

## ***Between diversity, representation and ‘best evidence’: Rethinking Select Committee evidence-gathering practices***

*Select Committees play an important role in scrutinising government policy. They have come under increasing pressure to seek evidence for their inquiries – including both formal and informal evidence – from a wider range of stakeholders. Two particular pressures can be observed within this trend. First, Committees are expected to show commitment to hearing from a more diverse set of stakeholders. The second pressure relates to the representativeness of those providing evidence. Consequently, they have been urged to increase public engagement. The recent Citizens’ Assembly into adult social care points to one mechanism for engaging a ‘mini-public’ in Committee inquiries. Due to their use of random and stratified sampling to recruit participants, mini-publics could diversify the evidence base and facilitate public scrutiny of the Committees. However, we know little of what committee members and staff think about these issues. In this paper we will draw insights from over 60 interviews with select committee chairs, members and staff to gain insight into their perspectives on evidence diversity and the potential of mini-publics to promote this. We find that traditional approaches to inquiries are still favoured. While mini-publics are seen as a solution to the failings of current approaches to public engagement, this is for instrumental reasons meaning that they are only valued in particular circumstances. Ultimately, further culture change is required if committee inquiries are to move substantially beyond the traditional approach.*

### **1. Introduction**

As Hendriks and Lees-Marshment (2018: 2) argue “while significant research has been conducted on the supply side of participatory governance, for example how to bring citizens into governance, there is limited understanding about the demand for public engagement, particularly by those authorised to make collective decisions”. Remarkably little is known empirically about how political leaders view and value public engagement. Existing research offers little insight into whether and why public engagement is valued by political leaders, and the extent to which this is informed by concerns around the diversity and representativeness of both the views and experiences expressed in the evidence and of those providing it. We address this gap in knowledge directly; providing new insights into how both political representatives and parliamentary staff view and respond to the challenge of engaging a wider range of individuals and perspectives in their work. We focus in particular on the work of House of Commons Select Committees, which offer an important interface between citizens and parliament in the UK. In recent years select committees have publicly committed to improving both witness diversity, particularly gender balance of oral witness panels, and to wider and deeper public engagement. Although there are now many examples of innovative public engagement by committees, we will argue that there is a reluctance among many staff and political representatives to challenge traditional models for inquiries. This means that although leaders ascribe value to pursuing more diverse witness panels and to innovations like mini-publics, there is currently limited prospect for these more diverse and more representative views and experiences to substantively inform the shape and substance of inquiries and, by extension, to bring the voice of the public into parliament’s scrutiny of government.

Including this introduction, the paper is divided into seven sections. In the next section we give an overview of the committee system and an account of how the issues of witness and evidence diversity and public engagement have become important. Here we review the existing literature and set out our research questions. This is followed by an overview of our research methods. In sections 4, 5 and 6 we provide an analysis of the respective interview data on diversity, public engagement, and mini-

publics in turn. We conclude that a culture change is required within the Westminster committee system if there is going to be meaningful change to the approach to evidence, while noting that some change is already underway.

## **2. Select committees and evidence-gathering**

Our research focuses primarily on the departmental select committees of the House of Commons. The majority of these committees mirror government departments and they use inquiries as their main method to execute a series of core tasks. During inquiries, committees request evidence from departments and other stakeholders in order to scrutinise the spending and work of those departments. The most common output is a report issued at the end of an inquiry, which Government is meant to respond to within two months. As Natzler and Hutton (2005: 96-7) argue, these reports “derive their authority from being founded on the evidence which the committee has taken and which is published with the report, from the standing and expertise of members, and from the coherence and rigour of their arguments. They derive their influence from that authority and from the levels of public awareness which they achieve.” In this paper we are interested particularly in how concerns related to diversity and representativeness have permeated the search for evidence in modern select committee activities, particularly given the presumed connection between this and their legitimacy, authority and influence.

We see ‘evidence’ as constructed, contestable and diverse (Fischer 1998). We therefore define evidence broadly, to include *any encounter, experience, exchange or artefact that Committee members and/or staff purposively engage with in the context of a specific inquiry*.<sup>1</sup> This has the benefit of capturing a wide variety of potential influences on an inquiry, including before formal terms of reference are published. It is however limited by the focus on ‘purposive’ activities. While highly-visible formal oral and written evidence is usually considered the foundation of an inquiry, members and staff can also be strongly influenced by other encounters, including informal meetings, visits, roundtables, town-hall style public meetings and private meetings with one or more members present. Other encounters may of course affect the views of staff and members. However, these take place in spaces and times, including in the past and in personal experiences, which are not easily accessible to researchers. They are also out of context when compared to experiences and exchanges on, for example, a visit, or to formal oral evidence which is heard and discussed with other members present. This temporal and social disconnect means that these difficult-to-capture impacts are more likely to remain, however strongly felt, at the level of individual staff or members and are less likely to exert a strong influence on the overall inquiry.

### ***Diversity and Select Committees***

Committees have begun to reflect and report on the social characteristics of those who provide oral evidence. Specifically, reflecting the recommendations of the Good Parliament Report (Childs, 2016), the Liaison Committee has committed to improving representation of women in oral evidence sessions. These sessions are the most high-profile and visible of committee activities. Statistics on the proportions of male and female witnesses, with sex identified by committee staff, are now reported regularly, enabling direct comparison of oral witness gender balance between committees and over

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<sup>1</sup> Context here has a spatial and temporal dimension which is not bookended by the official launch of an inquiry’s terms of reference and the publication of a government response to a report.

time (Liaison Committee, 2018). Acknowledging that gender is only one aspect of witness diversity and signalling a desire to know more about other characteristics of witnesses, such as ethnicity and disability status, the Liaison Committee announced a pilot survey of oral witnesses in late 2018. Within committee staff teams this agenda is reflected in a drive, with variable degrees of buy-in from chairs and members, to go beyond the 'usual suspects' when seeking evidence for an inquiry. This places additional pressure on committees to reflect and report on not only whether they are able to access the best evidence to inform scrutiny, but also the extent to which that evidence is 'diverse' and 'representative.' Consequently, the Liaison Committee, tasked with championing public engagement has suggested that "a more vibrant and systematic approach to public engagement be adopted" (Flinders et al. 2015: 5) if the diversification of public input into committee deliberation and parliamentary scrutiny of government are to be significantly enhanced.

There are a number of normative reasons why committees should be trying to diversify their evidence base, seeking to hear from a diverse range of people with different experiences and perspectives that are informed by their particular characteristics. Firstly, it is democratic and therefore legitimate. It would be difficult to justify the committee inquiry system as fair if the inquiries only included certain types of people and, by extension, only captured a narrow range of experiences and perspectives. Committee inquiries are *formally* inclusive of course because in principle everyone is allowed to submit written evidence. However, oral evidence tends to be viewed by members and staff as being more influential in an inquiry than written evidence, and procedural justice requires a process to be *substantively* inclusive (Pateman, 1970). This would mean the committee inquiry system could only be regarded as fair if a range of people, with respect to demographics, interests and views are providing evidence to committees. In turn this would render the committees' outputs more legitimate (Pedersen et al. 2015). Secondly, a greater diversity in evidence can enhance the epistemic quality of committee inquiries as it can increase the amount of relevant information and views that committees would receive, which in turn could enable their recommendations to be better informed (Pedersen et al. 2015). Diversification of evidence could also help to reduce polarisation amongst the committee members. While the cross-party nature of committees reduces this problem, there is still a danger that if a 'shared' view on an issue is present at the start of an inquiry, these attitudes will be reinforced if inquiries rely on a narrowly prescribed range of evidence (Sunstein 2009). A broader range of views can also encourage the committee members to focus more on the common good and less on their own interests or those of their constituents (Hendriks and Kay 2017).

There is, as we will show, a high degree of acceptance among committee staff and members that hearing from a diverse range of people is intrinsically valuable for effective scrutiny. To facilitate this, some committees have become more innovative in their approach to scrutiny. It is no longer unusual for a committee to take evidence in a single session reacting to an emerging topical issue, to run inquiries of varying lengths simultaneously, to take formal evidence within and outside Westminster, and to produce outputs ranging from traditional reports and letters to Ministers to online video stories. Despite this varied practice across committees as a whole, individual committees show variable willingness to deviate from the traditional inquiry model, which consists of terms of reference identifying areas where evidence is required, the receipt of formal written and oral evidence, and production of a report including recommendations. Oral evidence sessions, which have been broadcast online since 2002 and which are often picked up by television and other news media are the most high-profile public-facing activity committees engage in (see Kubala, 2011). As such, it is

unsurprising that those concerned with the diversity of evidence which committees receive have sought to quantify who the committee hears from and to reflect on the implications of dominance by particular groups.

The witness data published by Liaison Committee covers only gender. They do however suggest that a wider perspective on diversity is needed for “effective scrutiny”, noting that within oral evidence sessions “[e]nsuring that those voices are representative of the gender balance and other forms of diversity in society forms an important part of wider work to ensure that select committees conduct effective scrutiny” (Liaison Committee, 2018: 3). Among the limited data which categorises oral witnesses along geographical and sector lines, Geddes (2017) review of witnesses appearing in oral evidence sessions before 24 cross-cutting and departmental Commons committees, from 8 May 2013 to 14 May 2014, found that: “committees rely on charities and campaign groups, business and trade associations and professional associations” (2017: 3). Pedersen et al. (2015) similarly conclude that evidence giving is dominated by a narrow range of interest groups. Geddes also highlighted patterns in geography and gender: “witnesses came predominately from London and the south of England; and there is a significant gender disparity where three-quarters of witnesses are men and one-quarter are women” (2017: 3). This echoed research by Berry and Kippin (2014), which found that only 24% of witnesses appearing before Commons committees between 8 October and 7 November 2013 were women. In the Liaison Committee’s engagement with this issue, witness diversity is clearly framed as desirable and valuable, something which can enhance effective scrutiny. Nevertheless, the limited data collected on other characteristics of oral witnesses makes it difficult to track progress over time.

Beyond oral evidence sessions, for which witness gender data - albeit imperfect - is being collected, and written evidence, that is published and from which information on gender, sector, geographical location and other characteristics may sometimes be gleaned, there is little attempt to formally or systematically measure the contribution of other encounters to building a diverse evidence base. The Liaison Committee recognises this, noting that “the statistics we produce here are only a partial picture of how we engage with the public. Our wider outreach sessions do not necessarily involve oral evidence, and our engagement using web fora and social media is similarly not included” (Liaison Committee, 2018: 3). It is clear that the Committee views wider outreach and engagement events, designed to reach groups who might otherwise be unlikely to find out about and engage with inquiries, as part of a diverse inquiry evidence base. It is not however clear whether and how a diverse evidence base can be achieved simply by extending the reach of the inquiries, or through targeting of specific groups who are under-represented in formal written and oral evidence. More fundamentally, from reviewing the reports of the Liaison Committee and much of the scholarly literature on witness diversity there are two largely unanswered questions: what diversity means in this context – what characteristics count; and why witness diversity might be desirable or even essential to effective scrutiny? In the absence of clear and direct statements from Liaison Committee on these two questions, we sought to gather views of committee chairs, staff and members to understand how efforts to improve witness diversity are being transmitted, interpreted and put into practice in the context of inquiries.

## ***Public engagement and Select Committees***

The functions of select committees have evolved considerably in recent decades. Alongside core tasks agreed in 2002 and amended in 2012, which are intended to guide the work of committees, there is a growing set of normative expectations about the ways that Committees should carry out their work (Kelly and Suchenia, 2013). This is reflected in the adoption of one particular new core task in 2012, requiring committees 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” (Ibid.) The adoption of this task reflects the fact that both the House of Commons Liaison Committee and scholars have identified select committees as a crucial frontier in the relationship between parliament and the public. Committees are regarded as having the potential to increase knowledge and understanding of parliament, make evidence from a diverse range of sources available to policy-makers (Flinders et al, 2015), and to maintain and even increase public trust in Parliament (Leston-Bandeira, 2014). Hendriks and Kay (2017) argue that because committees identify and frame policy issues they are an ideal venue for public engagement. There are other good reasons for focusing on select committees too. They are “the principal mechanism through which the House of Commons holds the executive to account” (Brazier & Fox, 2011: 354). Public trust in select committees is higher than for other Parliamentary bodies due to them being evidence-based and less partisan (Brazier & Fox, 2011: 368). It is also thought that public engagement could improve the work of select committees and lead to greater transparency and accountability (Brazier & Fox, 2011: 361; The Speaker’s Digital Democracy Commission, 2015). The aim of public engagement with select committees is then to broaden the evidence base of committees which means reaching out to under-represented and marginalised people. Public engagement can then enhance the representative functions of committees “as for many political issues the interests of relevant public are highly fractured or unknown, and thus difficult for committee members to access and thus represent” (Hendriks and Kay 2017: 9).

A review of annual reports from the Liaison Committee shows a steady increase in the consideration given to public engagement and outreach activities from the late 1990s to the publication of the First Special Report in 2015, *Building Public Engagement*. Committees are encouraged to actively seek out opportunities to engage with potential stakeholders beyond government, policy experts and the professional associations, civil society organisations and private companies that frequently submit written evidence and appear in oral evidence sessions. Thus, while largely retaining the historically prevailing inquiry structure, evidence-gathering processes now routinely contain elements of public engagement and outreach. However, the approach adopted to engagement has been criticised for aiming to inform the public of parliament’s activities rather than seeking to strengthen the ties between citizens and parliament by increasing opportunities for active citizen input into parliamentary processes (Leston-Bandeira, 2012; Flinders et al, 2015; Hendriks & Kay, 2017).

While public engagement is seen as crucial to the legitimacy of parliament from the perspective of participatory and deliberative democrats, Hendriks and Lees-Marshment (2018: 4) argue that “deliberative democrats are especially optimistic, and arguably unrealistic, about the value of public input for decision-makers, and their willingness and capacity to be receptive.” Through a review of the literature they suggest that this is because public inputs can be distorted, that politicians will receive numerous, competing and conflicting views and pieces of information that they then have to make judgements on and reconcile. Research indicates that most public engagement exercises have little impact on policy, and that parliamentarians are concerned about the challenge it presents to their

‘traditional representative role.’ With public engagement exercises being run primarily as a public relations exercise or to avoid making tough decisions.

However, they found from their interviews with politicians from several different countries that they do value public engagement for epistemic and instrumental reasons. They also favoured processes that included a range of perspectives, a diversity of participants and informed opinion. It could be the case then that they would value mini-publics, as they aim to promote these characteristics, however, the politicians primarily wanted informal and spontaneous conversations with individual citizens (Hendriks and Lees-Marshment, 2018). It is also not clear whether committee Chairs and staff would hold similar views to politicians more generally.

### ***Mini-Publics and Select Committees***

An increasingly used mechanism to enhance citizen engagement is mini-publics (Grönlund et al. 2015). There are different types of mini-public (Elstub 2014), but they have a number of features in common. They recruit participants through random or stratified sampling, give the participants balanced information and facilitate their discussions. Research suggests that mini-public participants’ have the capacity to deliberate complex issues and that their preferences become more public regarding, informed and considered by the end of the process (Böker and Elstub 2015). However, they tend to be used in an ad hoc manner, making them susceptible to strategic government use, which has prompted calls for them to be institutionalised to reduce the potential for manipulation (Böker and Elstub 2015). One suggestion to achieve this is to formally link them to parliament (Steiner 2014; Escobar & Elstub 2017). In 2001, the House of Commons Select Committee on Public Administration expressed support for mini-publics. There has also been the notable example of the Citizens’ Assembly on Adult Social Care Funding which was sponsored by the Health and Social Care Select Committee and the Housing, Communities and Local Government Select Committee from the House of Commons (Elstub and Carrick 2019). It is becoming a theme beyond Westminster too. The Scottish Commission on Parliamentary Reform (2017: 64) also advocated their use and the Scottish parliament have held citizens’ juries in 2019 on land use management and the future of primary care for the Environment and Health committees. The first case of a parliamentary committee sponsoring a mini-public though was a citizens’ jury on energy that informed the Public Accounts Committee of the New South Wales Parliament in Australia (Hendriks 2016).

Recently the case has been made that select committees could make effective use of mini-publics to enhance the epistemic, representative, scrutiny and deliberative functions of select committees. The idea being that the recommendations from the mini-publics feed into the committee process (Hendriks & Kay 2017; Setälä 2017). As they use sortition to assemble participants they can gather representative, or at least diverse, samples of the population (Elstub 2014). They could then enable select committees to hear from those that they do not normally get to hear from. There is still the inevitable problem of self-selection, even with sortition, as even those who are randomly selected must agree to participate. Although not ideal, this does not ultimately affect the inclusiveness of the mini-public with respect to social groups, as those that decline the invitation to participate will be replaced by someone with similar, social characteristics. However, most people invited to participate accept the invitation particularly in mini-publics, as being invited is one of the main factors that makes

people participate (Elstub 2014). Evidence also suggest that it is the best way to diversify evidence in committees (Pedersen et al. 2015). Nevertheless, self-selection does raise the likelihood of having participants who are politically interested and active, who also tend to be the more educated (Fishkin and Farrar 2005: 74; Smith 2009: 80-1). However, giving participants an honorarium for participating can help with this as can hiding the topic of the mini-public at the recruitment stage (Roberts and Escobar 2015).

However, we know very little about what legislatures and their staff think about mini-publics. A study from the USA reports quite negative attitudes amongst Federal legislators and their staff as they were highly sceptical of the ability of lay citizens to engage with complex issues, even when they have been given the information and resources usually integral to a mini-public (Nabatchi and Farrar 2011). Given that Westminster is a very different type of legislature with a highly contrasting committee system, we need context specific data on views from committee staff and members about this specific form of public engagement.

### ***Research Questions***

We therefore address the following research questions in this paper:

- Why have diversity and representation become important issues for Select Committees?
- What does this mean for the everyday evidence gathering and inquiry management practices of Committee staff?
- Is it possible to achieve both diversity and representativeness in evidence and what contribution could public engagement generally and mini-publics specifically provide to achieving this goal?

We now turn to the methods used for data collection and analysis to answer these research questions.

### **3. Methods**

There is very little research on what parliamentarians and staff think about issues of evidence and witness diversity, and its relationship to public engagement and mini-publics. As such the interview data we present makes an original contribution to these debates, and though it is drawn from a specific legislature it will likely be of interest to scholars working on other contexts. The paper presents new primary data collected during 2018 and 2019 through two parliamentary academic fellowships. Beswick's fellowship focuses on select committee witness diversity; Elstub's explores the use of mini-publics by committees. The two fellowship projects underwent ethical review at the Universities of Birmingham and Newcastle.

Beswick requested interviews with chairs and clerks from all of the Commons select committees, and with relevant staff from the committee office with a role in outreach and public engagement. Elstub sought interviews with committee office staff focused on external stakeholder engagement, sampling across the committees to ensure equal number across policy cluster, party affiliation and gender of the chair. Beswick's interviews explored views of witness diversity and sought reflections on

experiences of seeking to identify and engage a more diverse range of witnesses for inquiries. Elstob's interviews focused on mini-publics and representation. Some interviews were held, separately, with the same individuals as the two projects ran in parallel. Overall, we draw upon 41 semi-structured interviews with staff from 22 select committees, 7 interviews with staff from the committees' office, and 12 interviews with select committee chairs. Interviewees requested anonymity to enable them to speak frankly about their experiences, which we have respected. The interviews were transcribed and then analysed, with content manually checked for themes which arose from the literature, including: different forms of diversity; value of diversity to scrutiny; forms of representation; and perceived value of representation to scrutiny. Our analysis of these interviews attempts to reflect the commonalities and divergences across the interview sample as a whole. We are aware that the expressed views of both committee members and staff are not necessarily reflective of their actions. As such, we have sought to triangulate interviewee claims with committee reports and public documents where possible.

#### **4. How is diversity viewed by Committee staff and members?**

In interviews with committee staff, almost all defined diversity in the first instance in terms of gender, including the need to “get these organisations (giving oral evidence) to send more women” (Interviewee 13). The requirement to report to the Scrutiny Unit on numbers of men and women giving oral evidence, and more recent guidance intended to avoid all male panels, provide strong incentives to keep this in mind when identifying potential witnesses. As two Interviewees put it, “what gets counted gets done” (Interviewees 23 and 26). Some staff expressed discomfort at being asked to categorise witness gender (e.g.: Interviewees 13, 24 and 27), and most expressed dissatisfaction with the lack of data on other social characteristics. Related to this, staff highlighted practical barriers to taking oral evidence from people with disabilities (Interviewee 16), those wishing to give evidence in languages other than English (Interviewee 7), and from people outside Westminster and indeed the UK (Interviewees 24 and 25). While evidence has been taken from all of these groups by different committees in the past, doing so requires advance notice to be given and may incur additional costs for committees. In an environment where witnesses are often needed at short notice, and where committees are encouraged to minimise spending, there are strong incentives to pursue traditional evidence gathering practices. As one committee staff member put it: “at two days' notice you'll call the usual suspects because you know they'll say yes, you know who they are and you haven't got time to find out who anyone else is” (Interviewee 13).

Some committee chairs declined to be interviewed for the research on witness diversity, and indicated that they saw diversity as primarily the responsibility of staff. Staff however repeatedly highlighted the role of the chair in setting the parameters of any efforts to increase witness diversity. The degree of influence a chair exercises over the witness list for any given inquiry has a direct bearing on witness diversity (Interviewee 25). In practice this varies considerably, with some chairs allowing staff a relatively free hand in identifying witnesses (Interviewees 21, 22) and others presenting staff with lists of preferred witnesses at the outset (Interviewee 11). Staff generally describe facing a complicated balancing act when identifying witnesses. They are mandated by the Liaison Committee guidance to consider gender, but also conscious of having panels which they describe as: comprising “too many white middle aged men” (Interviewee 25); having “terrible BAME representation” (Interviewee 14);

full of “middle-class white men” (Interviewee 12); and dominated by “people living in London” (Interviewee 16). Alongside seeking witnesses with a range of views on the inquiry subject, and considering personal characteristics, staff are expected to be aware of any party-political leanings of witnesses and, in some inquiries in recent years, whether they have expressed strong views on Brexit (Interviewees 10 and 11). With most panels consisting of 3-4 individuals, and number of panels per inquiry limited by the competing demands on member time, balancing these perspectives, experiences and characteristics is a considerable challenge. The risks of getting it wrong are also high. Some staff felt that when they had “gone out on a limb” to bring in more women, people with disabilities, and “working class people”, or to use technology to access witnesses via video-link, they had been “blamed” by Members for perceived poor performance by witnesses in a way that they argued would not happen with a more typical panel (Interviewees 11, 16 and 24). The risks involved in bringing in new witnesses who might “clam up” in the committee room (Interviewees 14 and 23), or worse, antagonise Members by expressing strong party-political views, are often cited being as too great to justify the potential rewards (see also Geddes, 2017: 17).

This all shows that staff experience significant challenges in bringing a more diverse range of witnesses before committees. They do nevertheless believe it is a worthwhile effort, and identify a range of benefits that flow from committees hearing diverse voices. Many staff believed that hearing from “real people” (Interviewees 12, 22 and 26), and those “at the coal-face” (Interviewees 18 and 26), who can explain the impact of policies on individuals and communities, significantly increases member engagement in an inquiry. They also cited examples where hearing from individuals who were not the ‘usual suspects’, including young people and people with disabilities, helped challenge members’ pre-conceived views of a policy area (Interviewees 12 and 14). It presented those members “clinging to party lines” with “real people with real experiences that challenged what members think they know about a policy” (Interviewee 14). The effect, they argued, in some cases was transformative and led members to publicly change their stance on previously strongly held positions (Interviewees 10 and 25).

When interviewing committee chairs and members, the same emphasis on avoiding all male panels was highlighted but there were some interesting differences in emphasis. Chairs are very aware of their witness gender statistics compared to those of other committees, suggesting a degree of peer competition and that benchmarking on witness gender diversity encourages committees to, as one put it, “raise our game” (interview 49; also Interviewees 50 and 54). When asked to identify examples of witnesses that have had a significant impact on an inquiry, the two main categories which emerged were expert academics/scientists able to present compelling data in an accessible way, and activists rooted in the communities they represent. The examples given within the second category often included women, people of minority ethnicities, people based outside London, from working and lower middle-class backgrounds, and young people. Some Interviewees argued that the fact that “so few” people with these characteristics are ever “at the end of the horseshoe” (Interviewee 50) meant their perspectives were likely to linger in the minds of the members. As Interviewees describe this, hearing from a more diverse range of individuals can “bring issues to life” (Interviewee 49), and “stick in our minds” (Interviewee 52). Chairs and members, like staff, felt there was unique value in hearing from people who had lived experienced of the policy under scrutiny. This, they suggested, helped their committees to strengthen recommendations (Interviewee 51), identify new and unexpected recommendations (Interviewee 52), and gave them greater power to press ministers (Interviewees 51 and 54). One clerk ruefully noted, however, that while chairs and members may value diverse

perspectives and lived experience, they sometimes wanted “the moon on a stick” (Interviewee 37). From a staff perspective, this meant that: “we want somebody who has lived experience but we also want them to be articulate and we also want them to be at least somewhat representative of their wider community, and we also want them to be able to talk a bit intelligently about the policy implications.” As the staff member went on to point out, “the number of people for whom that is true is vanishingly small, and they’re very hard to find” (Interviewee 37).

To summarise, witness diversity is primarily interpreted by staff and members as a matter of getting more women onto oral evidence panels. Beyond this, diversity is not only interpreted as encompassing social characteristics, including but not limited to protected characteristics, but also views on the particular inquiry focus area and political standpoint. Staff and members clearly place importance on being able to show that their committee hears from a diverse group of people, particularly in the highly visible oral evidence sessions, but many also felt that these were not the right spaces to elicit the best evidence from some potential witnesses. More informal meetings, sometimes in the context of a public engagement event or a committee visit outside Westminster, were suggested to be more appropriate. Two clerks argued that committees need to “go to people where they are” (Interviewees 8 and 17), that “these people would never be comfortable in Westminster” (Interviewee 9, also 17). As a chair noted “we don’t think it is appropriate to put them in a formal setting...we don’t sort of sit them at the top of a horseshoe and fire questions at them” (Interviewee 52). These other forms of evidence gathering undoubtedly influence members’ perspectives and are more accessible to a diverse range of stakeholders due to being held outside Westminster, often including individuals recruited by civil society interlocutors and the committee office public engagement team. A chair confirmed this, noting “we wouldn’t necessarily say, ‘This meant we heard from some black people and some working-class people and some people on the minimum wage’, but that’s, sort of, implicit in what we say” (Interviewee 50). This was echoed by staff who emphasised that inquiry spaces outside formal oral evidence sessions were often where members heard from more women, BAME people and people with disabilities. However one clerk noted his discomfort with his own characterisation, and that presented by many of his colleagues: “another way to think about that is that we’re very happy to invite women in the fluffy non-challenging sessions but we’re not prepared to put them in front of the committee for a formal evidence session” (Interviewee 19). This highlights an issue of hierarchy in evidence and, by extension, in whose views count and what role they can play in committee scrutiny processes.

Staff and members were consistent in their characterisation of oral evidence as being the most important source of evidence for an inquiry – described as the “backbone” (Interviewee 27), the “bread and butter” (Interviewee 54) and the “top of the tree” (Interviewee 10). This reflects the special status afforded to Westminster oral evidence sessions as spaces for experts to identify solutions and recommendations, compared with other spaces which more often provide details of the problems and their effects. As one chair put it “people bring problems, experts bring solutions” (Interviewee 50). This raises questions about the wider visibility of committee efforts to gather evidence from a diverse range of people. It also reflects concerns raised by staff and some chairs as to how representative the individuals they encountered and experiences they heard about outside of formal oral evidence sessions, including in the context of public engagement activities, really are.

## 5. How is public engagement viewed by Committee staff and members?

Most committee chairs and staff members agreed that public engagement was important, valuable and useful for their inquiries. They emphasised how keen they were, and how important it was to “reach out to the public” (Interviewee 63), “hear the voice” (Interviewee 62), “meet with people” (Interviewee 53), get “beyond the usual suspects” (Interviewee 66), because “you would want to hear from people who had been affected” (Interviewee 49) so that the select committee hears the “actual individual experience” (Interviewee 66). It was particularly, the experiential knowledge that public engagement activities can provide that was valued. Nevertheless, public engagement was not seen as relevant and useful for all types of committee and certainly not for all types of inquiry. This was in part because of the rapid nature of some committee inquiries, which was thought not to afford the time for public engagement. However, the primary reason was that the topic of some inquiries were too complex and technical to benefit from public engagement: “if we were doing an Inquiry.... and it’s quite technical ..... It’s less easy to see the value that you would get from a public engagement exercise. There’s a lot of value in telling the public about it and why you’re doing it but not so much in getting the sort of quality of evidence that you might get from it” (Interviewee 62).

It was then inquiries that focused on broader policy areas that everyone has some experience of that were considered to be most apt for public engagement. The primary value of public engagement to inquiries was that it enabled the committee to hear from a more diverse range of people and views than they would do otherwise: “alternative voices” (Interviewee 54), “wider range of contributions” (Interviewee 64), “a broader range of evidence” (Interviewee 49), “it gives us a different perspective, we get out and talk to people, outside this building” (Interviewee 53), “gives a bit of balance” (Interviewee 66) and “a lot of evidence from lots of different people” (Interviewee 49).

Although the current public engagement activities of committees is considered to provide a greater range of views than they would receive in inquiries otherwise, most Interviewees were concerned about the capacity of the current public engagement approaches to provide representative samples: “It’s self-selecting, so .....People are more likely to come if they’ve got something to have a moan about, than if they’re recently satisfied”, “the people who come along are ... people who can afford to take the time. So, you’re probably ruling out some people potentially who have caring responsibilities or at work” (Interviewee 62). Other Interviewees reflected that the reach of current approaches is limited, because it “largely attracts the attention of people who are already engaged with the committees work” (Interviewee 61). Social media was highlighted as a particularly ineffective way to reach a diverse and representative section of the public.

In summary, select committee Chairs and staff do claim to value public engagement with select committee inquiries, providing the focus is on a general policy issue. The hope is that it diversifies the information, views and evidence that they receive than they would do otherwise. This is seen as an instrumental and epistemic benefit for improving the recommendations the committee produces rather than as an intrinsic part of democratic legitimacy. At present though the public engagement activities that select committees use do not go far enough in ensuring this diversity. Why now turn to consider whether mini-publics could help overcome this problem.

## 6. How are mini-publics viewed by Committee staff and members?

Although there were some who were entirely against the idea of mini-publics ["I can't see what they would add" (Interviewee 63), attitudes were primarily positive. While some Interviewees did consider mini-public to be a democratically legitimate process, which could in turn have legitimacy benefits for the committees: "gives legitimacy and relevance to what the committee does" (Interviewee 64); this was a minority view in the sample. Mini-public were then instrumentally valued, and it was indeed sortition that was the feature of mini-publics that was most praised amongst committee chairs and staff as it was considered to be a "more scientific approach to capturing public opinion...a breadth of public opinion, beyond the usual suspects.... people who have an axe to grind or just an expertise" (Interviewee 64). In general, then it was recognised that mini-publics could facilitate committees to "hear from a variety of people, rather than just inviting one group of people" (Interviewee 39). However, although it was the sampling approach that mini-publics adopt that was praised by the committee chairs and staff this was not necessarily because it would diversify the evidence base and lead to epistemic benefits. Rather, mini-publics were seen as instrumentally useful to test ideas: "the strength of a citizen's assembly is to find out whether an idea that can't gain easy traction in the political class, because of their fear of reaction, is actually more sellable, than the political class believe it to be" (Interviewee 41); to increase committee influence on government: "extra weight to our recommendations...[so] that the government takes closer account of them " (Interviewee 38); and, to disseminate understanding of parliament amongst the public: "so that people will get a clearer sense of what Parliament is for and what it's trying to do" (Interviewee 41).

Select committees already make use of public opinion surveys to inform their inquiries. These can of course also reach a representative sample of the public. However, surveys were not thought to be as useful as the mini-public process, which give participants access to a range of evidence themselves: "this specific type of information gathering, which was informed by education first, so people had actually had an opportunity to think about and be educated about an issue before discussing it" (Interviewee 64). Therefore, as well as mini-publics being useful because they could bring the opinions of a diverse group to committees, they are also valued because they themselves receive a diversity of information and evidence. In reality though it is likely that mini-public participants will hear from similar people to those that normally give evidence to an inquiry.

Opinion was also very much divided on how representative the sample in the mini-public needed to be. One of the elements that distinguishes different types of mini-publics is the number of participants. They can range from 15 to 1,000 (Elstub 2014). The closer to 1,000 participants the closer we get to a scientifically representative sample. While for some interviewees this was an absolute must, for others it was not a priority providing there were a diverse range of participants. They were concerned with the increased cost of the larger mini-publics and the lack of clarity that might come from the outcomes, which would be less likely to have been reached by consensus. There were no trends here between chairs and staff, and the dominant view was that it very much depended on the issue being addressed. Indeed, as with public engagement more broadly, committee chairs and staff thought that mini-publics would only be suitable for some topics. While the same distinction as before was present here i.e. mini-publics should be used for policy issues that are not overly technical: "if we were doing an Inquiry.... and it's quite technical ..... It's less easy to see the value that you would get from a public engagement exercise. There's a lot of value in telling the public about it and why you're doing it but not so much in getting the sort of quality of evidence that you might get from it"

(Interviewee 61). It was therefore thought that the issue should have broad public relevance, but there was further nuance here as it should also be contentious or “one of the big intractable political problems” (Interviewee 19). Timing [“very difficult to do it, even in the time” (Interviewee 39)] and cost [“it’s incredibly expensive” (Interviewee 19)] were further thought to be reasons why the use of mini-publics should only be occasional. The point being is that because mini-publics are only instrumentally, rather than intrinsically, valued, they are dispensable and their use seen as highly contingent.

Moreover, as well as few of those involved in committees valuing the democratic legitimacy of mini-publics, they saw them as a potential threat to the legitimacy of parliament and the committee system: “outsourcing a decision to another group of people because the mechanism that we’ve got currently can’t do it, now that is a bad reflection” (Interviewee 49); “so that you might as well just abolish the select committees and have citizens’ assemblies” (Interviewee 54). Elected representation was overall considered to bring greater democratic legitimacy, amongst both the Chairs and the staff, and that supplements to this legitimacy through other approaches were not required. As Setala (2017: 859) notes “the fact that electoral authorisation is the basis of perceived legitimacy of a representative relationship in contemporary democracies may set limits to the authorisation of mini-publics.”

## **7. Conclusion**

Diversity of witnesses and evidence are increasingly on the agenda for select committee inquiries. There are good democratic and epistemic reasons for why committees should indeed see these as important values. Our evidence suggests that committee members and staff value the epistemic contribution a greater diversity of evidence can provide. However, they also recognised the significant challenges in achieving this. Committees want ‘ordinary people’ to give evidence but believe that these types of witness are not going to do it well in the formal setting of Westminster and that they need a degree of information about policy to engage with the issue on an appropriate level. Moreover, current public engagement practices were perceived as failing to deliver diverse and representative witnesses beyond the usual suspects. It was acknowledged that mini-publics can overcome these shortcomings through the use of sortition and the provision of balanced evidence, but only in certain circumstances. The issue, costs and timing of inquiries were seen as significant inhibitors to more widespread use by select committees. In this respect mini-publics can only be part of the solution to diversity and representation in inquiries. Ultimately because diversity, public engagement and mini-publics were all seen as instrumentally valuable, rather than intrinsically legitimate, they are all dispensable. Their potential to bring democratic legitimacy was hardly acknowledged and neither was it thought that more democratic legitimacy was needed within the committee system. If we are to see the procedures and outcomes of committee inquiries improved through a greater diversity of public input the culture of Westminster will need further reform. This is in line with findings from related studies (Hendriks and Kay 2017). Without this cultural change the traditional approach to inquiries will continue to dominate and scrutiny of government will be inhibited.

However, there is cause for optimism. The recording of the gender of oral evidence witnesses; the introduction of public engagement as a core task, and the Citizens’ Assembly on Social Care suggest that culture change is occurring in Westminster. Forty years on since select committees were formally established, they have reached a crossroads. We need committee members to reflect further on their

role as elected representatives, and what degree of power an electoral mandate might afford those outside of the executive but moreover, for all those involved in committees to see evidence as intrinsically diverse and contestable. There's promise of greater innovation in the approach to inquiries to ensure evidence is more diverse and representative, but this is far from guaranteed to continue. We would urge all legislatures to heed these lessons too.

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