Taking Evidence: Witnesses and the evidence gathering process of select committees in the House of Commons

Evidence sessions by select committees in the House of Commons have received increasing attention from the public and the media over time, particularly those with high profile witnesses, such as Rupert Murdoch and Russell Brand. However, these are only the tip of the iceberg in that committees routinely take evidence as part of their inquiries. The purpose of this paper is to investigate the evidence-taking process further by exploring: (1) why evidence matters to committees; (2) the pool from which committees gather evidence; and (3) what factors affect the evidence-gathering process. This paper draws on a range of semi-structured interviews conducted during the 2010 Parliament with committee chairs, members and clerks; participant and non-participant observation of evidence hearings during the 2010 Parliament; and supplemented with the construction of a database of witnesses for one session of the 2010 Parliament (2013-14). This finds that evidence matters because it gives MPs an opportunity to build policy-related expertise; it enhances scrutiny of the executive; and it creates a continuous bond between representatives and represented. However, the empirical data shows that the pool of witnesses on which committees rely does not reflect the diversity of the population that Parliament seeks to represent. This is explained (note: not justified) by everyday practices of committee members, chairs and staff, who face a range of dilemmas throughout the evidence-gathering process.

Key words: parliamentary studies, select committees, interpretive political studies, scrutiny, evidence

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1 This work contributes towards my current doctoral research entitled: ‘Interpreting Parliamentary Scrutiny: An enquiry concerning everyday practices of parliamentarians in select committees of the House of Commons’, funded through an ESRC grant (reference: ES/J500215/1). This paper draws on a chapter completed for my doctoral research, and I am grateful for previous comments I have received on this topic by my PhD supervisor and others. I retain full responsibility for the views published here and the errors contained within.
Oral evidence hearings are one of the most well-known aspects of select committee scrutiny in the House of Commons. Over the 2010 Parliament, they have received widespread attention: in July 2011, for example, an intense and high-profile hearing was dramatically interrupted after Rupert Murdoch, chief executive of News Corporation, was assaulted with a foam pie (the afternoon, with two other witnesses, lasted close to five hours); later that year, in November 2011, members of the Public Accounts Committee were unhappy with a civil servant’s answers to questions and subsequently forced him to swear an oath to tell the truth as part of the committee’s investigations; and, in February 2013, Mark Carney appeared before the Treasury Committee for close to four hours in advance of taking up his post as governor of the Bank of England, having also submitted a 30-page document as written evidence before his pre-appointment hearing. These three examples of sustained, detailed scrutiny made headline news, and while they illustrate how the stature of committees has changed since they were established in 1979, these examples are arguably only the tip of the iceberg. Evidence is taken by most committees as part of their work in Parliament on a routine, everyday basis. Although this process is one of the most central aspects of committee work, this has not, on the whole, received significant analysis in British parliamentary studies. The aim of this paper is to build on a small pre-existing literature. It would be too

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ambitious an attempt to comprehensively assess the effectiveness of the evidence-taking process; rather, my aim here is to open a debate about evidence-gathering, who gives evidence, and what affects this process. In order to do this, this paper is broken into four sections. First, I begin with a summary of the theoretical and methodological principles that inform my research. This takes an interpretive lens and draws on mixed methods including semi-structured interviews, non-participant and participant observation, textual analysis and a database on witnesses. Second, I explain why evidence matters to committees, which is important on at least three levels: for individual MPs to build policy expertise; for committees to engage in robust scrutiny; and for Parliament to engage with the public. Third, given the importance of evidence, I examine the evidence base by looking at oral evidence from one parliamentary session (Session 2013-14). This reveals that witnesses are not reflective of the UK that Parliament otherwise seeks to represent. Fourth, I turn to explain why evidence draws from a limited pool of individuals. Though this does not justify the witness base, it reminds us that committees are driven by short-term and multiple demands from committee members, consequently throwing up dilemmas with which committees have to contend. Thus, we must remember that, to understand scrutiny, we cannot only look at the formal process by which the legislature holds the executive to account, but that scrutiny depends on everyday practices that sustains and shapes scrutiny in a multitude of ways both within and outside of the House of Commons.

1. Theory and method

This research takes its cue from an interpretive analytical framework, specifically drawing inspiration from the work of Mark Bevir and R.A.W. Rhodes, something which is arguably not common within legislative and parliamentary studies. With roots in an anti-

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4 Mark Bevir and R.A.W. Rhodes have published a range of work, but my research draws especially from: M. Bevir and R.A.W. Rhodes (2003) Interpreting British Governance, London: Routledge; Bevir and Rhodes
foundationalist epistemology, Bevir and Rhodes’ aim is to ‘decentre’ the British state, by which they seek to ‘unpack’ practices as disparate and contingent beliefs and actions of individuals. Thus, interpretive political science (IPS) contests the idea that inexorable or impersonal forces, norms, or laws define patterns and regularities in politics and instead focuses on their social construction through different ideas and values. In order to analyse practices in this way, Bevir and Rhodes have developed a number of key concepts, including situated agency, beliefs, traditions, dilemmas and practices (which have been summarised in Table 1). These ideas chime well with the focus of this research, and so this paper takes those

### Table 1: Key concepts in interpretive political science

<table>
<thead>
<tr>
<th>Concept</th>
<th>Definition</th>
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<tr>
<td>Decentredness</td>
<td>To decentre is to unpack or to disaggregate how practices, traditions and beliefs are sustained, modified or discarded through an analysis of said practices, traditions and beliefs.</td>
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<tr>
<td>Situated Agency</td>
<td>Individuals are ‘situated’ in wider webs of beliefs (traditions), which will largely shape individuals’ beliefs. However, actors have a capacity for ‘agency’ in that they may alter, modify or discard practices, traditions or beliefs (usually in response to dilemmas)</td>
</tr>
<tr>
<td>Beliefs and Ideas</td>
<td>Ideas are the heuristic devices by which individuals and groups are able to identify and interpret the world around them. Situated agents act on these, which elevates ‘ideas’ into ‘beliefs’, which is how individuals and groups negotiate their social world around them.</td>
</tr>
<tr>
<td>Practice</td>
<td>For Bevir and Rhodes, a practice is a macro-level analysis of a set of actions that often exhibits a stable pattern across time. Practices are the ways in which beliefs are manifested, allowing us to situate beliefs in practices. Practices are usually embedded in traditions.</td>
</tr>
<tr>
<td>Tradition</td>
<td>Traditions are the ideational background within which agents find themselves. Usually, agents will adopt beliefs from traditions as a starting point, but may amend them (usually in response to dilemmas). Traditions form an aggregate level of analysis of ideas, beliefs and practices.</td>
</tr>
<tr>
<td>Dilemma</td>
<td>A dilemma is an idea that manifests itself as a belief for an individual and/or group, which, if it stands in contradiction to any other belief, practice or tradition, poses a problem for the individual and/or group. This ‘dilemma’ may be resolved by either accommodating or discarding the new belief.</td>
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6 Based on a range of publications by M. Bevir and R.A.W. Rhodes – see bibliography.

7 For a summary of decentred theory, see: Bevir and Rhodes, The State as Cultural Practice, p.73.
ideas on board (notwithstanding some criticisms of the approach). In particular, I look at how interpretations of evidence-taking by committee members, chairs and staff affect the scrutiny process and what dilemmas they face in doing so.

This paper adopts a mixed-methods approach in order to operationalise the key analytical concepts mentioned above. My account is informed by a research placement in the House of Commons Committee Office, where I worked as a research assistant to a select committee over a period of 14 weeks. I was able to observe private and public meetings of committees, participate in staff meetings, observe parliamentary proceedings, and helped to write briefings and draft reports. Though this placement gave me crucial insights, this paper particularly draws on: first, semi-structured interviews with committee members, chairs and staff (totalling 43 interviews), and countless informal conversations with parliamentary actors over the course of my research placement; and second, a database of witnesses that gave evidence to select committees over one parliamentary session (Session 2013-14), which in total came to 1,241 committee sessions and featured 3,228 witnesses. Taken together, these methods inform the following account on why evidence matters (ideas, beliefs), who gives evidence, and what factors affect this process (practices, dilemmas). It is to these issues that the paper now turns.

2. Why does evidence matter?

Evidence underpins the select committee system, and it arguably does so on at least three distinct levels: on an individual level, it helps MPs to gain expertise; on a committee level, it informs scrutiny processes; and on a parliamentary level, it is a method by which the link

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9 Over the course of fieldwork, I kept a personal and confidential fieldwork diary (or FWD). Any reference to this refers to a specific paragraph. Interviews were undertaken over the course of fieldwork and remain anonymous. Each interviewee has been given a code and were referenced as such (codes beginning with ‘M’, ‘C’ and ‘S’ refer to committee members, chairs and staff (respectively)). For further details about the database, see Appendix 1. I aim to make this database a public resource once my doctoral research has been completed. Please feel free to contact me for further information.
between Parliament and public is sustained between general elections. Each deserves a brief discussion (see Table 2 for a summary).

The first factor relates to the individual level of MPs to build policy-related expertise. Policy learning through gathering evidence from stakeholders, academics, service users and executive actors allows MPs to, as one chair put it, ‘really get your teeth into something’. Another MP said that being on a select committee is key for access and finding out information because it offers MPs ‘a chance to get in-depth access in a particular area’. He explained that, while Members of Parliament generally have good access to a range of individuals and groups by virtue of the position they hold, it is only through select committee membership that access to reticent individuals is likely to be ensured (though, as we discuss below, not guaranteed). More broadly, while for some MPs joining a committee involves learning about something new and different to their previous employment background, others use this opportunity to deepen their pre-existing knowledge (and likely use it to advocate for change). One MP, for example, described it as ‘a good education to me, having come in as a new MP’. Indeed, in the absence of systematic and professional training for MPs, becoming an effective Member of Parliament depends on practising scrutiny activity in committee rooms at private and public evidence sessions to pick up effective questioning skills, develop different arguments, and so on. In recent years, select committees have given training to their committee members, usually by experienced QCs or journalists. Thus, evidence has an individual-level purpose.

This policy learning is not limited to this individual level and, perhaps particularly important from a chair’s point of view, it is essential for the committee as a whole to better understand policy issues. One chair:

10 Interview C-48.11.15.

11 Interview M-39.9.23.

12 Interview M-57.13.25.


14 Interview S-52.12.22.
It’s very important that the committee and the staff of the committee are genuinely learning through the process of the inquiry, who are not just going through a ritual in order to stick the pig at the end of it. There is a genuine intellectual exploration of the issues, of the surfacing of the information in order to advance the debate about whatever it is we’re scrutinising.\textsuperscript{15}

Similarly, another chair:

\textit{I think we’re there to do a genuine ... I think our committee is actually there to try and find solutions and to sort of build a solution, and build awareness and understanding and to identify gaps that there are that need to be addressed.}\textsuperscript{16}

This leads us to the second factor regarding the importance of evidence: a way by which committees examine to what extent government policy is working, with the ultimate aim of enhancing or improving existing policy. A key theme from interviews and fieldwork suggests that scrutiny processes should be underpinned by an evidence-led approach (often relating this to a legalistic perspective).\textsuperscript{17} This interpretation of evidence means that the scrutiny focus is on empirical cases and judged by committees irrespective of political values. This isn’t to say that the politics is taken out of inquiries, nor that evidence cannot be used for political purposes (particularly given the plausible view that ‘evidence’ is not neutral). But the majority of committee members that I observed and interviewed do not view their scrutiny role in a party political way; rather, they seek to give greater credence to witnesses and the views of others rather than themselves or, at the very least, try to do so (the extent to which committee members are able to adhere to this goes somewhat beyond the purview of this paper.

Broadening out one step further brings us to the parliamentary level. The link between representatives and represented is established through free and fair elections but, as Cristina Leston-Bandeira points out, the relationship between citizen and representative needs to be

\textsuperscript{15} Interview C-46.11.5.

\textsuperscript{16} Interview C-44.10.9.

\textsuperscript{17} For example, the following interviewees mentioned this: Interview M-59.13.12, Interview C-52.12.4, Interview M-49.11.6, Interview M-51.12.8 and Interview M-57.13.25. The last two, in particular, draw on their legal background in interpreting the importance of evidence.
sustained between elections to maintain the link between Parliament and public. 18 Parliamentary committees are a crucial mechanism by which this link can be sustained. In recent years, select committee engagement strategies have become increasingly important for MPs as an attempt to rebuild trust in politics, especially after the MPs’ Expenses Scandal in 2009 (and because members of the public generally respond positively to select committee scrutiny). 19 In a sign of changing times, select committees adopted a new ‘core task’ (Task 10) to guide their committee work in 2012: ‘To assist the House of Commons in better engaging with the public by ensuring that the work of the committee is accessible to the public’. 20 Most recently, the Liaison Committee commissioned a compelling piece of research into building public engagement by Matthew Flinders et. al., which concluded that, while there has been ‘a significant shift within the select committee system to taking public engagement seriously’, the authors note that ‘this shift has not been systematic’ and may require ‘a deeper cultural change at Westminster’. 21 These findings are echoed in interviews for this PhD, too, in that public engagement was not often mentioned by committee members. That said, awareness was shown by some. For example (a clerk and chair, respectively):

*I mean, you know, what we’re looking at the moment, [XX] … A lot of people are very unhappy about that and they may continue to be unhappy but at least the committee’s given them an opportunity to say what they think and shows that, you know, Parliament is taking notice of it. So that’s, you know, responding to our stakeholders or whatever is a good thing to think about.* 22

*We’ve done quite a lot of public meetings … we’ve gone out of our way to try and engage with people that wouldn’t normally engage with Parliament or with politics but are at the sharp end of suffering [the] consequences of government policy … and that’s quite difficult to get people in that are willing to speak on those things. And that’s why we’ll do it in a car and going out to them, to their communities. Making it accessible. … so we’re trying to break down some barriers of public engagement and things.* 23

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21 Liaison Committee, *Building Public Engagement*, paragraph 3 (pp.5-6).

22 Interview S-60.13.9.

23 Interview C-48.11.15.
This link between Parliament and public by way of select committee inquiries has been acknowledged more widely in the literature on Parliament and public engagement and this matters because it gives the public a route to potentially impact parliamentary proceedings beyond placing an x on a ballot paper once every five years. 24

Generally, this discussion indicates that evidence matters to select committees for three key reasons: first, MPs note the policy expertise gained from committee service (individual level); second, committees use evidence to establish the basis for policy evaluation and detailed scrutiny (committee level); and third, the evidence-gathering process acts as a crucial mechanism to link the public directly to Parliament and the policy-making process (parliamentary level). Given this importance of evidence, it raises the crucial question as to the extent and variety of evidence taken by the House of Commons. This reveals from whom MPs learn, how they scrutinise government, and in what way the representative link is sustained. Thus, our discussion turns from why evidence matters to who gives evidence.

3. Who gives evidence?

In recent years, some research has been conducted to look more closely at the relationship between witnesses and select committees. Darren Halpin et. al., for example, look at interest groups at the Scottish Parliament, who find that there is a core of participants who are heavily engaged in evidence-gathering processes (both in terms of written evidence and oral hearings), which raises a subsequent question about ‘usual suspects’ in parliamentary

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proceedings. Elsewhere, Rebecca Rumbul examines the gender balance of witnesses at the National Assembly of Wales, finding that witnesses are overwhelmingly male and evidence sessions are conducted in a masculine atmosphere. This similarly questions the representativeness of the legislature’s evidence base. Both of these sub-national examples are complemented by a national (though thus far isolated) report published by Richard Berry and Sean Kippin for Democratic Audit in 2014. Their research focuses on evidence taken by Parliament (including House of Commons committees, House of Lords committees, and joint committees) between October and November 2013. Their report echoes the sub-national findings from Halpin et. al. and Rumbul, in that the authors found not only a startling gender disparity (only 24.7% of all witnesses were women), but additionally that trade associations were arguably over-represented due to their frequent appearances in oral evidence. Aside from this research, there has been one further, international, study. This research, by Helene Helboe Pedersen et. al., compared the effect of institutional arrangements and other factors to giving evidence in the UK, Denmark and the Netherlands. This found that it is not necessarily structural state-society relations that solely affect the relationship between legislature and public, but the institutional arrangements, too (such as the open or closed nature of evidence hearings). Broadly, these four studies collectively indicate that those who give evidence to parliamentary select committees do not reflect the wider public. However, aside from these aforementioned studies, there has been little further published research on the relationship between witnesses and select committees. Given the importance of evidence in scrutiny covered above, this is perhaps a little surprising, and so this paper seeks to build on some of the previous findings by exploring the witness base on which committees draw. The research conducted here is limited in that it looks at 25 select committees from the House of Commons over 08 May 2013 to 14 May 2014 (Session 2013-14), and looks at oral evidence hearings only (excluding written submissions and other forms of engagement). However, this alone amounted to 1,241 committee sessions, featuring 3,228 witnesses, which is more extensive than the only other national study on witnesses (Berry and Kippin’s report features 583 witnesses). For further details on the construction of this database, see Appendix 1.

26 Rumbul, ‘Gender Inequality in Democratic Participation’, pp.63-78.
27 Berry and Kippin, Parliamentary Select Committees.
The overall figures for committee activity are illustrated in Figure 1, which shows that the Public Accounts Committee had the most witnesses (255), closely followed by the Transport Committee (252); meanwhile, the European Scrutiny Committee (ESC) and the Liaison Committee had the fewest (34 and 3 witnesses, respectively). Both are, arguably, anomalous cases in that the ESC examines draft European Union legislation, and the Liaison Committee is neither a departmental nor cross-cutting committee. On average, each committee heard evidence from 129 witnesses. I break down this data by analysing: (i) organisational affiliations; (ii) geographical breakdown; and, (iii) the gender balance.

### 3.1. Organisational affiliation

Figure 2 gives an overview of the organisations that gave evidence, which is examined by committee in Figure 3 (Appendix 1 explains these categories). Perhaps unsurprisingly, the single biggest category of witness is ‘government and civil service’, which makes up 36.0% of all witnesses over the parliamentary session. This category was broken down further (see Figure 4). This reminds us that public service delivery is both complex and fragmented, but also – and more importantly – that public officials appear in front of select committees on a regular basis (ALBs were the single-biggest sub-category over Session 2013-14). Though change over time is not shown here, these findings reinforce the trend indicated by other research that public servants have become public-facing figures (exemplified by Margaret...
Hodge’s (mistaken) claim to a civil servant in 2011 that he is accountable to Parliament and not accountable to the relevant departmental minister).\(^\text{29}\)

Figure 5 shows the distribution of non-profit organisations, indicating the importance placed on charities and/or campaign groups, business and/or trade associations, and professional

associations. Interestingly, trade unions made up only 7.1% of non-profit witnesses, which is small in comparison to business and/or trade associations (21.7%). This reinforces the comment made by Berry and Kippin in their report that trade associations feature frequently at evidence sessions and who might be considered as over-represented.\textsuperscript{30} Generally, the non-

\textsuperscript{30} Berry and Kippin, \textit{Parliamentary Select Committees}, pp.6-7.
profit sector played a role in most committees, but especially the Business, Innovation and Skills Committee (perhaps unsurprising given the remit of the committee) and the Work and Pensions Committee. Turning to the private sector, Figure 6 analyses the sub-categories in more detail, and reveals that prominence is given to multi-national businesses and large/national businesses. Small and medium-sized businesses made up only 18.0% of private sector witnesses.

The higher education sector made up 8.1% of all witnesses, predominantly universities and research groups. Generally, university-led research groups were subsumed into their university categories (such as the Glasgow Media Group into the University of Glasgow or the Institute of Education into University College London). The higher education category was examined in more detail by looking at institutional affiliations; which were used as a proxy to illustrate the nature of the types of universities that gave evidence. So, University Alliance tend to be business-engaged universities; Million Plus represents newer universities; Russell Group universities are perceived to be traditional research-intensive institutions; and Oxbridge (though part of the Russell Group) represent the two most elite universities in the UK. Of course, these affiliations are not without problems because many universities did not fit into an affiliated group and were therefore labelled ‘non-affiliated’. With this caveat in mind, the data is visualised in Figure 7 and Figure 8 (all higher education witnesses and only university witnesses, respectively). These figures show a predominance of Russell Group
Figure 7. Higher education witnesses (all witnesses)

Table 3. Most frequent higher education witnesses

<table>
<thead>
<tr>
<th>Rank</th>
<th>University</th>
<th>Frequency</th>
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<tbody>
<tr>
<td>1</td>
<td>University College London (26)</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>University of Oxford (24)</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>London School of Economics (19)</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>King’s College London (17)</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>University of Glasgow (12)</td>
<td></td>
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<tr>
<td>6</td>
<td>University of Cambridge (10)</td>
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<td>7</td>
<td>University of Edinburgh (7)</td>
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<td>University of Manchester (7)</td>
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<td>9</td>
<td>University of York (6)</td>
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<td>University of Stirling (5)</td>
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<tr>
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<td>Cardiff University (5)</td>
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<tr>
<td>=10</td>
<td>Imperial College London (5)</td>
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<tr>
<td>=10</td>
<td>University of Birmingham (5)</td>
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universities: excluding Oxbridge, this group makes up 52.3% of all higher education witnesses; looking at only university witnesses, and including Oxbridge, this rises to 75.6%. This is not necessarily surprising because these universities tend to be perceived as successful research institutes (either through research audits or through reputation). Table 3 shows the top 10 universities that gave evidence to committees. Four of the top five are based in
London and the South East, a trend which is reinforced more generally by Figure 10 that breaks down universities by geographical region. This arguably raises a question about the diversity of universities’ representation in Parliament, especially when taken together with the lack of representation from non-Russell Group universities (though note, of course, that non-affiliated universities make up 18.3% of university witnesses).

3.2. Geographical location

This dataset makes an attempt not only to give an insight into the organisational affiliation of witnesses, but also their location. This is important because it allows us an insight into the geographical range, particularly shedding light on the reach of select committee evidence-gathering. Additionally, it indicates the accessibility for witnesses to give evidence from different parts of the country. However, this data is gathered with difficulty for three reasons. First, location is not generally listed in oral evidence records (universities are an obvious exception). Second, the main office or primary location of an organisation might not be the same work location for witnesses (for example, staff may work from home, live in a different
region and commute, work at a different office to listed headquarters of organisations, and so on). Third, some witnesses might travel regularly or might be in London over the course of an inquiry and therefore this would not impede their attendance. As a result, a large number of witnesses’ location is labelled as ‘not known’. These findings should therefore be treated with caution.

Despite the above limitations, a large amount of information is available online through publicly available records (particularly for high profile and public figures). This reveals that, even when government and civil service witnesses are excluded, that London dominates, making up close to half of all witnesses (48.4%), followed by the South of England (18.7%) (see Figure 9). The others take up a much smaller proportion, with the North of England and Scotland representing close to nine percent each, and the Midlands reaching 5.9%. Over the 2013-14 parliamentary session, more witnesses seem to come from abroad than from Wales (3.8% against 3.2%, respectively). This trend is replicated for geographical distribution of universities, where data is most reliable. This shows (see Figure 10) a predominance of universities in London and the South of England, which together make up more than half of all university witnesses.

3.3. Gender balance

A key headline raised from Berry and Kippin’s research project is the low number of women that gave oral evidence: of 583 witnesses, 24.7% were women (or 144); of all Commons witnesses they counted (391), 23.5% were women (or 92). They also looked specifically at the organisational and committee breakdown, all of which reveal a strong disparity that favours men over women (with only one exception).31 This led to a range of individuals, including academics, a chair of a select committee, and staff from non-profit organisations, to call for action.32 More recent research by Rumbul echoed these findings for the National Assembly for Wales: over a 12 year period, only 27% of witnesses were women.33


33 Rumbul, ‘Gender Inequality in Democratic Participation’, pp.70-1.
The above findings are reinforced by this dataset, showing that, of 3,228 witnesses, 24.5% were women (792 witnesses). This is broken down by committee in Figure 11 and Figure 12, and by organisation in Figure 13. This reveals that the Treasury Committee called the fewest women to give evidence (less than 10%), while the International Development Committee
called the most (just over 30%). However, no committee came even close to calling an equal number of women and men to give evidence. Similarly, no organisational group called an equal number of women and men. Private sector witnesses were particularly unrepresentative, where women constituted only 10.4% of all witnesses.

3.4. Discussion

Although these findings represent a specific snapshot of one type of evidence in the House of Commons during one parliamentary session, this data is important in that it not only reinforces the initial findings from Berry and Kippin, but also offer slightly more depth. The data presented here questions the diversity of the evidence on which committees depend, in at least three ways. First, the organisational breakdown reveals that committees rely heavily on representative associations, particularly professional bodies, trade associations and large/multi-national companies; trade unions, small and medium-sized businesses, and service users or members of the public made up a small proportion by comparison. Second, the location of witnesses indicates that Parliament is not listening to the public from across the country. Axiomatically, select committees are constrained in who they are able to invite for oral evidence in that they cannot choose where organisations should be based. However, committees do have some room for manoeuvre. For example, despite the range of universities across the country, 37.8% of all academic witnesses are based in London, and four of the top five universities that gave evidence most often over 2013-14 came from London and the South East alone. Third, men vastly over-represent women in giving evidence in all areas of committee work, and anecdotal evidence also suggests that other social demographic groups are under-represented in Parliament (ethnicity, age, disability, sexuality). Perhaps one of the most worrying statistics is that, over one week, 25 November to 28 November 2013, 77 witnesses gave evidence, of which only six were women (or 7.8%). This matters because it suggests that Parliament is failing in its task to not only reflect the population, but also engage with all sections of society that Parliament seeks to represent. Though the topic of representation goes slightly beyond the purview of this study, this does feed into a broader point about the importance of descriptive representation. 34 Indeed, without descriptive representation in Parliament, it could perpetuate the perception that the House of Commons is

a closed institution and does not hear from witnesses with whom the general public identify. This is particularly important given the earlier discussion about the importance of evidence as a way by which to engage the public and link Parliament directly to the everyday lives of the citizens it seeks to represent. Instead, these three points suggest that select committees seem to rely on the ‘usual suspects’, i.e. familiar witnesses that give evidence frequently, and individuals who are used to speaking in parliamentary or political environments. Axiomatically, these trends are not without reasons. In order to examine these, I now wish to focus more directly on how everyday practices affect the evidence-gathering process.

4. Dilemmas in the evidence-gathering process

In order to examine the everyday practices of select committees with regards to the evidence-taking process, I point to a number of dilemmas that affect the diversity of witness panels in scrutiny and, while they do not justify the lack of diversity, they do provide explanations and give further weight to the importance of studying everyday practices. It is useful to split these into committee-related factors and witness-related factors.

4.1. Committee factors

In general terms, witnesses for oral evidence are invited after written evidence has been submitted, discussed and analysed. Initial lists tend to be drawn up by staff based on written evidence, pre-existing (and frequently informal) policy networks, and/or advice from specialist advisers. However, the options of who a committee may invite depends on the focus of an inquiry, as this clerk explains:

Some people select themselves because they have the knowledge that you want and they’ve done the research or analysis or they represent, you know, different client groups or whatever.35

This agenda-setting stage arguably limits the pool from which committees can gather evidence because, quite simply, committees do not have a choice over these. For this reason,

35 Interview S-60.13.9.
the statistics on organisations (especially government and civil service) arguably reveal as
much (if not more) about the state of those organisations as it does about select committees.

As noted, initial lists are drawn up by staff. Additionally, the chair will offer direction and
MPs will make suggestions (though the level varies considerably from committee to
committee and MP to MP). One clerk points out:

So, members will make suggestions. Very often they are straight from the usual suspects list. I
mean that’s the biggest problem we have is there are a group of people who come often to give
evidence and getting out beyond that group is a challenge.

He went on to say that this is possibly accentuated by lobby groups, who have become ‘more
crafty’ at getting their message in front of MPs, in order to subsequently be suggested for oral
evidence. 36 This arguably presents a dilemma for staff because, though they are arguably
most keenly aware of the diversity of witness panels, a broader set of witnesses would be
contrary to members’ wishes (therefore non-negotiable). This means that committee staff do
not have the capacity to invite a perfectly representative witness panel, though also raises
questions about MPs’ ability to broaden their reach.

A further concern for committees is the need for political balance and/or breadth. For
example, one clerk noted that, to ‘balance’ a lot of academics that have given oral evidence
as part of an inquiry (she explains that ‘academics are generally seen as left-wing’ by MPs),
she has suggested policy experts from centre-right think tanks to the committee at an
upcoming session. 37 This view is shared by some chairs:

If we think there’s two big organisations … that are going to say exactly the same, which they
probably will, we’ll just choose one of them and try and get somebody along to say something
different. 38

36 Interview S-59.13.22.
37 Interview S-29.7.13.
38 Interview C-48.11.15.
Therefore, staff and chairs attempt to ensure breadth of evidence across the political spectrum. It indicates, once again, that the characteristics of those giving evidence might be affected through this process.

Though committees face these problems in identifying potential witnesses, there are yet further dilemmas in organising evidence sessions. One issue stems from the desire among committee members to frequently extend the number of committee sessions as an inquiry is taking place, which means that ‘there’s pressure on the timetable’. This revisits the theme of multiple loyalties and time pressure that was identified in Chapter 4 (on members) and Chapter 6 (on staff) respectively. Some committees (such as the Home Affairs Committee and Public Accounts Committee) and their MPs are unmistakably reactive to the news agenda, or what another clerk described as ‘ambulance chasing’. Consequently, inquiries are drawn up at short notice, and pre-planned sessions are moved to make room for more urgent business. Alternatively, evidence sessions result in multiple witnesses, or back-to-back sessions, to squeeze MPs’ wishes into the timetable – though MPs themselves have responded by saying that multiple witnesses limits the depth of questioning that they are able to pursue. These committee-related factors are often complicated further by witness-related factors.

4.2. Witness factors

Related to the factor about the agenda-setting of an inquiry, there is the additional issue that a policy area may well be quite small, or alternatively, there are only a few individuals from which a committee can draw more generally. As this clerk points out:

> We have a few, our favourite academics who come and they’ll give evidence several times a year because, you know, there’s not a huge number of [XX] academics and there’s not a huge number of people fascinated in many of the things we do.

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39 Interview S-30.7.12. See also Interview S-29.7.13, who explained that a four evidence session inquiry ‘ended up being 12 to fit people in because their ideas kept adding’.


41 Interview M-37.9.8 and Interview M-46.11.9.

42 Interview S-29.7.13.
Table 4. Dilemmas facing committees in taking evidence

<table>
<thead>
<tr>
<th>Committee factors</th>
<th>Witness factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agenda of inquiry</td>
<td>The committee’s agenda or terms of reference limits the choice of witnesses who are able to constructively contribute to an inquiry</td>
</tr>
<tr>
<td>Direction from MPs</td>
<td>Chairs and committee members’ recommendations are not ignored by staff, but they may not consider the issue of diversity</td>
</tr>
<tr>
<td>Political balance</td>
<td>Given the diversity of political opinion on committees, political balance, as opposed to other types of diversity, are privileged</td>
</tr>
<tr>
<td>Timetable issues</td>
<td>Some committees tend to be more reactive to the political agenda, and therefore need witnesses to be available at short notice and/or flexible</td>
</tr>
<tr>
<td>Small network</td>
<td>The pool from which committees can draw from a whole policy field may well be unrepresentative</td>
</tr>
<tr>
<td>Availability</td>
<td>Not all witnesses will be available for an evidence session, and formal powers of summoning are used as a last resort</td>
</tr>
<tr>
<td>Performance</td>
<td>Witnesses need to be able to make evidence accessible and understandable to members, and not all will thrive in this environment</td>
</tr>
</tbody>
</table>

Due to this factor, then, committees are restricted in widening the diversity of witness panels because of a lack of availability. To put this slightly differently: the pool from which committees seek to draw evidence may not be representative itself, and so imbalances of gender or location may reflect imbalances in organisations.

Second, pressure on the timetable from the committee’s point of view is exacerbated further by witness availability (or lack thereof). One MP acknowledged:

_I remember when I put forward [XX] inquiry, I wrote a kind of five page wish list of all the people I thought would be interesting to hear from … the clerks will go away and try and work with that wish list. But then they will come back with what’s practical and also, within a very finite amount of time, when you might have only a handful of meetings or something._\(^{43}\)

One member of staff:

_Often we’ll give the chair a witness plan, but … with the best will in the world you never get even half the people you want on your witness plan. Because they’re on holiday, they can’t do it, they don’t want to do [it], you know, that kind of thing. And then you’re trying to find replacements._\(^{44}\)

\(^{43}\) Interview M-57.13.18.

\(^{44}\) Interview S-54.12.22.
To plan a session with the right witness for the right time can therefore be difficult, and highlights the unpredictability of everyday behaviour. Committees (particularly from the view of staff) are working within short, frequently changing deadlines with demanding committee members (whose own commitments vary) and chairs (whose ideas may be different from that of the rest of the committee). It is unsurprising that committees draw heavily from London-based witnesses as a result. They have to travel the shortest distance, are likely to be available at shorter notice, and are more likely to be known in relevant policy circles.

A final concern, amongst staff particularly, is a perceived need to have witnesses who are ‘good’ at giving evidence. It is worth quoting the following clerk at length:

_There are people who you know are renowned experts but who are just crap witnesses. And there is an element of theatre to it, you know? ... We had a seminar the other day, it wasn’t oral evidence session, but we had a seminar and we had high hopes of two people who were just so enthusiastic on the phone you thought this is going to be brilliant, they’re just going to blow the committee away. And it was so boring. And they were so uninspiring and they turned into these grey technocrats with nothing to say and you’re like, “Oh god!”_.

He noted that this ‘theatrical performance’ needed to have witnesses who were ‘accessible and understandable to members’. Not all witnesses are able to convey information in this way, whilst simultaneously trying to navigate the complex personal and political relationships between committee members. Over fieldwork, for example, one academic witness noted (to her surprise) that the hearing was ‘very intense’ and ‘very political’ despite the fact that she was trying to impart information. This generally reinforces points made by the aforementioned research by Flinders _et. al._ for the Liaison Committee, in which witnesses indicated that questions by MPs can be much broader than the formal terms of reference, and also more political. In other words, witnesses are not only informing committees, but performing a particular kind of role to which not everyone is suited (particularly in an adversarial environment).

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45 Interview S-59.13.22.

46 _Ibid._

47 Written (email) communication with witness (noted also in fieldwork diary: FWD 15.4.6).

48 Liaison Committee, _Building Public Engagement_, paragraph 77 and paragraphs 83-5.
As a result of the everyday nature of taking evidence, committees’ room for manoeuvre in inviting and organising a diverse panel is always fraught with difficulty (as summarised in Table 4). One clerk suggested that it is only between one fifth and one quarter of witnesses where committees have options to seek greater diversity.\(^ {49}\) Irrespective of the accuracy of this claim, there is a question that underlies this: to what extent should the House of Commons be more proactive in promoting social diversity of its panels? This is a possible tension for committees and particularly for staff, who wish to both ensure Parliament is able to listen to a broad cross-section of society, whilst simultaneously reflecting the wishes, concerns and interests of the committee that staff are tasked to serve.

Concluding remarks

The cumulative effect of the issues raised above is that evidence sessions are complex performances, and that they do not necessarily always lead to what might be termed ‘good’ or effective evidence sessions. This matters because evidence matters. Evidence is crucial for MPs to learn about key political and policy issues, it allows the committee more generally to assess government policy, and it acts as a crucial link between public and Parliament. Nonetheless, as the third section of the chapter revealed, the variety of evidence gathered by committees alone could potentially skew the representativeness of committee evidence. Axiomatically, this paper has not comprehensively assessed who gave oral evidence beyond one parliamentary session, and so this whole topic deserves far more attention. However, the fourth section has sought to begin a discussion about this process by analysing some of reasons for why witnesses are not representative of the public, and raises the question as to whether or Parliament should be more responsive to these findings. When taken together, the empirical sections lead us to the conclusion that evidence-gathering is a complex process, and one governed by unpredictability from MPs. Though staff provide a constant through their diligence, and chairs provide overall steering capacity, evidence-gathering is still dependent on wishes of MPs who have a range of competing demands and interests. The results are potentially problematic for scrutiny because it suggests that select committees rely on a

\(^ {49}\) FWD 20.5.7.
network of usual suspects to inform their work, which is London-centric and male dominated. There are signs that this is changing and that select committees are attempting to change this.\footnote{The House of Commons Science and Technology Committee has added a page to its website where they ask organisations to bear the representativeness of their evidence in mind, and that they are currently monitoring progress. For more details, see: House of Commons Science and Technology Committee (n. d.) ‘Diversity’, UK Parliament website. Available online: http://www.parliament.uk/business/committees/committees-a-z/commons-select/science-and-technology-committee/diversity-15-16/ (accessed on 06 March 2016).} However, the question remains: how far should Parliament go?
Appendix 1: Data

The database included all oral witnesses that gave evidence to departmental and cross-cutting committees in the House of Commons between 08 May 2013 and 14 May 2014. The following committees were included:

1. Business, Innovation and Skills Committee (BIS)
2. Communities and Local Government Committee (CLG)
3. Culture, Media and Sport Committee (CMS)
4. Defence Committee
5. Environmental Audit Committee (EAC)
6. Energy and Climate Change Committee (ECC)
7. Education Committee
8. Environment, Food and Rural Affairs Committee (EFRA)
9. European Scrutiny Committee (ESC)
10. Foreign Affairs Committee (FAC)
11. Health Committee
12. Home Affairs Committee (HAC)
13. International Development Committee (IDC)
14. Justice Committee
15. Liaison Committee
16. Public Administration Select Committee (PASC)
17. Political and Constitutional Reform Committee (PCRC)
18. Public Accounts Committee (PAC)
19. Scottish Affairs Committee (SAC)
20. Science and Technology Committee (STC)
21. Transport Committee
22. Treasury Committee (TSC)
23. Welsh Affairs Committee (WAC)
24. Northern Ireland Affairs Committee (NIAC)
25. Work and Pensions Committee (WPC)

Excluded from this study are: all ad hoc committees or commissions (with one exception above – the PCRC); sub-committees of any of the above committees; joint committees; domestic or internal committees; and, legislative committees.

A breakdown of witness categories and sub-categories are given in the following table:

<table>
<thead>
<tr>
<th>Government/civil service</th>
<th>Secretary of state</th>
<th>Head of ministerial department (which also includes individuals such as the chancellor of the exchequer).</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minister of state</td>
<td>Minister working for a ministerial department (may also include individuals such as the chief secretary to the Treasury).</td>
</tr>
<tr>
<td></td>
<td>Parliamentary under-secretary of state</td>
<td>PUSS working for a ministerial department.</td>
</tr>
<tr>
<td></td>
<td>Central government department</td>
<td>Any member of staff working in a ministerial department (includes permanent secretaries, director-generals, etc.).</td>
</tr>
<tr>
<td></td>
<td>Arm’s-length body (ALB)</td>
<td>Government body operating at arm’s-length from the executive, (NMDs, executive agencies, committees, commissions, etc.).</td>
</tr>
<tr>
<td></td>
<td>Other government</td>
<td>Government positions not encapsulated by the above (this includes the prime minister, deputy prime minister, etc.).</td>
</tr>
<tr>
<td></td>
<td>Other official</td>
<td>Officials that do not fit into any other sub-category, such as UK ambassadors to other nation-states, etc.</td>
</tr>
<tr>
<td></td>
<td>Judiciary</td>
<td>An individual or organisation that represents the judiciary, such as supreme court judges.</td>
</tr>
<tr>
<td>Public sector</td>
<td>Publicly-owned company</td>
<td>Any organisation that is owned by the government but operates as a company, such as the BBC or Channel 4.</td>
</tr>
<tr>
<td></td>
<td>Local or regional official</td>
<td>Any official working for local or regional government, such as local authority staff, local/regional ALBs, LEPs, etc.</td>
</tr>
<tr>
<td></td>
<td>Public service staff</td>
<td>Staff delivering public services such as teachers, nurses, doctors, the armed forces</td>
</tr>
<tr>
<td></td>
<td>Other official</td>
<td>Public sector officials that do not fit the above category</td>
</tr>
<tr>
<td>Higher education</td>
<td>Research council</td>
<td>Though technically an ALB, these also represent higher education organisations and deserve a separate sub-category.</td>
</tr>
<tr>
<td></td>
<td>Research group</td>
<td>Any independent HE research group that is not directly affiliated to a university.</td>
</tr>
<tr>
<td></td>
<td>Learned society and/or representative group</td>
<td>Independent research group, learned society or other institute, as well as representative groups, such as Million Plus or Russell Group.</td>
</tr>
<tr>
<td></td>
<td>Oxbridge</td>
<td>University of Oxford or University of Cambridge (or relevant research institutes funded by either university)</td>
</tr>
<tr>
<td></td>
<td>Russell Group</td>
<td>22 universities that comprise this group (excludes Oxford and Cambridge)</td>
</tr>
<tr>
<td></td>
<td>Million Plus</td>
<td>17 universities that comprise this group</td>
</tr>
<tr>
<td></td>
<td>University Alliance</td>
<td>19 universities that comprise this group</td>
</tr>
<tr>
<td></td>
<td>Non-affiliated</td>
<td>Universities not affiliated to a representative group above</td>
</tr>
<tr>
<td>International HE organisation</td>
<td>University or higher education organisation from outside the UK</td>
<td></td>
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<tr>
<td>-------------------------------</td>
<td>---------------------------------------------------------------</td>
<td></td>
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<tr>
<td>Non-profit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Think tank or research institute</td>
<td>A research organisation that is not classed as higher education and is not privately-funded</td>
<td></td>
</tr>
<tr>
<td>Charity and/or campaign group</td>
<td>Charitable organisations that may campaign to promote a particular issue that they seek to champion.</td>
<td></td>
</tr>
<tr>
<td>Professional association or body</td>
<td>Organisations that represent professions and offer certificates, education, training, or regulate professional standards in some way.</td>
<td></td>
</tr>
<tr>
<td>Business and/or trade association</td>
<td>Organisations that represent a business interest, offer research, advocate on behalf of the business sector, or seek to raise awareness.</td>
<td></td>
</tr>
<tr>
<td>Trade union</td>
<td>All trade unions, as well as public sector representative institutions that do not fit label of ‘professional association’.</td>
<td></td>
</tr>
<tr>
<td>International organisation</td>
<td>Non-profit organisation that operate outside the UK (this does not include organisations with UK offices).</td>
<td></td>
</tr>
<tr>
<td>Private sector</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small and/or medium-sized business</td>
<td>Annual assets below £11.4m; fewer than 249 staff; or, annual turnover below £22.8m (or combination).</td>
<td></td>
</tr>
<tr>
<td>Large/national business</td>
<td>Annual assets above £11.4m; 250 staff or more; or, annual turnover above £22.8m (or combination).</td>
<td></td>
</tr>
<tr>
<td>Multi-national business</td>
<td>A large business operating both inside and outside the UK.</td>
<td></td>
</tr>
<tr>
<td>Law firm</td>
<td>A legal practice, irrespective of size.</td>
<td></td>
</tr>
<tr>
<td>Business (size not known)</td>
<td>A business where the size is not clear (either because of a lack of information, inaccurate information, or other similar reasons).</td>
<td></td>
</tr>
<tr>
<td>Politician</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local or regional elected representative</td>
<td>This is any elected representative below the national level.</td>
<td></td>
</tr>
<tr>
<td>MPs and peers</td>
<td>MPs and peers (current and former) not speaking on behalf of any other organisation.</td>
<td></td>
</tr>
<tr>
<td>Opposition</td>
<td>Any member of the shadow frontbench or formerly in a previous Labour administration before 2010.</td>
<td></td>
</tr>
<tr>
<td>International</td>
<td>Any political representative from abroad.</td>
<td></td>
</tr>
<tr>
<td>Individuals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Independent expert</td>
<td>Individuals with no institutional or organisational affiliation but have relevant expertise in an area.</td>
<td></td>
</tr>
<tr>
<td>Service user and/or member of public</td>
<td>Can be a user of a government service, non-profit service or private sector service, or any member of the public.</td>
<td></td>
</tr>
<tr>
<td>Campaigner</td>
<td>Someone campaigning for an issue but not part of a campaigning organisation.</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Anything that does not fit into the above.</td>
<td></td>
</tr>
<tr>
<td>Media and publishing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Journalist/editor</td>
<td>Someone working for print media or broadcast media, or any other media outlet for that matter.</td>
<td></td>
</tr>
<tr>
<td>Author</td>
<td>A book author - can be both fictional or non-fiction.</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
</tr>
<tr>
<td>International</td>
<td>International political actors, such as the United Nations or European Commission.</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>Anything that doesn't fit into any other category.</td>
<td></td>
</tr>
</tbody>
</table>
Bibliography


