

National Assembly for Wales

**Committee Chairs' Forum Report:
Legacy from Fourth
Assembly Committees**

9 November 2015

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



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Committee remit:

The Chairs' Forum is made up of the Chairs of all of the Assembly's Committees, apart from the Business Committee. It is chaired by the Deputy Presiding Officer.

Current Committee membership:



David Melding (Chair)
Constitutional and Legislative Affairs Committee
Committee for the Scrutiny of the First Minister
Welsh Conservatives
South Wales Central



Christine Chapman
Communities, Equality and Local Government Committee
Welsh Labour
Cynon Valley



Mick Antoniw
Standards of Conduct Committee
Welsh Labour
Pontypridd



William Graham
Enterprise and Business Committee
Welsh Conservatives
South Wales East



Jocelyn Davies
Finance Committee
Plaid Cymru
South Wales East



Alun Ffred Jones
Environment and Sustainability Committee
Plaid Cymru
Arfon



Ann Jones
Children, Young People and Education Committee
Welsh Labour
Vale of Clwyd



William Powell
Petitions Committee
Welsh Liberal Democrats
Mid and West Wales



Darren Millar
Public Accounts Committee
Welsh Conservatives
Clwyd West



David Rees
Health and Social Care Committee
Welsh Labour
Aberavon

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Foreword

Committee Chairs met on 24 September and 20 October 2015 with the aim of taking a strategic and frank view of the committee system during the Fourth Assembly and making recommendations for improving on performance in the Fifth Assembly.

This report to the Presiding Officer captures our main conclusions on committee structures, processes and performance. It is aimed at informing the legacy work by Business Committee and the Assembly Commission and it provides a strategic overview to the legacy reports of our individual committees, which are due to be published during the spring term.

In coming to our views, we have been conscious of initiatives to evaluate committees in other legislatures, including the Institute for Government's **report on select committees' effectiveness** and the new focus on committees achieving impact and outcomes, and the **inquiry into committee reform** by the Scottish Parliament's Standards, Procedures and Public Appointments Committee.

As remunerated Chairs of this Assembly we wish to fulfil the responsibilities bestowed on us by the Business Committee and set out an independent and authoritative account of how committees can be more effective in future.

We believe our legacy for committees in the Fifth Assembly will help embed the good practice developed in the Fourth Assembly. Our recommendations are strong, bold, progressive and in line with the **Commission's vision** for a world class committee system. We are grateful to the Presiding Officer for giving us this opportunity to publish our views and we trust they will be given serious consideration by those responsible for deciding the design of committees in the next Assembly.

Framework for discussion

The Assembly Commission's vision for committees is to:

Demonstrably improve the quality of policy outcomes, legislation, public services and government spending for society as a whole in Wales. They should be respected, influential and accessible, acting with integrity and independence. Their work should be strategic and rigorous.

We fully endorse this vision. Basing our discussion around the ten criteria set out by the Commission for high performing committees, we have set out conclusions and recommendations for each area.

Criteria for world class committees

01. Scrutinise policy, spending and legislation within their portfolio in the round, not as isolated aspects of their responsibilities.
02. Have a clear, agreed, strategic plan for their work that prioritises their activities and focuses their use of time and resource.
03. Be a top priority for the Members who serve on them.
04. Be guided by Chairs who fulfil all of the expectations set for them by the Assembly.
05. Engage with a wide diversity of people, be seen by stakeholder groups as important, influential players and as the natural place to go to with concerns and ideas, and undertake work that enhances the public reputation of the Assembly. Their outputs will be accessible to as wide an audience as possible.
06. Ensure that those who contribute to their work see the value of their participation.
07. Not be limited by constraints on access to Ministers, information or witnesses and will be able to draw on the expert advice and support they require.
08. Seek critical analysis and evaluation to improve their performance.
09. Be respected and listened to by the Welsh Government because of the quality of their inquiries and scrutiny, the rigour of their questioning, the depth of their analysis and the value of their legislative amendment. The Government will be mindful of the reaction of committees as it formulates its policy, spending and legislative plans.
10. Offer and expect constructive engagement with the Welsh Government but retain their detachment and ability to offer objective criticism.

Criteria for world class committees

01. Scrutinise policy, spending and legislation within their portfolio in the round, not as isolated aspects of their responsibilities.

Size of committees

- Committees have achieved excellent work in the Fourth Assembly. Annex A lists some key committee milestones and Annex B captures more highlights in an Infographic.
- Having committees made up of 10 Members is not a size problem in itself, but it is disproportionate to the size of the Assembly and the number of backbench Assembly Members currently available to sit on committees (42 Members to fill 85 committee places).
- The onus on some Members to sit on several committees therefore creates significant workload pressures and will be unsustainable in the Fifth Assembly, especially given the proposed increase in the Assembly's powers.
- There is precedent for having smaller committees (eg Petitions, Standards and Constitutional and Legislative Affairs), where Members have worked effectively and collaboratively together.

Recommendation 1

Reducing the size of committees in the Fifth Assembly would greatly increase Members' capacity to carry out their duties and lead to sustainable improvements in the quality of scrutiny.

Dual function committees

- Combining the policy and legislative scrutiny functions of committees has been effective for building Members' knowledge and expertise in their subjects and for achieving better scrutiny of legislation.
- However, the legislative workload on some committees has significantly reduced the time they have had available to scrutinise policy in those areas, a workload that is set by the Welsh Government and therefore largely outside our control.
- The setting up and operation of sub-committees has tended to be cumbersome and ineffective: legislation should always be scrutinised by the whole committee.
- We look to the report of the Constitutional and Legislative Affairs Committee as a cross-party review of the current legislative process and its recommendations for improving the system in the Fifth Assembly.

Recommendation 2

Encouraging the Welsh Government to stagger the timetabling of legislation would avoid several Bills hitting the same committee at once.

Recommendation 3

Committees could be more assertive in ensuring that legislation is “fit for purpose” by returning Bills to the Welsh Government where they are ill-thought through or clearly not ready.

Recommendation 4

Tailoring their approach to legislation would enable committees to spend less time on small, non-controversial issues and focus more on legislation that is controversial and/or significant.

Recommendation 5

Special, ad hoc legislative committees could be used to scrutinise large and significant pieces of legislation on behalf of the whole Assembly or to manage bottlenecks in the system, which would increase flexibility and capacity in the Fifth Assembly.

Scrutiny of European matters

- Mainstreaming European work has advantages but it has been concentrated in certain committees and would benefit from having an overarching perspective (see Recommendation 13 below).
- Committee visits across Wales, to other parts of the UK and to EU institutions have been hugely valuable and have enabled committees to act more independently.
- However, party politics have on occasion interfered with cross-party ways of working by hampering visits and other committee activity outside the Senedd.

Recommendation 6

Requiring the political parties to establish a more flexible and collaborative approach to achieving committee balance for visits would positively benefit the Assembly’s ability to collect evidence and to scrutinise, EU policy and legislation in particular.



Criteria for world class committees

02. Have a clear, agreed, strategic plan for their work that prioritises their activities and focuses their use of time and resource.

03. Be a top priority for the Members who serve on them.

Committee timetable

- Given the intensity of committees' timetable and workloads, it is important for them to identify priorities for investing their time and resources to better effect.
- The scheduling of Constitutional and Legislative Affairs Committee on Monday afternoons is anachronistic in the business timetable as it currently stands. Achieving a quorum relies heavily on the dedication of the existing Members and their commitment to send substitutes when they cannot attend.
- Holding committee meetings on Tuesday mornings (eg Petitions Committee and Public Accounts Committee) is also problematic as Members' attendance is constrained by their other commitments and the time available for committee meetings is limited. As the only committee required by statute, Public Accounts Committee should be given the same status as principal committees in the committee timetable.
- The Assembly is not the same institution as it was 15 years ago; the public expects and Members should accept a different pattern of working in the Fifth Assembly, commensurate with our enhanced salaries and conditions.

Recommendation 7

Options for increasing committees' capacity should be explored, which might include expanding the formal business week to four days to include Monday afternoons, extending Assembly terms, and rotating the committee timetable.

Recommendation 8

Reviewing the pattern and balance of Plenary and committee time would improve the quality and productivity of Plenary sessions and lessen the intensity of the committee schedule.

Criteria for world class committees

04. Be guided by Chairs who fulfil all of the expectations set for them by the Assembly.

Role and independence of Chairs

- The role descriptions for Chairs that were set out by the Remuneration Board and Business Committee are useful and should be maintained in the Fifth Assembly: they are listed in Annex C. In line with chairs in other institutions, Chairs should be expected to set out their vision and what they can bring to the role.
- The independence of committees and committee Chairs is fundamental for effective scrutiny and in our view this area should be strengthened in the Fifth Assembly.
- We support the current system for allocating committee Chair positions according to party balance. However, in order that those positions are seen as independent, responsibility for appointing and removing committee Chairs should be taken away from the political groups.
- We recognise that the mechanics would need to be examined, but we agree with the principle of electing Chairs to Assembly committees. Annex D outlines the procedures followed in other legislatures.

Recommendation 9

A new process for electing committee Chairs would strengthen the independence and effectiveness of committees. Ensuring that committee Chairs cannot be removed by the political parties would also send a clear signal that scrutiny is the priority of the new Assembly.

Continuous professional development

- The Continuous Professional Development (CPD) programme has been very valuable for both Chairs and Members, giving us new insights and techniques. We have also been impressed with the quality of the trainers delivering the programme.
- A clear CPD programme for Chairs and Members is critical for our professional development in the next Assembly, as befits any job that commands our level of responsibility and salary.
- Committee visits and meetings away from the Assembly have been invaluable in the Fourth Assembly for enabling committees to bond and for raising committees' public profiles.
- Some committees have held discussions about their preferred ways of working and approach to questioning, which has helped the committee to scrutinise more effectively.

Recommendation 10

All committee Chairs should be expected to participate in CPD in the Fifth Assembly and CPD should be “normalised” for all Assembly Members.

Recommendation 11

Business Committee may wish to consider a nuanced approach to programming Plenary business in order to accommodate time for Chairs' and Members' CPD. Placing Members' compliance with CPD on the public record would send an even stronger signal about the commitment to our continuous professional development.

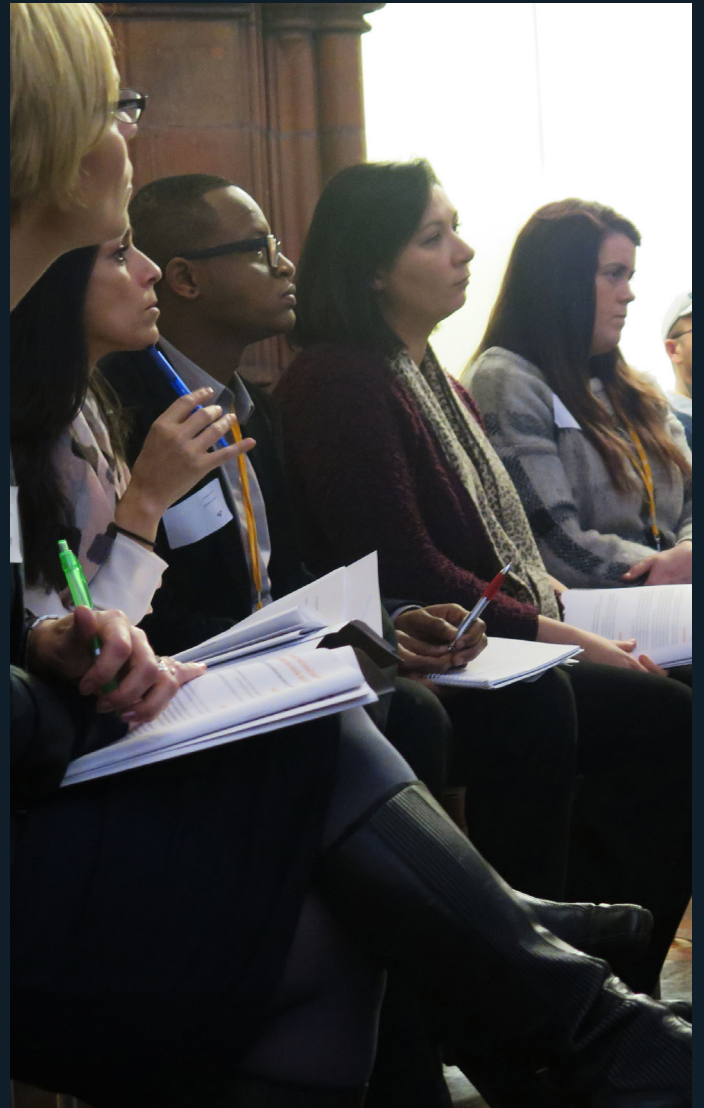
Recommendation 12

Reserving the first few committee sessions in the Fifth Assembly for team building would enable Chairs to set strategic direction and priorities and allow Members to agree ways of working as an effective team.

Chairs' Forum

Recommendation 13

Periodic meetings of the Chairs' Forum to discuss issues of strategic importance for committees would be valuable, such as providing oversight on EU issues and sharing best practice.



Criteria for world class committees

05. Engage with a wide diversity of people, be seen by stakeholder groups as important, influential players and as the natural place to go to with concerns and ideas, and undertake work that enhances the public reputation of the Assembly. Their outputs will be accessible to as wide an audience as possible.

06. Ensure that those who contribute to their work see the value of their participation.

Engagement

- Huge strides have been made in the Fourth Assembly with our public engagement work: it has improved our understanding of stakeholder views and we have been able to reach new and diverse audiences. We would like to pay tribute to the tremendous work of our Outreach team.
- The use of round tables and focus groups are great ways of giving committees insight into issues, and we have been happy to build on those connections when we go back to launch reports at the end of inquiries. It is important for Fifth Assembly committees to build on the good practice achieved and for more Members to attend outreach events.

Recommendation 14

We would like to see committees continue to expand their circle of contributors away from the “usual suspects” and to engage witnesses informally where there are gaps in the evidence, especially with organisations who may be reticent about talking to us because they receive Welsh Government funding.

Criteria for world class committees

07. Not be limited by constraints on access to Ministers, information or witnesses and will be able to draw on the expert advice and support they require.

08. Seek critical analysis and evaluation to improve their performance.

09. Be respected and listened to by the Welsh Government because of the quality of their inquiries and scrutiny, the rigour of their questioning, the depth of their analysis and the value of their legislative amendment. The Government will be mindful of the reaction of committees as it formulates its policy, spending and legislative plans.

10. Offer and expect constructive engagement with the Welsh Government but retain their detachment and ability to offer objective criticism.

Resources

- We appreciate the high quality of research, support and information that committees receive from the staff of the Assembly. We have had similar feedback from witnesses on the “first rate” quality of committee support.
- There is always room for improvement and in the Fifth Assembly we would like to see some deeper analysis of issues and suggestions for less predictable lines of questioning.
- We have greatly benefited from using expert advisers and also expert panels to help us hone our questions and add “sophistication” to our inquiries.

Impact

- Post-legislative scrutiny has been an excellent initiative although the opportunities to do it have been limited.
- Our reports could be more focused, pithy and succinct for greater impact.
- We appreciate that the depth of our scrutiny will also depend on committee size, time allocated to questioning of witnesses, and Members being less inhibited when scrutinising the Welsh Government.
- Some committees have struggled a little in securing scrutiny sessions with Ministers. We have also experienced difficulties with getting evidence on to the public record where witnesses are reliant on Welsh Government funding for their organisation.
- Committee recommendations could be more challenging for the Welsh Government. Greater independence of committees in the Fifth Assembly will help with that.
- Follow-up scrutiny is essential and we should do more of it more routinely in the Fifth Assembly. It helps hold Government to account and it demonstrates commitment to our stakeholders.

Recommendation 15

Committees could make greater use of independent external expertise where they judge it appropriate.

Recommendation 16

At the start of the Fifth Assembly each committee could usefully review the recommendations set out in the legacy reports published by its predecessor. Follow-up scrutiny, including post-legislative scrutiny, should form a routine part of committees' forward working programming.

Annex A: Committee milestones in the Fourth Assembly

June 2011

Committees are established: for the first time policy and legislative functions are combined and European issues mainstreamed

July 2011

Remuneration Board and Business Committee publish role descriptions for committee Chairs

November 2011

Communities, Equality and Local Government Committee hosts the Assembly's first web chat for its Future of Media in Wales inquiry

May 2012

Committee for the Scrutiny of the First Minister is established: it holds its first ever North Wales meeting in July 2013

June 2012

Rules were changed to enable witnesses to submit video, images and multi-media evidence to committees

November 2012

First Assembly Act (Official Languages) receives Royal Assent, having been introduced by the Commission and scrutinised by Communities, Equality and Local Government Committee

Enterprise and Business Committee is first to hold a World Café for its inquiry into Integrated Public Transport

December 2012

Assembly Commission initiates a review of its support for committees

February 2013

Health and Social Care Committee is first to use storify for the Social Services and Well-being (Wales) Act

May 2013

Health and Social Care Committee is first to tweet about its work

July 2013

Policy and legislative committee clerking teams are combined

October 2013

Oversight of the Wales Audit Office and Auditor General is delegated from Public Accounts Committee to Finance Committee

December 2013

Commission publishes its review of support for committees: its ambition is for Assembly committees to be “world class”

Enterprise and Business Committee is first to launch a report on a train – and in England (Hereford station) – for its Wales and Border Rail Franchise inquiry

March 2014

In partnership with Chwarae Teg, committee clerks pioneer a programme to encourage more women to give evidence to Assembly committees

June 2014

Enterprise and Business Committee is first to use a Twitter Tag Board for its Tourism inquiry

July 2014

Launch of the Children and Young People Engagement Charter

October 2014

Alun Ffred Jones, Chair of the Environment and Sustainability Committee is first Chair to blog – on the Planning Bill

Environment and Sustainability Committee receives highest ever number of responses (3,252) to its Recycling in Wales inquiry

Constitutional and Legislative Affairs Committee is first to hold a CPD-accredited event as part of its Making Laws in Wales inquiry

January 2015

Children, Young People and Education Committee is first to use a pro-forma and accept Facebook and Twitter submissions for its Supply Teacher inquiry

May 2015

Health and Social Care Committee is first to use Loomio, an online forum, for its inquiry into Alcohol and Substance Misuse

Finance Committee is first to use Adobe Slate to produce its “at-a-glance” report on the Public Services Ombudsman for Wales

Annex B: Committee Activity in the Fourth Assembly

11 Assembly committees are responsible for scrutinising legislation and holding the Welsh Government and Ministers to account over their policies and expenditure. The figures below refer to activity over the period May 2011 to September 2015.



SPOKE TO
2608
WITNESSES



579
STATUTORY
INSTRUMENTS
CONSIDERED

DISCUSSED
2577
TOPICS



1265
COMMITTEE MEETINGS

SCRUTINISED

32
BILLS



ENGAGED WITH
1173
ORGANISATIONS



Annex C: The role and responsibilities of Chairs in the Fourth Assembly

- Set the strategic direction of the committee and ensure the transparent prioritisation of its activity so as to deliver a balanced, comprehensive and effective programme of legislative, policy and financial scrutiny.
- Maximise the relevance and influence of the committee whilst maintaining its clear independence from the Welsh Government.
- Act impartially at all times, decisively, fairly and in a manner that maintains the confidence of the committee.
- Command the confidence of Members, witnesses and the public at large through knowledge of the subject matter of the committee’s remit; demonstration of effective legislative, policy and financial scrutiny techniques; maintenance of order; and the application of all relevant legal and procedural requirements on the committee.
- Secure the commitment and engagement of all committee members and build cross-party consensus wherever possible.
- Build the culture and skills mix within the committee required to maximise its effectiveness as a scrutiny body.
- Ensure that the committee receives the expert advice, information and other support it requires to fulfil its objectives effectively.
- Drive the delivery of all aspects of the committee’s work with pace and quality.
- Represent the committee publicly, in the media and in formal Assembly business.
- Ensure critical analysis and evaluation of the committee’s work and drive innovation in its operation so as to increase effectiveness, public engagement and impact.

Annex D: The election of committee Chairs in other legislatures

House of Commons

Committee Chairs in the House of Commons are elected by a **secret ballot** of all Members, using an Additional Vote system. It is the only Parliament to have made this change in procedure, following recommendations by the Select Committee on Reform of the House of Commons set up in 2009 (the Wright reforms). The Political and Constitutional Reform Committee report in 2013 cited broad support for the view that the introduction of election for committee members and Chairs has been important for reinforcing committees' "credibility, authority and legitimacy."

Scottish Parliament

In the Scottish Parliament the Parliamentary Bureau proposes to the Parliament from which party the Convener (Chair) of a committee should be drawn, taking account of the balance of political parties in the Parliament. The Convener is then chosen from among its members by the committee. To date a single candidate has always been nominated and agreed by the committee without a vote.

The Scottish Parliament's Standards, Procedure and Public Appointments Committee was asked by the Presiding Officer to consider the case for committee Conveners to be elected by the whole Parliament and published its **report** in June 2015. The Committee was not convinced that the same benefits achieved in the House of Commons would be gained in the Scottish Parliament without a consideration of the broader committee structure and practice. The Committee is therefore in the middle of an inquiry into the wider operation of committees. It aims to publish its conclusions by Christmas 2015 so that the Parliament can decide, before the end of the Parliamentary session in March 2016, what changes are needed for the next Parliament.

Northern Ireland Assembly

Chairpersons and Deputy Chairpersons are appointed through the d'Hondt process. When selecting Chairpersons or Deputy Chairpersons, political parties are required to "prefer committees in which they do not have a party [ministerial] interest over those in which they do have a party interest."

The **review** of the committee system published in October 2013 by the Northern Ireland Assembly's Committee Review Group considered the election of chairpersons but decided to retain the current procedure, as part of the consociational framework.

