

UK parliamentary select committees: crowdsourcing for evidence-based policy or grandstanding?

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Abstract

In the United Kingdom, influence of parliamentary select committees on policy depends substantially on the “seriousness” with which they approach the task of gathering and evaluating a wide range of evidence and producing reports and recommendations based on it. However, select committees are often charged with being concerned with “political theatre” and “grandstanding” rather than producing evidence-based policy recommendations. This study, based on 919 “discretionary” witnesses, including those submitting written and oral evidence, examines the case for arguing that there is political bias and grandstanding in the way select committees go about selecting witnesses, interrogating them and using their evidence to put reports together. While the research finds some evidence of such “grandstanding” it does not appear to be strong enough to suggest that the role of select committees is compromised as a crowdsourcer of evidence.

Keywords: Evidence-Based Policy, Parliament, Select Committees.

Select Committees, Grandstanding and Evidence-Based Policy

Select committees in the UK Parliament have no decisional capacity. They have no direct responsibility for legislation. Bills are submitted for detailed examination primarily to public bill committees. However, they have a far more significant impact on policy than was previously believed to be the case. Their direct role in the legislative process is limited to pre-legislative scrutiny and the evidence that they manage to get even parliament to engage with their work is mixed (Bates, Goodwin and McKay 2019a). Yet less directly they can influence the agenda of government decision making, their findings can shape debates on, and amendments to, subsequent legislation. The impact through shaping public attitudes to issues or through government anticipating the reactions of parliament to proposed measures, is, of course, hard to assess, but cannot be dismissed either (Russell and Gover 2017: 227). Russell and Gover (2017: 231) suggest that the impact of select committees on government policy appears to derive above all from the view that ministers see their reports as, in the words of a government official, not the work of “just a maverick MP” but “a bunch of serious people who think about these things, who’ve done reports, who’ve listened to evidence”.

Select committees taken as a whole are awash with evidence, albeit some individual inquiries might struggle to get many witnesses. In any calendar year, House of Commons select committees hear between two and three thousand individuals offering oral evidence before them; the head-count volume of items of written evidence is, we estimate, around

four times that of oral evidence¹. Of course, some written submissions are very brief: for example a three-line statement protesting against existing legislation is a piece of written evidence. But there are also plenty of closely-argued, data-rich and well-evidenced lengthy discussions that certainly count as potentially important knowledge transfer. Written evidence generally consists of considered responses and some of it is the product of significant effort by its authors. One-third of all written evidence took, according to the survey we report on below, over two days to write and only one-fifth less than half a day.

The “seriousness” of the select committee process and whether MPs “listen to the evidence” is more likely to be questioned because the open-minded pursuit of knowledge and truth is possibly not the only object of the exercise for the MPs involved. It has long been argued that partisanship, ideology and personal political advantage shape the process of committee evidence gathering in the United States, and it is not uncommon to charge MPs on select committees in the UK of participating in “televised grandstanding” too (Kelly 2015).

“Grandstanding” refers to the practice of performing a sport “primarily with a view to gaining the approval of spectators”. In this political meaning it is here understood to be *the use of conspicuous behaviour designed to enhance or diminish the reputation or standing among observers of a person, group or idea in a context intended or claimed for other purposes*. Grandstanding does not necessarily undermine “seriousness”. As Crewe and Sarra (2019) suggest, theatricality is one important buttress of select committee influence

¹ Estimated by looking at the volume of written and oral evidence in the 21 reports we analyse in this paper. The Institute for Government (2018) suggests that there are 3.7 items

(see also Mellows-Facer, Challender and Evans 2019; Geddes 2019). Certainly those giving evidence, whether civil servants (Vize 2019), lawyers, accountants, academics, representatives of think tanks, interest groups and private companies (dla piper 2019) have at least as much reason as MPs to grandstand or use the opportunity of public exposure to seek to enhance their standing and career, or the reputation of their organization, by putting up a good show before a select committee. However, MPs are in charge of the process; they select the topic to be investigated, they preside over the selection of the witnesses appearing before them, the questioning of the witnesses and what use is made of anything they choose to read from those who send in written evidence. If the charge of grandstanding is sustained, it has implications for the whole information-gathering exercise.

One possible implication, of course, is that the whole process of gathering evidence is flawed; that it throws up little new by way of evidence but gives politicians an additional arena in which to seek to advertise and gain approval for their views, draw attention to their virtues or damn their opponents. On the other hand, another possible implication is that an adversarially-structured legislature is using adversarial evidence-gathering techniques; fact-finding in English law as well as scientific evidence for public policy (Pielke 2007) can legitimately be developed through adversarial procedures. Evidence brought into public debate as the result of someone justifying a particular policy they favour is still evidence.

However, exploring any such implications is speculative since the charge of grandstanding in select committees, at least as a general characteristic, has not yet been sustained. Such grandstanding charges tend to be associated with select committees'

of written evidence for every oral evidence giver.

“holding others to account” activities rather than their policy problem-solving. Yet Taylor (2013) argues that not only have committees developed into a “bear pit” of a court in which ministers and top civil servants “are tried not on the veracity of their case but on how well they manage to perform in the Committee Room”, there has also been a “mission creep” where “committees seem to have come to see their job as holding the wider world to account as well, hence the hostile grilling of people who hold no governmental role”. There are the noteworthy examples of high-profile witnesses such as Philip Green or Rupert Murdoch being subjected to severe criticism or embarrassment before select committees (BBC 2016).

If MPs might “grandstand” when holding others to account, they might do the same when interrogating witnesses to help formulate ideas and strategies for policy development. One academic who gave evidence, for example, complained of the “overtly political nature of some of the questions” (Mumford 2019). The Institute for Government’s research (2019) found that “witnesses report finding overtly party political point-scoring in evidence sessions”. Another think-tank reported that some of its associates found some select committee questioning could serve “party political agendas rather than constructive and exploratory debate” (UK and EU 2019). An empirical study of the research evidence used in parliament found some evidence that “the personal biases of Members shape whether research is engaged with” (Kenny et al 2017 p. 52).

It is easy enough to find examples of such apparent “grandstanding” behaviour. It is much harder to say how this reflects a broader characteristic of the way select committees

operate as opposed to the experience of few witnesses or the odd inquiry that is more politically charged. The purpose of this paper is to explore the “grandstanding” argument.

“Grandstanding” is not in itself a bad thing. Democratic politics is based on politicians seeking approval for themselves, their party, their philosophy or their policies. That they might do it in contexts not intended or claimed to offer opportunities for such approval seeking does not necessarily undermine a select committee inquiry. It could even get a committee’s concerns and conclusions across to a wider audience or enhance its impact on government decision making. What would make grandstanding questionable in this context is that those from outside government who give evidence are usually invited to do so on the ground that they are not primarily, to elaborate on the language of drama frequently used to describe select committees (Mellows-Facer, Challender and Evans 2019; Crewe and Sarra 2019, Geddes 2019), participating in a piece of political theatre. The expectations of a select committee are many and varied. However, we might take Parliament’s own public relations on the matter as a good place to start thinking of the expectations insofar as they invite witnesses to give factual and experiential evidence before them: “[select committees] are particularly useful when the House wants to investigate something and find out the facts about it rather than simply debate it” (House of Commons 2011: 1).

Just as importantly, one can take seriously the expectations such committees seek to engender in their witnesses. Calls for evidence typically emphasise that they want to learn from the knowledge, expertise, judgment and experience of those responding to the invitation to participate by setting out the terms of reference of the committee and highlight specific targeted questions they are interested in. Their calls at least convey an

expectation that their inquiries are above all a relatively open call for “crowdsourced” evidence in the form of expert and other knowledge. If the grandstanding takes over from, or gets in the way of, the crowdsourcing, opportunities to gather information, expertise and experience are lost.

If select committees were not really interested in crowdsourcing as wide a range of evidence as possible, one would expect the range of those giving evidence to be limited. For grandstanding one would probably only need at a minimum some other players to maintain the impression of honest fact-finding. This would include, to continue the theatrical metaphors; theatrical supernumeraries (a “convenience sample” of witnesses, possibly “usual suspects”), foils (easy targets selected to provide opportunities for grandstanding) or a supporting cast of fellow-thespians (witnesses “who are used to speaking in parliamentary or political environments” Geddes 2017: 299). As one observer of select committees claimed, the biases in selection mean that hearings are not always “what might be termed effective evidence sessions and are unlikely to be based on the best evidence available because political considerations take precedence” (Geddes 2017: 300).

Consequently, the first part of this paper examines this claim by looking at the degree to which committees display partiality or bias in the selection of witnesses. But even if we find little evidence of such shortcomings, this does not settle the matter. We go on to examine two further features of the select committee evidence gathering process: do MPs follow a fact-finding approach to *interrogating witnesses* and *weighing up evidence*, or are they partial and biased in their interrogation and use of witness evidence in support of their own policy or political ambitions as would be expected of “grandstanders”?

How might we explore these issues? Here we ask those who have given evidence to select committees what their experience has been: if the process were characterised by bias and partiality in the selection and treatment of witnesses and evidence their responses might be expected to reflect it. We realise that there are other methods of assessing grandstanding, including investigating the selection of inquiry topics, observation of select committee hearings and detailed textual analysis of the evidence submitted to them and the uses made of it. Our analysis does not constitute the last word on grandstanding, yet the insights gained from the perceptions of witnesses offers nevertheless important evidence across a broad range of diverse inquiries that any other type of study that reached different conclusions would at least need to explain.

The study is based on a survey of 919 mainly “discretionary” witnesses. Non-discretionary witnesses are mainly public sector leaders who “appear because they hold a particular position, such as Ministers, senior officials and heads of public bodies” (House of Commons Liaison Committee 2018a). Discretionary witnesses are others who volunteer and/or are invited to attend select committee hearings. By selecting discretionary witnesses² we wanted to concentrate on the activity of select committees in gathering evidence rather than holding government to account; moreover, it is unlikely that we would

² Since we could not see exactly who was discretionary we tried to ensure that our email requests for participation in the survey were not sent to civil servants in government ministries and agencies, MPs and ministers.

have received many replies from civil servants (the most numerous of the non-discretionaries) had we included them³ .

Our study includes those who have appeared in person before a select committee as well as those who only submitted written evidence and were not called to appear . We focussed our attention on those giving evidence in the recent past to make it easier for respondents to recall their experiences. We looked at those giving evidence to 49 House of Commons departmental select committees in the year from autumn 2017⁴. We also looked, by way of comparison, at two House of Lords committees attracting large numbers of witnesses reporting in the same period (the Citizenship and Civic Engagement’s “The Ties that Bind” and the Artificial Intelligence Committee’s “AI in the UK” inquiries) as well as three with smaller numbers of witnesses (one each from the Economic Affairs Committee, the EU Energy and Environment Sub-Committee and the EU Home Affairs Sub-Committee).

³ Civil Service Guidance (Cabinet Office 2010: 9) prohibits officials from responding to questionnaires like ours, consequently surveys of UK civil servants conducted without prior clearance tend to have very low response rates (for a recent example see Hammerschmid, Oprisor and Štimac 2013).

⁴ For our sample we looked to committees that attracted higher numbers of non-discretionary witnesses over the period and within these reports attracting significant numbers of witnesses (over 30) (for a discussion of the volume of witnesses for all select committee inquiries around this period see Institute for Government 2018, figure 5.6). We sought to gain a spread across a range of such departmental select committees, so the selection was serendipitous but not random: we started with the larger (in witness terms) inquiries and continued until we had enough names to generate around 1,800 survey invitations; we had estimated that many names would be hard to find online so we calculated (on the basis of a small sub-sample) we would need to start with around 3,500 names initially. Where the names of individuals but not organizations could not be found online, we wrote to the organizations asking for names of individuals responding to the calls for evidence. We asked 91 organizations, but only 23 of the names and email addresses of individual evidence givers was found in this way. Other names were gathered by using online search engines and visiting organizational websites. Some email addresses were guessed using email conventions used by the organizations concerned.

There are, of course, significant differences between the operation of House of Lords and House of Commons select committees. While the agendas of Commons committees are constrained by their link to government departments, Lords committees are not. The latter “tend to conduct more thematic and cross-cutting investigations into policy issues or particular subject areas which transcend departmental boundaries” (Torrance 2011: 11). However, since the discretionary witnesses to the Commons departmental committees tend to be from committees that have a focus on policy recommendations rather than holding government to account, both Lords and Commons committees included in this study might be expected to invite witnesses that reflect a broad range of expertise, knowledge and experience of substantive policy issues.

The biases that can occur using recall questions are well documented, however our choice of time period does not appear to introduce *a priori* especially strong or obvious biases for an experience such as giving evidence before a parliamentary committee (Tourangeau *et al.* 2000: chapter 3). The period was above all dominated by concerns connected with the UK leaving the European Union (Brexit), and taken as a whole 13 per cent of Commons inquiries were directly Brexit related during this period (Institute for Government 2018). Yet only 88 invitations to participate in our survey out of 1,789 related directly to Brexit inquiries. The online survey was conducted between February and March 2019 and attracted 919 responses (733 referring to the House of Commons and 186 to the House of Lords), a response rate of 57 per cent if one excludes the 180 undelivered e-mail invitations, or 51 per cent if not. The survey included two open-ended questions, one covering suggestions for improvement of evidence-giving and a second soliciting general

comments on respondents' experiences; we had 360 written responses for the first and 183 for the second, a total of 549 responses. Since 145 gave answers to both, 398 individuals or 43 per cent of respondents shared their experiences with us in this way.

Selecting the witnesses

Perhaps the most extensively documented claimed shortcoming of the way select committees go about their work is in the selection of witnesses. Some of our own respondents' comments refer to this. One suggested that the pool of witnesses should be broadened "so they [the committee] get a view on the full picture rather than the narrower view presented by the selected witnesses"; another saw witness selection as part of a general pattern of tunnel vision: "often opportunities to produce evidence-based policy ... are passed up not only through pre-judgment, pre-ordination or selection of which witnesses to listen to, but also through simple ignorance of the evidence available". Such critical comments were rather infrequent and one can find as many other comments suggesting the opposite. For example, one remarked "I was genuinely impressed by the diversity of the speakers".

However, parliament's own figures suggest a substantial underrepresentation of women relative to the population as a whole: among non-discretionary witnesses only 27 per cent were women, among discretionary witnesses this was better at 37 per cent (Liaison Committee 2018b; see also Geddes 2017, Democratic Audit UK 2019). Other apparent biases include region (London dominates, see Geddes 2017: 296) and organization. Public sector organizations, even among discretionary witnesses, appear to be overrepresented in the sense that they appear frequently before select committees (Democratic Audit UK

2019). But the difficulty in determining whether different organizations are under- or overrepresented is that, unlike gender and region, we have no general measure of preponderance in the population at-large against which to compare those who appear before select committees (for a discussion of the importance of representation among select committee evidence-givers see Beswick and Elstub 2019).

The under- or overrepresentation of any social category might well be beyond the control of select committees. As Democratic Audit UK (2019) puts it “select committees cannot do anything ... about the gender balance of people working and/or researching in the policy areas under the select committee’s purview”. Thus senior managers in charities private and public organizations are, according to the UK census, disproportionately located in London, and senior executives in public sector organizations as well as private firms are disproportionately male (GEO 2019). All of this is made more difficult to judge if we consider that not all relevant evidence is “expert” evidence. For some inquiries select committees make great efforts to hear from those who would not be considered technical experts, such as those who receive public services or have experienced discrimination or disadvantage (see Beswick and Elstub 2019). It is therefore not clear how one might judge the degree of representativeness of any set of witnesses on the basis of their demographic characteristics.

The fact that our survey includes written evidence as well as oral evidence allows us to give some assessment of whether those invited to appear before committees are broadly demographically similar to those who are not invited but nevertheless want to contribute by sending in written submissions, usually in response to a general call for evidence. 14 per

cent of our respondents gave oral evidence only, 34 per cent both oral and written evidence and 53 per cent sent in written evidence only. Very few (two per cent) of those who sent in written evidence only did so after declining an invitation to appear before the committee; most were not invited⁵. By contrasting the profiles of those who appeared before the committee and those who only sent in written evidence we can see whether there is, among those able and willing to give evidence to a committee, an untapped pool of potential evidence givers who are not being invited to give evidence in person.

The overall proportion of women in our sample is 42 per cent; this is slightly higher among written evidence-givers (43 per cent) than those invited to appear to give oral evidence (40 per cent). On this way of assessing bias, there is some slight favouring of men over women. This need not necessarily be because more men than women are invited but may be the result of the choices made by organizations invited to give evidence about whom they should send. Moreover, gender bias in selection hardly featured in our write-in comments, and when it did it was not always negative. One respondent wrote “I suspect my experience was better than most as it was a committee mainly of women -- or mainly women present – so having gender balanced committees would be a good idea”.

London is slightly overrepresented among those who appear before the committee (38 per cent) compared with those who send written evidence only (34 per cent). However, London was only mentioned three times in our write-in comments, including one whose suggestion for improvement of the process was “that they have available a map to show London dwellers where the Lake District actually is”. While the figures become too small to

⁵ A further seven per cent said that one of their colleagues was invited to give evidence

be statistically significant when one breaks them down by all UK regions, there is no obvious striking imbalance in regional location of evidence givers.

The demographic feature with the largest disparity among those we looked at was age: being invited is an older person's game. Of written-only evidence givers 21 per cent were under 35, but of those invited to give oral evidence 8 per cent were in this age group. Those aged 36-50 were more or less equally represented among oral evidence givers and written evidence givers (at around 39 per cent) as were those over 65 (at around 9 per cent). Those in late middle age (51-65), however, were only 30 per cent of written evidence givers but 44 per cent of oral evidence givers. This imbalance did not feature at all in any of our write-in comments. A handful reflected the recommendation of one respondent that "it is important that select committees working on issues which affect children and young people hear directly from children and young people themselves". But where raised this was a recommendation to include more service users rather than complaining about the age of witnesses.

Moving on to the types of organisation over- or underrepresented, there were no write-in comments that complained about the preponderance of any one type of group being invited to give evidence. While not an issue raised by our respondents, we can see from the measure we use here (Table 1), that public sector organizations are the most overrepresented among (discretionary) oral evidence givers, with 4 per cent of written evidence givers but 13 per cent of oral evidence givers. Academics and other professional experts are the most underrepresented (31 per cent written only, but 25 per cent invited).

Other groups are not notably under- or overrepresented, even though the absolute numbers behind the percentages in some of the cells in Table 1 are small.

The “private individual” category in Table 1 must be treated with caution. We contacted our respondents by using internet search engines to find email addresses and our yield of private individuals was small. We were able to trace very few people who gave no organizational affiliation. Only three per cent of our sample gave evidence as private individuals, but in our examination of 21 select committee inquiries, discussed below, private individuals made up 27 per cent of all discretionary witnesses (although this drops to 14 per cent if one omits one outlier in the sample, also discussed below).

One popular criticism of the selection of witnesses at oral hearings is that “the usual suspects” are invited (Beswick and Hjort 2018); we were slightly surprised that this was only mentioned ten times in our write-in comments (e.g. “evidence givers included the 'usual suspects'. The evidence that the frequent attendees give can be predictable”). However, “usual suspects” might refer to the institutions or organizations represented rather than to specific individuals. If “usual suspects” are individuals who appear repeatedly, our survey does, in fact, offer some support for this view; only 46 per cent of our respondents were giving evidence for the first time, 31 per cent had given evidence up to three times before and 23 per cent over three times before. Those that were invited to give oral evidence were less likely to be first-timers (44 per cent) than written evidence givers only (47 per cent) but, although statistically significant, the difference is far from striking. By this measure, women were less likely to be “usual suspects” as 51 per cent of women were first-timers compared with 44 per cent of men.

Another way of assessing the narrowness of the pool from which witnesses are drawn is to ask the respondents directly whether they agree or disagree with the proposition that the committee based its conclusions on too narrow a range of evidence – a question only asked of those that had read the resulting select committee report. 16 per cent agreed that the evidence base was too narrow, 44 per cent disagreed and 40 per cent neither disagreed nor agreed. These figures are hard to interpret; while only one in six agreed committees relied on limited evidence, less than half disagreed. The issue came up only rarely in our write-in comments and, where it did, came in the form of criticising the undue attention given to some witnesses in writing the final report (discussed below) rather than who was invited to attend.

It was not always clear that those with more reason to feel excluded from the process would complain about the narrowness of the range of evidence. Those who submitted written evidence only were significantly but not spectacularly more likely to agree (20 per cent) than those invited to give oral evidence (12 per cent) that the range of evidence was narrow. Yet those from London and the South East (17 per cent) were more likely to agree than others (15 per cent) and men were more likely to agree (18 per cent) than women (14 per cent). Age seemed to make little significant difference here, and neither did the type of organisation (using the categories set out in Table 1).

Perhaps bias might come from the type of evidence that the select committees seek out. We asked respondents to classify their evidence on the basis of eleven categories (Table 2); respondents stated that their evidence fitted an average nearly five categories. Most

commonly, evidence made recommendations and suggestions for improvement (78 per cent) and/or offered professional judgment (76 per cent). The balance of types of evidence is rather consistent as between written only evidence and evidence from those invited to appear before the committee, indicating, for instance, that committees tended to invite only a slightly higher percentage of people (7 per cent) offering statistical evidence to appear before it and marginally fewer critics (3 per cent) of existing policy. The only strong bias appears to be in the case of “account(s) of how existing arrangements work”; such accounts were much (22 percentage points) more likely to feature in oral evidence than in written evidence alone. Similarly another slight over- represented type of evidence among oral as opposed to written only presentations is “sharing personal experiences” (8 percentage points more likely to feature in oral than written only evidence). Explaining how things work, or how something affected you, seem here to be more likely to be a matter for oral than written evidence, but this is hard to construe as any evidence of bias or shutting out unwelcome evidence.

The available data offer, in our view, no strong support for suggesting strong bias in the selection of witnesses. Witnesses are not a microcosm of the nation, and in this sense they are “unrepresentative”. Yet those who are invited to give oral evidence are not so clearly different from those who are in a way that would suggest a neglected or ignored body of people with something to say on the subject. Of course, the method of soliciting written submissions itself might well be biased – where and how the call for evidence is advertised might affect who submits evidence. One respondent’s comments suggested this was a possibility; “the ‘blanket’ request for evidence ... worked for me because of my research interests and activities within the field. I am certain other, less well-supported groups and

individuals would not have known about the call for evidence and so missed an opportunity to provide valuable primary evidence”. However, we have no statistics by which we could evaluate this issue here. The selection of witnesses appears to be reasonably close to what one would expect if one were to consider select committee inquiries as seeking to crowdsource a broad range of relevant experience and expertise rather than seeking out a good supporting cast for grandstanding opportunities.

Grandstanding as performance?

“Grandstanding” is likely to be most obvious during the hearings themselves. MPs are central stage, usually televised, and have an audience of colleagues, press and others; ideal conditions for grandstanding. How did those who appeared before a committee feel about the encounter? Some of our written comments pointed to grandstanding in some form or another. One respondent wrote: “ Questioning was overly emotional and theatrical from some of the MPs. When answers were contradicting their points of view, they tended to shut off the discussion”. Another commented “I am more experienced now, but when I first gave evidence I foolishly believed committees wanted to get to the 'truth', rather than my experience, which is generally it is about political point scoring”. However, others tended to dismiss the charge. One wrote, “there is some political theatre, but taken in the round they are trying to get to the bottom of things”. Another chided us for asking a question about “political point scoring” and “political theatre” as such notions were “unfounded” and “irrelevant”.

We asked a series of questions about how witnesses felt the oral sessions were conducted (Tables 3 and 4). Here only 10 per cent agreed the questioning was used to

“score political points”; 58 per cent disagreed and a significant number, 32 per cent had mixed feelings.⁶ A larger proportion of witnesses tended to believe that MPs on the committee had “fixed ideas”; 25 per cent agreed, 28 per cent disagreed and 47 per cent neither agreed nor disagreed. Although we cannot say precisely what the cause may have been, the fact that 54 per cent of witnesses (Table 4) felt “very” or “somewhat intimidated” by the hearing would at least be consistent with being on the receiving end of a grandstand performance.

However, one must also point out the significant evidence of balance and fairness in the treatment of witnesses. 87 per cent of witnesses agreed that they were given “the opportunity to get their points across” and 80 per cent believed the committee chair “guided the discussion well” (Table 3). The overall judgments of the session were generally very positive; they were most positive about the focus on the questions in hand and the organization of the session, with only one in a hundred expressing negative views. Respondents were less likely to find their session very enjoyable, but only 7 per cent found it categorically not enjoyable. A significant proportion found the session very (9 per cent) or somewhat intimidating (45 per cent). But even among the 219 respondents that found the session somewhat or very intimidating, only 11 per cent found it not at all enjoyable.

We must also be aware that not all dissatisfaction results from the line or style of questioning. Some of the write-in comments indicate how other circumstances might affect

⁶ There was no difference between witnesses to the House of Lords or Commons in answers to the questions in table 3, with the single exception that more evidence givers to House of Lords committees were likely to disagree (68 per cent) that the questioning scored political points than those giving evidence to House of Commons committees (56 per cent).

how satisfactory the experience was. There is nervousness about the occasion itself; “I was intimidated by the prospect, the TV cameras”. References to other witnesses present at the hearing featured in several comments. The head of a research unit in a university pointed out “ ..one of the other experts clearly wanted to diminish what I wanted to say”. Another researcher felt intimidated since she “ was presenting evidence from a report that was produced by my organisation for Government stakeholders. I felt I could not deviate from that report ... else I could ruffle feathers and damage future working relationships”. Another made a different point but on the same theme: “sometimes you can be an outlier in an evidence session just because they have put you with other people who are going to talk about a totally different thing. You can get ignored that way, and it's not the MPs' fault or the other evidence-givers', it's just you're in the wrong place talking about the wrong thing!”. Four women respondents specifically mentioned in their comments the tendency of men to take all the time and attention: “My field ... is very male dominated. The majority of evidence givers were therefore men. ... I was seated between two men who very plainly had their own agendas and hogged the floor for a considerable time. I tried to interject several times but was passed over”.

Despite the limited extent of the criticism of the whole process some more support for the partisan character of the hearings can be found when one looks at who it was that believed the hearings were not conducted fairly or efficiently. We asked in our questionnaire whether respondents agreed with the broad thrust of the conclusions the committee came to in their report; 62 per cent agreed, 11 per cent disagreed and 27 per cent neither agreed nor disagreed. If we look at this 38 per cent who could not unequivocally say the report was consonant with their views and compare their perception

of how the oral hearing was conducted, we can get some idea of whether those witnesses that disagreed with the policy thrust were more likely to feel the process was not balanced and fair. The results are presented in Table 5.

Statistically, the relationship between respondents' evaluations of the quality of the process and our main indicator of consonance between the witness' views and what the committee concluded is very strong. Generally, witnesses who ended up in disagreement with the committee judged the process more negatively. Those whose views were not consonant with the thrust of the report were less likely to feel that they had the opportunity to get their view across (80 per cent contrasted with 92 per cent), that the chair guided the proceedings well (71 per cent to 85 per cent), and that members had a good grasp of the issues involved in the inquiry (34 per cent to 51 per cent). They were more likely to believe members of the committee had fixed ideas (42 per cent to 14 per cent) and that they "scored political points" (20 per cent to 5 per cent). They were all less likely to have found the session focussed, well organised and enjoyable⁷.

While satisfaction with the process appears thus to be related to whether witnesses agree with the conclusions of the report, it is striking that even on the generally unfavourable assumptions of Table 5, where the middle "neither/nor" response for each question counts as negative, the results are surprisingly benign about the process. Only 20

⁷ Interestingly, those who sent in written evidence only were less likely to disagree with the conclusions of the report than those invited to give oral evidence, this suggests no apparent bias in selecting witnesses to appear who agree with what the committee is likely to propose.

per cent of the one-third of respondents not agreeing with the thrust of the report felt they could not get their point across, 29 per cent that the chair guided the session anything other than well and 20 per cent that political points were scored. A large minority (42 per cent) of this group of respondents did agree that MPs had fixed ideas.

However, the largest complaint among respondents who disagreed with the report had little directly to do with grandstanding or bias. It was the feeling (held by 65 per cent of them) that MPs did not have a good grasp of the issues. For instance, one negative response in our written comments suggested “I have given evidence twice ... On both occasions I have found the MPs no more briefed or knowledgeable on the topics under discussion than the proverbial Clapham omnibus occupant”. Another respondent “was surprised by a question from the chair towards the end of the committee which exposed their lack of understanding of the issue” and yet another linked a lack of grasp of the issues to grandstanding “it's a huge waste of time. The committee already had their own biased views and had failed to do any reading into the actual [matter in hand]. They had just read newspaper cuttings and headlines. It was just an exercise by MPs to get their names in the paper. Their level of knowledge about ... issue was very low”.

Yet taken as a whole, while there is some evidence that the partisan basis of parliamentary politics shapes the way witnesses perceive the quality of the process of gathering evidence at hearings, the survey evidence suggests that the most negative point, especially among those not agreeing with the conclusions the committee reached, appears to be related to the MPs’ understanding of the issues rather than their bad faith in how they treated witnesses.

Bias in the interpretation of evidence

Several respondents' comments suggested that committees pay less attention to some witnesses than others. For example, one respondent stated that "there is a danger that a few vocal individuals can contaminate a whole committee" and another "I have found that the report can stress things of minor importance said by big names and miss things of more salience said by smaller names". The influence of celebrity chefs in one recent inquiry generated three comments including "there must be less bias towards popular public figures like [name of a celebrity], when they are allowed to say whatever they like unchallenged, like the committee is just grateful they are there. This skews the process".

One way of assessing the degree of bias in weighing up the evidence is to ask respondents whether they were listened to. A large proportion of evidence-givers (86 per cent) looked at the report produced by the committee to which they gave evidence; written evidence givers were only marginally less likely (84 per cent) to have seen the report than those who gave some form of oral evidence (88 per cent), with those giving both oral and written evidence most likely (92 per cent) to have seen the report.

Of those who saw the report, 14 per cent could not see any trace of their evidence in the report and 36 per cent believed their evidence had a small impact on it, a further 40 per cent believed it had a moderate or large impact, with 10 per cent not knowing what impact their evidence had (Table 6). Men were only marginally more likely to feel their evidence had a moderate to large impact (42 per cent) than women (39 per cent). While those from London and the South East tended to have higher estimates of their impact (41 per cent)

this is not significantly different from witnesses from elsewhere (37 per cent). Older witnesses (over 65) and very young witnesses (under 35) were less likely to feel their evidence had an impact on the report (27 per cent and 35 per cent respectively) than the middle aged groups (43 per cent).

Those who gave written-only evidence were significantly less likely (22 per cent) to believe their evidence made a moderate or big impact than those who gave oral evidence only (48 per cent) or both written and oral evidence (62 per cent). Respondents from think tanks (68 per cent) and umbrella organizations for the public sector (67 per cent) tended to estimate their evidence as having a bigger impact than those from private firms (29 per cent) and private individuals (20 per cent). Those giving evidence of how arrangements work were significantly more likely (45 per cent) to feel they were listened to than others (34 per cent), as were those who made policy recommendations in their evidence (42 per cent compared to 29 per cent), those giving statistical evidence (47 per cent compared to 35 per cent) and those criticising policy (43 per cent compared to 35 per cent).

In their assessment of the report and its relationship to the evidence presented, two-thirds (63 per cent) agreed that the report was a fair and balanced assessment of the evidence presented and only 8 per cent disagreed (Table 7). The most critical view of the committee's reports among the suggestions in our questionnaire concerned the unequal treatment of evidence in the report, where more people agreed that some witnesses have a disproportionate influence on the report (30 per cent) than disagreed (26 per cent).

This generally rather benign interpretation of the evidence puzzled us somewhat. Only 15 per cent claimed their evidence was largely ignored, 85 per cent felt it had some impact, with 40 per cent claiming a moderate to big impact. Given that the numbers of witnesses are sometimes very large we wondered how it was possible to acknowledge so many in the limited space available in a select committee report. We looked at a separate sample of 21 recent reports attracting 2,244 witnesses (listed in Appendix A). The average number of witnesses for each inquiry was 107 (22 oral and 85 written, although these figures include an average of 12 witnesses each inquiry who gave both kinds of evidence). To explore whether there is any observable reason for so many witnesses to claim some influence on the result we looked at these 21 recent reports to see how many witnesses were explicitly referenced in them. This analysis must be treated as indicative because it refers to a limited range of reports and we coded only a few variables for each witness; gender (where available), organizational affiliation, number of times evidence referred to in the main body of the report's text.

On average a witness could be expected to be cited 1.4 times. However, this was rarely evenly spread. Some reports had hundreds of citations, others only a few dozen. Moreover, taking all inquiries together, 56 per cent of witnesses were not cited at all, another 30 per cent were cited between one and three times and 14 per cent over three times (the record being 21 times). Being mentioned in the report is not a sure sign that one is being listened to. It could be a spurious nod to placate a witness who is otherwise ignored. Alternatively, the committee could be influenced by many witnesses making similar points but cites only one of them. However, our indicative look at these reports suggests that there does appear to be a disjuncture between perceptions of influence and

the likely influence as reflected in report references. Moreover, the patterns of referencing suggest that some witnesses might be listened to more often than others.

By one measure, men were listened to more than women; men were cited 1.89 times on average, and women little over half that at 1.03 times. However, this is skewed by the fact that we could not determine the gender of the witness in a large number of cases (1,189 of our 2,244 pieces of written or evidence were submitted by an association or organization without naming the author). Here one inquiry, the EFRA select committee report into dangerous dogs, was unusual since we could tell the gender of 85 per cent of respondents since many were private individuals giving their names and forms of address. As this inquiry also attracted a large body of written evidence givers (413), 57 per cent of the written submissions for which we know the gender of the author(s) were from this one inquiry, and in this one inquiry only 11 per cent of written evidence-givers were men. The skew this introduces is clear: if one excludes this particular inquiry, the bias goes in the opposite direction; men are cited on average 2.03 times and women 2.19 times (those whose gender we could not identify being cited 1.46 times). Omitting this particular inquiry from the other calculations in these paragraphs and tables 7 and 8 alters the figures somewhat (the average number of citations goes up). Perhaps the safest conclusion is drawn from looking at the oral evidence-givers only for whom the data is more satisfactory across all inquiries. Women are cited on average 2.9 times and men 3.0 suggesting at most a marginal (but not statistically significant) propensity for reports to include proportionately more references to men than women.

In this analysis we could include the appearances of non-discretionary witnesses -- civil servants and ministers -- and can thus compare the impact of discretionary and non-discretionary witnesses. Although we could not use the exact classifications of organizations used in the survey, the analysis of the citations allows us to compare how frequently all witness types are cited. From Table 8 it can be seen that non-discretionary witnesses are especially frequently cited when compared with the average of 1.4 times for all witnesses; ministers (on average 3.4 times) and civil servants (2.8 times). Only slightly behind these witnesses are those from private companies (2.4 times). Behind them come most of the rest, with representatives from academia, think tanks, charities and interest groups scoring between 1.4 and 1.8 on average. Private individuals (average 0.4 times) were the least likely to be cited.

In our 21 reports, a piece of oral only evidence, that is, where the witness did not submit any written evidence to accompany it (218 items fell into this category), was cited on average 3.0 times; oral evidence backed by written evidence (238 items) was cited 2.8 times. Written evidence not backed up by oral evidence (1,534 items) was cited 0.8 times, and written evidence backed up by oral evidence (254 items)⁸ 2.5 times. Certainly the averages could offer a misleading picture of influence; 67 per cent of the written only items of evidence were not cited at all (compared with 32 per cent of the oral only, 32 per cent of the oral backed by written and 33 per cent of the written backed by oral). Written evidence alone has, these measures suggest, somewhere between a quarter and a half of the weight of oral evidence.

In fact, all groups in our online survey, on this evidence, rather overestimated their impact on the report. The figures from the analysis of reports are not directly comparable. The survey includes witnesses to committees other than the 21 reports we coded and the unit of analysis differs; in the survey it is witnesses, in our coding of reports it is items of evidence. However, with these caveats, if only small proportions of those in the online survey could see no sign that the committee had taken notice of their evidence in the report (7 per cent of oral only witnesses, 5 per cent of written and oral witnesses and 23 per cent of written only witnesses), our data from our 21 reports suggest that larger proportions were in fact left out (around 32 per cent of oral and oral/written evidence givers and 67 per cent of written only evidence givers).

Conclusions

Overall, the discretionary witnesses in our survey displayed a high level of satisfaction with the whole process of evidence-giving. When asked whether they would give evidence again, only 2 per cent said they would try and avoid it, 23 per cent would not object if they were asked, 26 per cent would volunteer to give evidence and 48 per cent said they would seek opportunities to give evidence again. Those giving written evidence only, far from being disappointed or discouraged by not being invited to give evidence in person, were more likely to be the most enthusiastic about repeating their experiences in the future (55 per cent) than those who gave oral or written and oral evidence (40 per cent).

⁸ Numbers differ for written evidence backed up by oral appearances and oral appearances backed up by written evidence because it is possible for the same witnesses to offer more than one piece of evidence, or oral testimony, to the same inquiry.

This rather benign conclusion should not ignore that there were many criticisms included in the written comments we received showing that many witnesses were concerned about “grandstanding” albeit the term itself was only used around 10 times in 500 written comments, but the sentiment was also expressed in other ways. As one put it

Members of the committee tended to ask questions clearly identifying their political bias and the outcome they were seeking. ... [S]ome were thinking more about the record that was being generated than about a genuine search for the truth.

Yet from the write-in comments the most common complaints tended to refer to lack of information; not hearing what use was made of the evidence, not knowing the report had been published, not learning what happened as a result of the report. We can give some flavour of these: “We were mentioned in the report and I was pleased by this mention, however we were never contacted to let us know about this positive outcome”; “It would be good for people who submitted evidence ... to receive an email when the final report is published”; “I was not even informed when the Committee's report came out and discovered this from other sources”; committees should “make sure those providing the information are made aware of the usefulness of their input”. One wanted “more notice of the event and therefore prep time”.

We have certainly found some evidence of grandstanding and bias. It would be odd if we were not to find such evidence in a process dominated by politicians and heavily reliant on publicity and political pressure for any influence it may have. The question we have sought to answer is whether the claims that committees can make about relying on a

balanced collection and interrogation of a wide range of evidence are significantly compromised by partiality and bias in how this evidence is selected and handled. Some of the apparent bias, above all in the selection of witnesses, appears to be largely not of the committees' making. There was evidence of partisanship in how the committee hearings were run, above all in the criticism that the questions MPs asked seemed to indicate they had fixed ideas about what they wanted to find, but the specific charge that MPs used the opportunity to "score political points" was endorsed by just one witness in ten who appeared before the committee. In writing the report, fewer than one in ten positively argued the reports were not a balanced assessment of the evidence although a much larger proportion, three in ten, felt that MPs were disproportionately influenced by some witnesses.

Overall, given the fact that MPs are politicians used to the cut and thrust of politics one might have expected stronger evidence of bias and grandstanding. On the other hand, it is probably absurd to assume that this is the only way they know how to operate; they have substantial experience in non-adversarial forums dealing with constituents, handling constituents' problems, working with community and government organizations in their constituencies, operating within all-party groups or even within party structures and institutions that mean that they are well able to work effectively in marshalling or crowdsourcing ideas. Moreover, as one respondent argued:

There are many lawyers among MPs. In my experience, some lawyers have an approach to information/evidence and witnesses which is ultra-rationalist. ... [T]hese lawyer MPs can be quite dominating in a Committee setting and they are not very aware of the way they are behaving and what it will and will not get them. I have had

some of the best put questions, AND, crucially, post committee follow up, from thoughtful non-lawyer MPs who were taking time to consider the macro and micro issues at stake. Parliament should think more about its lawyerly culture and how that's not the only to approach policy or indeed real life.

While this is only one view, it does suggest that the idea that MPs are only capable of operating as party politicians could well be an inaccurate cliché and that MPs collectively are able to use a range of interrogatory styles and skills (for a discussion of different MP styles as they approach their select committee work see Geddes 2019).

One thing that may help them in this respect is something we did not cover in the survey: the clerks and advisers who do much of the work on these committees. As White's (2015) discussion shows, these can play a very significant role in inquiries and their aftermath. While their roles vary from committee to committee and inquiry to inquiry, they can be responsible for suggesting which witnesses to invite, suggesting questions that may be asked of them, reading written submissions, preparing digests of evidence for members to read as well as drafting reports. A handful of respondents were critical of their roles. Perhaps the most critical suggested

The Clerks are in charge of everything. They read the evidence and distribute questions around to MPs - who simply read out the one or two questions they have been given. The chair is usually better informed, since s/he will have worked with the Clerk to prepare the session. You might therefore get a sensible follow up question from the chair. ... But the whole exercise is just a gesture. The Clerks will have already half drafted the report before the session begins and will do a quick filler if needed after the session.

While this kind of verdict on the clerks was greatly outweighed by a much larger number of comments of the “they do a great job” variety, their role in the conduct of select committee inquiries is likely to be crucial and to understand the degree to which committees manage to avoid the kinds of levels of partisanship one might expect in a fact-finding body composed of partisans requires a deeper understanding of the role of the committee officials than we have been able to offer here.

Select committees offer an attractive venue for grandstanding, and we can certainly find evidence that MPs exploit the political opportunities that select committee hearings offer. Yet the grandstanding does not, from the evidence of over 900 discretionary witnesses, appear significantly to compromise the evidence-gathering ambitions of their inquiries. In the selection of witnesses, how these witnesses are interrogated and how their evidence is used, respondents express a possibly surprisingly large amount of agreement that committees’ aspirations to crowdsource a wide range of evidence are broadly reflected in MPs’ behaviour.

***Acknowledgement**

The LSE GV314 Group consists of staff and students in the Department of Government at the London School of Economics and Political Science following the undergraduate course 'Empirical Research in Government' (course code GV314). Involved in this project were Vaiki Anpalagan, John Bridge, Ella Creamer, Liza Dorofeeva, Brennan Foo, Bhaveer Galaiya, Vassilis Karokis-Mavrikos, Justin Lau, Oliver Mann, Charles Martin, Edward C Page, Matt Pullan, Jahnvi Solanki, Ji Woo Song, Natasha The and Molly Walsh. Isabella Pojuner (LSE) conducted some additional research for us. We are grateful to Professor the Lord Norton of Louth (Hull), Philip Cowley (Queen Mary University of London), Marc Geddes (Edinburgh), Meg Russell (UCL) and several parliamentary officials for their help in this research. We are also grateful to two reviewers who made valuable suggestions on an earlier version of this paper.

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Table 1 Over- and underrepresentation among groups appearing before select committees

Per cent of all respondents representing a ...	Type of evidence given			Difference col 2 - col 3
	All types of evidence	Appeared	Written	
		before committee	evidence only	
Public sector organisation	8	13	4	9
Trade association	7	8	6	2
Body representing public sector organisations	2	3	2	1
Private firm or business	11	11	10	1
Think tank	3	3	2	1
Voluntary or interest group	6	6	5	1
Trade union or professional body	4	4	4	0
Charity	16	15	17	-2
Educational institution	7	5	9	-4
Private individual, not on behalf of anyone	3	1	5	-4
Academic, professional or other expert	28	25	31	-5
Other	6	7	6	1
Total	100	100	100	
<i>N</i>	911	429	482	

Table 2 Over- and underrepresentation of types of evidence

Per cent whose evidence included ...	Type of evidence			Difference col 2 – col 3**
	All types of evidence	Oral (incl written and oral)	Written only	
Policy recommendations	78	76	80	-4
Offering professional judgment and experience	76	78	74	4
Discussion of alternatives and options	61	64	58	6
Criticism of existing policy	54	52	55	-3
Account(s) of how existing arrangements work	52	64	41	22
Speaking up for particular groups or interests	45	45	45	-1
Predictions or outlines of likely future scenarios	36	40	32	7
Presentation of statistical evidence	34	38	31	7
Sharing personal experiences	31	35	27	8
Technical or scientific analysis	30	29	30	-2
Other	0*	0*	0*	0
Total***	496	520	475	
<i>N</i>	888	418	470	

*Less than 0.5 per cent

**Due to rounding these may differ from the difference between columns 2 and 3

***multiple answers possible so percentages add up to over 100

Table 3 How the oral hearing went

Percent agreeing/disagreeing that ...	Agree	Disagree	Neither
I was given the opportunity to get my points across	87	6	7
Chair guided well	80	5	16
Questions scored political points	10	58	32
Members had good grasp of the issues	51	15	34
Members had fixed ideas	25	28	47

N=413

Table 4 Judgements of the oral hearing

Percent agreeing the session was ...	Very	Somewhat	Not at all
Focussed	76	23	1
Well organised	63	36	1
Enjoyable	42	51	7
Intimidating	9	45	47

N=408

Table 5 Judgements about process and views about conclusions

	Percent agreeing among those whose views are...	
	Consonant	Not consonant
Progress of the hearing*		
I was given the opportunity to get my points across	92	80
Chair guided well	85	71
Questions scored political points	5	20
Members had good grasp of the issues	61	35
Members had fixed ideas	14	42
Overall judgment of hearing**		
Focussed	81	66
Well organised	70	48
Enjoyable	44	29
Intimidating***	9	9

* Percentage saying “tend to agree”; other options were “tend to disagree”, “neither agree nor disagree”

** Percentage saying “yes, very” only; other options were “yes, somewhat” and “no, not at all”.

***All differences significant at $p < .01$ level except for this

Table 6 Respondents' perceptions of their impact on the committee report

	%
There is no sign they paid any attention to it	14
It had a small impact	36
It had a moderate impact	29
It had a big impact	11
Don't know	10
Total	100

N=753

Table 7 Respondents' perceptions of the report

	% Agree	% Disagree	% Neither
Fair and balanced assessment of evidence	63	8	29
Some have disproportionate influence	30	26	45

N=733

Table 8 Average citation for different types of witnesses in 21 reports analysed

Witness type	Average	%	N
	Citations	not cited	
Government minister	3.4	16	31
Civil servant	2.8	40	50
Private company	2.4	41	281
Trade union	1.8	36	44
Other public sector	1.8	43	262
Charity	1.7	45	273
Business association	1.6	46	156
Academic/learned society/professional	1.5	51	355
Interest group/think tank	1.4	54	70
Private individual	0.4	87	593
Unsure	1.3	44	64
Other	0.8	56	63
All	1.4		2,242

Appendix A 21 Reports Coded

Business, Energy and Industrial Strategy Committee “Carbon capture usage and storage: third time lucky?” Twentieth Report of Session 2017–19 HC 1094 25 April 2019

Business, Energy and Industrial Strategy Committee Executive rewards: paying for success Eighteenth Report of Session 2017–19 HC 2018 26 March 2019

Business, Energy and Industrial Strategy Committee The Future of Audit Nineteenth Report of Session 2017–19 HC 1718 2 April 2019

Defence Committee Mental Health and the Armed Forces, Part Two: The Provision of Care Fourteenth Report of Session 2017–19 HC 1481 25 February 2019

Defence Committee Missile Misdemeanours: Russia and the INF Treaty Fifteenth Report of Session 2017–19 HC 1734 4 April 2019

Digital, Culture, Media and Sport Committee Changing Lives: the social impact of participation in culture and sport Eleventh Report of Session 2017–19 Report, HC 734 14 May 2019

Digital, Culture, Media and Sport Committee Disinformation and ‘fake news’: Final Report Eighth Report of Session 2017–19 HC 1791 18 February 2019

Digital, Culture, Media and Sport Committee Live music Ninth Report of Session 2017–19 HC 733 19 March 2019

Education Committee Tackling disadvantage in the early years Ninth Report of Session 2017–19 HC 1006 7 February 2019

Education Committee The apprenticeships ladder of opportunity: quality not quantity Sixth Report of Session 2017–19 HC 344 8 October 2018

Education Committee Value for money in higher education Seventh Report of Session 2017–19 HC 343 5 November 2018

Environment, Food and Rural Affairs Committee Brand Britain: promoting British food and drink Fifteenth Report of Session 2017–19 HC 1039 27 June 2019

Environment, Food and Rural Affairs Committee Controlling dangerous dogs published Ninth Report of Session 2017–19, (HC 1040), 17 October 2018

Environment, Food and Rural Affairs Committee Draft National Policy Statement for Water Resources Infrastructure Thirteenth Report of Session 2017–19 HC 1978 26 April 2019

Health and Social Care Committee First 1000 days of life Thirteenth Report of Session 2017–19 HC 1496 26 February 2019

Health and Social Care Committee Sexual health Fourteenth Report of Session 2017–19 HC 1419 2 June 2019

Transport Committee Bus services in England outside London Ninth Report of Session 2017–19 HC 1425 22 May 2019

Transport Committee Local roads funding and maintenance: filling the gap Tenth Report of Session 2017–19 HC 1486 1 July 2019

Women and Equalities Committee Sexual harassment in the workplace HC 725 Fifth Report of Session 2017–19 25 July 2018

Women and Equalities Committee Tackling inequalities faced by Gypsy, Roma and Traveller communities Seventh Report of Session 2017–19 HC 360 5 April 2019

Women and Equalities Committee The use of non-disclosure agreements in discrimination cases Ninth Report of Session 2017–19 HC 1720 11 June 2019