeting', House of Lords, 13 October 2017, retrieved 12 May 2020, www.parliament.uk/business/committees/committees-a-z/lords-select/eu-select-committee/news-parliament-2017/first-interparliamentary-brexit-forum
- 17 House of Commons Defence Committee, *Future Anti-Ship Missile Systems: Joint inquiry with the Assemblée Nationale's Standing Committee on National Defence and the Armed Forces, Thirteenth report of session 2017-19*, 11 December 2018, <https://publications.parliament.uk/pa/cm201719/cmselect/cmdfence/1071/1071.pdf>
- 18 See, for example, Dunleavy P, How effective are the Commons' two committee systems at scrutinising government policy-making?, blog, Democratic Audit, 24 September 2018, retrieved 6 May 2020, www.democraticaudit.com/2018/09/24/audit2018-how-effective-are-the-commons-two-committee-systems-at-scrutinising-government-policy-making; Mellows-Facer A, Challender C and Evans P, 'Select Committees: Agents of Change', *Parliamentary Affairs*, 2019, Issue 4, 903-922.
- 19 House of Commons Liaison Committee, *The Effectiveness and Influence of the Select Committee System: Fourth report of session 2017-19*, House of Commons, September 2019, retrieved 12 May 2020, <https://publications.parliament.uk/pa/cm201719/cmselect/cmliaisn/1860/186002.htm>
- 20 Beswick B and Elstub S, 'Between diversity, representation and "best evidence": rethinking select committee evidence-gathering practices', *Parliamentary Affairs*, 2019, Issue 72, 945-64.
- 21 House of Commons Liaison Committee, *The Effectiveness and Influence of the Select Committee System, Fourth Report of Session 2017-19*, HC 1890, 9 September 2019, <https://publications.parliament.uk/pa/cm201719/cmselect/cmliaisn/1860/1860.pdf>

6 Backbench activities

- 1 Institute for Government analysis of Parliament.uk, Urgent questions online database, 2017-19 session, retrieved 20 April 2020, <https://bit.ly/3cryNQM>
- 2 Syal R, 'Sir Lindsay Hoyle promises calm after being elected Speaker', *The Guardian*, 4 November 2019, retrieved 20 April 2020, www.theguardian.com/politics/2019/nov/04/sir-lindsay-hoyle-promises-calm-after-being-elected-speaker
- 3 Malnick E, 'Speaker Lindsay Hoyle: Big Ben can bong for Brexit', *The Telegraph*, 21 December 2019, retrieved 20 April 2020, www.telegraph.co.uk/politics/2019/12/21/speaker-lindsay-hoyle-big-ben-can-bong-brexit
- 4 House of Commons Written Question 137393, asked by David Lammy MP, 24 April 2018, answered by Caroline Nokes MP, 30 April 2018, www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-04-24/137393
- 5 House of Commons Procedure Committee, *Written Parliamentary Questions, Third report of session 2008-09*, HC 859, July 2009, <https://publications.parliament.uk/pa/cm200809/cmselect/cmproced/859/85906.htm>
- 6 Martin S, 'Parliamentary Questions and Open Government', (no date), <http://repository.essex.ac.uk/21048/1/PQs%20and%20OG.pdf>
- 7 *Ibid.*

- 8 House of Commons Procedure Committee, *Written Parliamentary Questions: Progress report for session 2016–17, monitoring in the 2017 parliament, and electronic tabling, Second report of session 2017–19*, HC 661, December 2017, <https://publications.parliament.uk/pa/cm201719/cmselect/cmproced/661/661.pdf>
- 9 Early Day Motion Number 2409, Albion Rovers, Tabled 21 May 2019, <https://edm.parliament.uk/early-day-motion/52943/albion-rovers-fc>
- 10 Early Day Motion Number 1241, Lakes Line Train Cancellation, Tabled 8 May 2018, <https://edm.parliament.uk/early-day-motion/51712/lakes-line-train-cancellations>
- 11 Early Day Motion Number 2128, Exiting the European Union (Taxes and Duties), Tabled 28 February 2019, <https://edm.parliament.uk/early-day-motion/52631/exiting-the-european-union-taxes-and-duties>
- 12 House of Commons Sessional Diary, 2017–19 Session.
- 13 House of Commons Standing Order Number 14(4), https://publications.parliament.uk/pa/cm201919/cmstords/341/so_341_051119_large_web.pdf
- 14 Madame Deputy Speaker, 'Net Zero Carbon Emissions: UK's progress debate', Hansard, 28 February 2019, vol. 655, <https://bit.ly/2ElpD8K>

7 Parliament and the public

- 1 Leston-Bandeira C, 'Why symbolic representation frames parliamentary public engagement', *British Journal of Politics and International Relations*, 2016, vol. 18, 2, pp. 498–516, DOI: <http://dx.doi.org/10.1177/1369148115615029>
- 2 Williamson A, Korris M, Fallon F and Allen B eds, *Connecting Citizens to Parliament: How parliament can engage more effectively with hard to reach groups*, Hansard Society, 2011, www.hansardsociety.org.uk/publications/reports/connecting-citizens-to-parliament-how-parliament-can-engage-more
- 3 House of Commons Liaison Committee, *Select Committee Effectiveness, Resources and Powers, Second report of session 2012–13*, HC 697, October 2012, <https://publications.parliament.uk/pa/cm201213/cmselect/cmliaison/697/697.pdf>
- 4 Mollett A, 'UK parliament's first ever Facebook strategy', blog, *Parliamentary Digital Service*, 14 March 2018, <https://pds.blog.parliament.uk/2018/03/14/uk-parliaments-first-ever-facebook-strategy>
- 5 Mollett A, 'Building an Instagram strategy for UK parliament', blog, *Parliamentary Digital Service*, 9 October 2018, <https://pds.blog.parliament.uk/2018/10/09/building-an-instagram-strategy-for-uk-parliament>
- 6 House of Commons Liaison Committee, *The Effectiveness and Influence of the Select Committee System, Fourth report of session 2017–19*, HC 1860, 9 September 2019, <https://publications.parliament.uk/pa/cm201719/cmselect/cmliaison/1860/1860.pdf>; House of Lords Liaison Committee, *Review of House of Lords Investigative and Scrutiny Committees: Towards a new thematic committee structure, Sixth report of session 2017–19*, HL Paper 398, July 2019, <https://publications.parliament.uk/pa/ld201719/ldselect/ldliaison/398/398.pdf>
- 7 House of Commons Liaison Committee, *The Effectiveness and Influence of the Select Committee System, Fourth report of session 2017–19*, HC 1860, written evidence from Professor Cristina Leston-Bandeira, Ms Nicole Nisbett and Mr Alex Prior (University of Leeds), <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/liaison-committee/the-effectiveness-and-influence-of-the-committee-system/written/97440.pdf>
- 8 House of Commons Housing, Communities and Local Government Committee, 'Secretary of State Answers the public's #AskPickles questions', 22 January 2014, www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/news/-ask-pickles
- 9 House of Commons Liaison Committee, *The Effectiveness and Influence of the Select Committee System, Fourth report of session 2017–19*, HC 1860, 9 September 2019, <https://publications.parliament.uk/pa/cm201719/cmselect/cmliaison/1860/1860.pdf>
- 10 Boland H, 'Parliament hires two full-time staff to help monitor MPs social media for abuse and threats', *The Telegraph*, 1 November 2019, retrieved 20 April 2020, www.telegraph.co.uk/technology/2019/11/01/parliament-hires-two-full-time-staff-help-monitor-mps-social/; Murphy S, 'Dianne Abbott speaks out on online abuse as female MPs step down', *The Guardian* 31 October 2019, retrieved 20 April 2020, www.theguardian.com/politics/2019/oct/31/diane-abbott-speaks-out-on-online-abuse-as-female-mps-step-down
- 11 Walker A, Jurczak N, Bochel C and Leston-Bandeira C, *How Public Engagement Became a Core Part of the House of Commons Select Committees*, *Parliamentary Affairs*, 2019, vol. 72, Issue 4, pp. 965–86, retrieved 20 April 2020, <https://academic.oup.com/pa/article-abstract/72/4/965/5553818?redirectedFrom=fulltext>
- 12 Hain P, 'Time to prick the Westminster bubble', *British Journalism Review*, 2012, vol. 23, Issue 2, pp. 74–77, <https://journals.sagepub.com/doi/abs/10.1177/0956474812450674?journalCode=bjra>; and Beswick B and Elstub S, 'Between diversity, representation and "best evidence": rethinking select committee evidence-gathering practices', *Parliamentary Affairs*, 2019, Issue 72, 945–64.
- 13 For example, data is published in the House of Commons Sessional Return, <https://publications.parliament.uk/pa/cm5801/csession/2017-19/1/1.pdf>
- 14 House of Commons Work and Pensions Committee, *PIP and ESA Assessments: Claimant experiences, Fourth report of session 2017–19*, HC 355, January 2018, <https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/355/355.pdf>

- 15 Citizens' Assembly on Social Care: Recommendations for funding adult social care, Involvement and House of Commons, June 2018, <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/citizens-assembly-report.pdf>
- 16 House of Commons Northern Ireland Affairs Committee, 'Watch interviews with Northern Ireland's fishermen on Brexit', 18 July 2018, retrieved 20 April 2020, www.parliament.uk/business/committees/committees-a-z/commons-select/northern-ireland-affairs-committee/news-parliament-2017/ni-fishing-industry-video-17-19
- 17 UK Parliament, 'Public Engagement', 10 August 2018, <https://committees.parliament.uk/committee/393/european-statutory-instruments-committee/content/145101/public-engagement>
- 18 House of Commons Science and Technology Committee, February 2019, 'My Science Inquiry', *Sixteenth report of session 2017–19*, HC 1716, <https://publications.parliament.uk/pa/cm201719/cmselect/cmsctech/1716/1716.pdf>; and House of Commons Scottish Affairs Committee, *Work of the Scottish Affairs Committee, First report of session 2015–16*, HC 331, November 2015, www.publications.parliament.uk/pa/cm201516/cmselect/cmscotaf/331/331.pdf
- 19 Daniel Gover, Twitter post, 31 March 2020, retrieved 20 April 2020, <https://twitter.com/DanielGover/status/1244964263573237763>
- 20 Beswick D, Note on use of video-link by Commons Select Committees to take formal evidence, Evidence to the House of Commons Liaison Committee Inquiry on Select Committee Effectiveness, 1 May 2019, <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/liaison-committee/the-effectiveness-and-influence-of-the-committee-system/written/101396.pdf>
- 21 Tyrie A, Government by Explanation, Institute for Government, March 2011, www.instituteforgovernment.org/sites/default/files/publications/Government%20by%20Explanation.pdf; and House of Commons Procedure Committee, *Sitting Hours and the Parliamentary Calendar, First report of session 2012–13, Volume II Additional written evidence*, June 2012, <https://publications.parliament.uk/pa/cm201213/cmselect/cmproced/330/330vw.pdf>
- 22 Sabbagh D and Elgot J, 'Jo Swinson pairing row: Conservatives admit chief whip asked MPs to break arrangements', *The Guardian*, 19 July 2018, retrieved 20 April 2020, www.theguardian.com/politics/2018/jul/19/tory-whip-julian-smith-urged-to-explain-pairing-breach-that-caused-serious-damage
- 23 UK Parliament, 'Televising parliament', (no date), retrieved 20 April 2020, www.parliament.uk/about/living-heritage/evolutionofparliament/parliamentwork/communicating/overview/televisingparliament.
- 24 See Parliamentlive.tv, <https://Parliamentlive.tv>
- 25 Heritage S, 'BBC parliament: the ratings hit that's Big Brother meets 24 – with added Bercow', *The Guardian*, 6 September 2019, retrieved 20 April 2020, www.theguardian.com/tv-and-radio/2019/sep/06/bbc-parliament-the-ratings-hit-thats-big-brother-meets-24-with-added-bercow
- 26 Allen B, 'BBC parliament hits all-time ratings high with Boris Johnson's Brexit defeat', *Radio Times*, 4 September 2019, retrieved 20 April 2020. www.radiotimes.com/news/tv/2019-09-04/bbc-parliament-hits-all-time-rating-high-with-boris-johnsons-brexit-defeat/ and provided by BBC parliament
- 27 Wilson S, 'E-petitions: is there a link between general elections and signing petitions?', blog, *House of Commons Library*, 10 February 2020, retrieved 20 April 2020, <https://commonslibrary.parliament.uk/home-affairs/communities/e-petitions-is-there-a-link-between-general-elections-and-signing-petitions>
- 28 Audit of Political Engagement 16: The 2019 Report, Hansard Society, 2019, retrieved 20 April 2020 www.hansardsociety.org.uk/publications/reports/audit-of-political-engagement-16
- 29 Wilson S, 'E-petitions: is there a link between general elections and signing petitions?', blog, *House of Commons Library*, 10 February 2020, retrieved 20 April 2020, <https://commonslibrary.parliament.uk/home-affairs/communities/e-petitions-is-there-a-link-between-general-elections-and-signing-petitions>
- 30 *Ibid.*
- 31 Petition, 'Revoke Article 50 and remain in the EU', UK parliament, (no date), retrieved 20 April 2020, <https://petition.parliament.uk/petitions/241584>; Cheung H, 'Brexit debate: Do petitions ever work?', *BBC News*, 26 March 2019, retrieved 20 April 2020, www.bbc.co.uk/news/world-47693506
- 32 Allen H, 'Four million have now signed the Article 50 petition – this is the roar to drive the 'Put it to the people' march', *The Independent*, 22 March 2019, retrieved 20 April 2020, www.independent.co.uk/voices/brexit-petition-revoke-article-50-protest-referendum-theresa-may-a8834786.html
- 33 Petition, 'Leave the EU without a deal in March 2019', UK parliament, (no date), retrieved 20 April 2020, <https://petition.parliament.uk/petitions/229963>
- 34 Leston-Bandeira C and Spaiser V, 'Do parliamentary e-petitions debates enhance public engagement?', blog, *The Constitution Unit*, 19 February 2019, retrieved 21 April 2020, <https://constitution-unit.com/2019/02/19/do-parliamentary-e-petitions-debates-enhance-public-engagement>
- 35 House of Lords Liaison Committee, *Review of House of Lords Investigative and Scrutiny Committees: Towards a new thematic committee structure, Sixth report of session 2017–19*, HL Paper 398, July 2019, <https://publications.parliament.uk/pa/ld201719/ldselect/ldliaison/398/398.pdf>, p 96.
- 36 Kelly J, 'We the undersigned...', *BBC News*, (no date), retrieved 21 April 2020, www.bbc.co.uk/news/extra/SZS0zzeSOH/Petitions
- 37 Leader of the House of Commons, Andrea Leadsom, House of Commons, *Hansard*, 11 April 2019, <http://bit.ly/2y8TtL3>

-
- 38 Russell G, "'House of fools': how the papers covered Johnson's latest Brexit defeat', *The Guardian*, 20 October 2019, retrieved 21 April 2020, www.theguardian.com/politics/2019/oct/20/house-of-fools-how-the-papers-covered-johnsons-latest-brexit-defeat
 - 39 White G, *Bullying and Harassment of MPs' Parliamentary Staff Independent Inquiry Report*, UK Parliament, 20 July 2019, www.parliament.uk/documents/Conduct%20in%20Parliament/GWQC%20Inquiry%20Report%2011%20July%202019_.pdf
 - 40 Cox L, *The Bullying and Harassment of House of Commons Staff*, UK Parliament, 15 October 2018, www.parliament.uk/documents/Conduct%20in%20Parliament/dame-laura-cox-independent-inquiry-report.pdf
 - 41 Full Fact, 'This video has been edited to make Keir Starmer appear confused at the end', 7 November 2019, retrieved 21 April 2020, <https://fullfact.org/online/keir-starmer-gmb-facebook>
 - 42 Molloy D and Tidy J, 'Zoom "unsuitable" for government secrets, researchers say', *BBC News*, 3 April 2020, retrieved 21 April 2020, www.bbc.co.uk/news/technology-52152025
 - 43 Audit of Political Engagement 16: The 2019 Report, Hansard Society, 2019, retrieved 20 April 2020 www.hansardsociety.org.uk/publications/reports/audit-of-political-engagement-16
 - 44 *Ibid.*

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