

What impact has the general election had on the work of the Intelligence and Security Committee?

*Following the failure of the government to publish the Intelligence Security Committee's report into Russian interference ahead of the election, **Andrew Defty** examines the impact of the general election on the ISC, outlines the process for the establishment of a new committee and assesses the likely priorities of the reconstituted committee.*



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It is a feature of the British political system that when general elections take place government continues. The transition of power after an election is almost seamless and, in most cases, takes place overnight. In contrast, parliamentary scrutiny of government is paused during a general election campaign and it can take some time for parliamentary scrutiny mechanisms to be reconstituted following an election. The interruption to the work of Parliament's Intelligence and Security Committee (ISC) has been [particularly acute following recent general elections](#).

Appointing a new committee

Like other parliamentary committees, the ISC is dissolved when a general election is called. The first task will therefore be to appoint a new committee. It has been common practice following a general election that the ISC is reconstituted with a combination of new and experienced members. Retaining members with some experience of the committee is particularly important for the ISC. Few parliamentarians have any experience of the world of intelligence prior to serving on the committee. Even those who have held ministerial office tend to have had a fairly narrow range of contact with the intelligence and security agencies, if they have had any contact at all. Moreover, the timing of the election means that the ISC has a number of ongoing inquiries that will need to be completed. Retaining some institutional memory is therefore vital for its effective operation.

However, the election results mean that there will be a significant change in the membership of the committee. The ISC is comprised of nine members from both Houses of Parliament. Five previous members will not be returning to Westminster. The Conservative MPs, Richard Benyon and Keith Simpson, who have both served on the committee since 2015 did not stand in the general election. The Labour MPs, Caroline Flint and David Hanson, both lost their seats. Most significantly the Chair, Dominic Grieve, who stood as an independent after having the whip withdrawn by the Prime Minister, also lost his seat and will not be returning to Chair the committee.

Of the four remaining members (assuming they wish to continue on the committee), two sit in the House of Lords, Lord Janvrin and Lord Lothian. Lord Lothian (Michael Ancram) is by far the most experienced of the remaining members, having served on the ISC since 2006, first as an MP and then as a Peer. The remaining two MPs are relatively recent appointments: Labour's Kevan Jones was appointed to the committee in 2017, while the SNP's Stewart Hosie only became a member earlier this year.

The ISC is appointed by Parliament but only on the basis of nominations provided by the Prime Minister after consultation with the Leader of the Opposition. The Chair of the committee is chosen by its members from its membership. This process gives the Prime Minister [considerable control](#) over the composition of the committee. Dominic Grieve is widely seen as having been a good Chair but was also something of a thorn in the side of the government and the Prime Minister may choose to nominate members who are viewed as more reliable. There has at times been a worrying tendency on the part of party leaders to offer membership of the ISC as reward for loyal service – it would be unfortunate if this were to be the case again.

When will the committee be reconstituted?

The Prime Minister also has control over the timing of the establishment of a new committee. Parliament will not be able to appoint a new committee until nominations are received from the Prime Minister. Given that the committee's first action is likely to be the publication of its [report on Russian interference in the UK](#), which the Prime Minister declined to clear for publication prior to the election, he may be in no hurry to establish a new committee.

There are [worrying precedents](#) in this regard. The ISC was one of the final committees to be established following the last two general elections. In 2017 a new committee was not put in place until six months after the election, prompting the Chair of the committee to [publicly rebuke](#) the government, noting that 'the effective and robust oversight of the intelligence community, entrusted to us, is too important to have been left in a vacuum for so many months.'

Changes in the Labour leadership also have the potential to delay the appointment of the ISC. The Prime Minister must consult with Opposition leaders with regard to the membership of the committee. If the outgoing Labour leader is reluctant to nominate Labour members and there is a lengthy 'period of reflection' followed by a Labour leadership contest, it may be some time before a full list of members can be presented to Parliament. The ISC can operate with a quorum of three but legislation requires that there are nine members of the committee drawn from both Houses. Moreover, the committee will not be in a position to choose a Chair until all members are available. There seems, therefore, little option but to wait until a full list of nominations is available before reconstituting the committee.

What is on the ISC's agenda?

Once the new ISC is established the first item on the committee's agenda will be the publication of its [delayed report](#) into Russian interference in the UK. This report was completed before the election and cleared for publication by the intelligence and security agencies. Publication was held up by the Prime Minister on the grounds that, despite clearance by the relevant agencies, the content of the report still required careful consideration by the Prime Minister.

While the publication of the Russia report should be the first act of the new committee, it is also possible that a new committee, with a Chair who is more amenable to the government, may wish to look again at this report and further delay publication. Again, there is a worrying precedent in this regard. Prior to the 2010 general election the ISC had completed a report into the government's draft consolidated guidance on the treatment of detainees. When a new committee was appointed following the 2010 election, with a new Chair, Malcom Rifkind, and a substantially changed membership, this report was shelved. The explanation at the time was that the report related to draft guidance which had subsequently been changed. This report was eventually published in full in 2018 as part of the committee's inquiry into the mistreatment and rendition of detainees. The committee, under new Chair Dominic Grieve, clearly felt that the 2010 report should have been published when it was completed. In [publishing the report in 2018](#), the committee noted that while some of the recommendations in the report had been overtaken by events, 'the report as a whole remains relevant to the continuing debate' and that it was 'essential that the report is placed on the public record.'

There are a [number of other reports and inquiries](#) at different stages which have also been delayed by the election. The committee's annual report for 2018–19 is complete and also awaiting the Prime Minister's confirmation that it can be published. Its publication should be imminent. The committee had also launched a number of inquiries in the previous Parliament on which it has yet to report. These are: an inquiry into national security issues relating to China; an inquiry into right-wing terrorism; an examination of the current threat from Northern Ireland-related terrorism; and a case study on GCHQ procurement. ISC staff may have been in a position to progress some of these inquiries during the dissolution but there will be a steep learning curve for new committee members to get up to speed on this significant body of work.

There has also been a significant terrorist attack in London since the committee last met, prior to the dissolution. This is almost certainly something the new ISC will want to look at. The ISC produced a substantial report on the five terrorist attacks that took place in 2017, four of which occurred while the committee was in a state of desuetude due to the general election. The fact that the perpetrator of last month's attack on London Bridge had been convicted of terrorist offences and released from prison on licence will be of particular interest. The ISC looked at the management of extremism in prisons as part of its inquiry into the 2017 attacks. In a [chillingly prescient observation](#), the committee 'questioned whether some extremist prisoners may be tactically engaging with de-radicalisation programmes such as Prevent, in order to dupe the authorities into believing that the risk they pose has decreased.' The ISC also made recommendations with regard to the Approved Visitor Scheme in relation to tightening up the guidance on visitors to extremist prisoners. In November 2018, the Government agreed to report back to the committee on these recommendations within 12 months.

There is a significant and important body of work to be undertaken by the ISC when it is established. It is to be hoped that, unlike in 2015 and 2017, a new committee is established promptly and that it is allowed to continue its work without the obstruction and delay imposed by the government in relation to recent inquiries.

This post represents the views of the author and not those of Democratic Audit.



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