



House of Commons

Guide for witnesses giving written or oral evidence to a House of Commons select committee

Updated February 2016

Contents

| | | |
|----------|--|-----------|
| 1 | Introduction | 3 |
| 2 | Conduct of a committee inquiry | 4 |
| 3 | Making a submission of written evidence to a select committee | 5 |
| | How to make a submission | 5 |
| | What a submission should look like | 5 |
| | What happens to the evidence once submitted | 6 |
| | Data protection | 7 |
| 4 | Giving oral evidence to a select committee | 8 |
| | Before the committee session | 8 |
| | On the day of the session | 9 |
| | After the committee meeting | 10 |
| 5 | Powers of select committees, and parliamentary privilege | 12 |
| | Powers of committees in gathering evidence | 12 |
| | Committees and the operation of parliamentary privilege | 12 |
| | Annex 1: Layout of a Select Committee Room | 13 |
| | Annex 2: Map of the Palace of Westminster and the Parliamentary Estate | 13 |

1 Introduction

This is a guide on giving written or oral evidence to a select committee of the House of Commons. The House establishes select committees in order to scrutinise various aspects of government activity. A select committee will often seek written or oral evidence to assist it in its scrutiny role.

This guide applies to all select committees but it focuses particularly on the select committees related to government departments, because these are the committees which most commonly seek evidence from members of the public. The departmental committees are appointed to examine the expenditure, administration and policy of the relevant government department(s) and associated public bodies.¹ They conduct their examination by undertaking specific inquiries into issues relevant to the government department in question. This may include considering draft legislation published by the department.

The guide first sets out the conduct of a ‘typical’ committee inquiry. It then discusses submitting **written evidence** to a committee, and giving **oral evidence** to a committee. Finally, it sets out some of the powers of committees which are relevant to the evidence-gathering process and explains the operation of parliamentary privilege. If you would like to discuss how you might engage with a committee inquiry or to find out more generally how committees work you should contact the House of Commons Information Office in the first instance: its contact details are given below. The Information Office will be in position to answer general questions about committees or put you in touch with the staff supporting select committees who will be able to respond to specific questions you have on the information in this Guide or on a forthcoming evidence session you may be attending.

House of Commons Information Office:

Telephone: 020 7219 4272 Email: HCinfo@parliament.uk
Text phone: dial 18001 219 4272

The Houses of Parliament Outreach Service delivers free training to organisations and individuals explaining more about the work of select committees and other parts of Parliament. This work is undertaken by a team of regional officers located across the UK and includes promoting engagement with select committee inquiries.

Houses of Parliament Outreach Service:

Telephone: 020 7219 1650 Email: outreach@parliament.uk
Text phone: dial 18001 219 1650

Houses of Parliament Switchboard:

Telephone: 020 7219 3000

2 Conduct of a committee inquiry

Committees choose their own subjects of inquiry, although such subjects must come within an individual committee's 'terms of reference'. Committees are established by the House of Commons; they are therefore expected to report on the outcome of their inquiries to the House.

Committee inquiries vary in their extent and duration. An inquiry may involve a committee taking evidence for several months and then making a report to the House or it may simply consist of a single day's oral evidence which the committee publishes without making a report.

A committee inquiry progresses through some or all of the following stages:

Call for written evidence

- The committee will issue a press notice outlining the main themes of inquiry, or terms of reference. The press notice will invite interested parties to submit written evidence addressing the terms of reference, before a specified deadline.
- A committee may also identify possible witnesses and issue specific invitations to them to submit written evidence.
- Interested parties may then submit written evidence online through the relevant inquiry page on the committee's website.

Committee staff will be able to offer advice on how evidence might be submitted in alternative formats, particularly where an online submission process makes it difficult for a prospective witness to participate. Most written evidence received is published on a committee's website during the course of an inquiry.

Hearing oral evidence

- Following discussion with potential witnesses, the committee will issue a press notice announcing from whom it intends to hear oral evidence, and when.
- Oral evidence sessions will take place, ordinarily in public. The focus is on the committee putting questions to witnesses.
- Transcripts of the sessions will be posted on the committee's website.
- Live and archived coverage of committee public meetings are available as either video or audio webcasts at www.parliamentlive.tv/

Reporting to the House

- The committee will agree any report it wishes to make to the House on the inquiry. The report will then be published.
- The report will be publicly available on the committee's website. Written and oral evidence is published on the internet. Printed copies may be provided by the committee team on request.

3 Making a submission of written evidence to a select committee

This section provides guidance on making a submission to a committee. It also discusses what happens once your submission is received by a committee.

How to make a submission

When a House of Commons select committee conducts an inquiry it will often invite written evidence from interested parties and give a deadline for receipt of that evidence. Those wishing to make a submission to a committee are strongly encouraged to do so electronically via the online web portal on the relevant inquiry page of the Committee's website. The web portal includes a short form to record the contact details of those submitting evidence.

If you have difficulty making a submission online, wish to submit evidence in an alternative format, such as an audio file, or would like to make a submission after the formal deadline for evidence has passed, please contact the committee staff (see page 3).

What a submission should look like

To successfully make a submission via the online form on a committee's website, documents need to:

- Be less than 25 MB in size.
- Be in Word (doc, docx, rtf, txt ooxml or odt format, not PDF).
- Contain as few logos or embedded pictures as possible.
- Contain no macros.
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It also assists the committee if those submitting evidence adhere to the following guidelines. Each submission should:

- State clearly who the submission is from, i.e. whether from yourself in a personal capacity or sent on behalf of an organisation, for example the submission could be headed 'Written evidence submitted by xxx'.
- Be concise – we recommend no more than 3,000 words in length, or otherwise stated in the inquiry terms of reference.
- Begin with an executive summary in bullet point form of the main points made in the submission.
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence.

- Have numbered paragraphs.
- Include any factual information you have to offer from which the committee might be able to draw conclusions, or which could be put to other witnesses for their reactions.
- Include any recommendations for action by the Government or others which you would like the committee to consider.

Those making a submission should note the following:

- Material already published elsewhere should not form the basis of a submission, but may be referred to within or attached to a submission, in which case it should be clearly referenced, preferably with a hyperlink.
- You should be careful not to comment on matters currently before a court of law, or matters in respect of which court proceedings are imminent. If you anticipate such issues arising, you should discuss with the clerk of the committee how this might affect the written evidence you can submit (contact details for the committee team can be found on each committee's website).
- Committees do not normally investigate individual cases of complaint or allegations of maladministration.

What happens to the evidence once submitted

- Committees publish most of the written evidence they receive on the internet (where it will be accessible to search engines).
- **If you do not wish your submission to be published**, you must clearly say so and explain your reasons for not wishing its disclosure. The committee will take this into account in deciding whether to publish. If you wish to include private or confidential information in your submission to the committee, please contact the clerk of the committee to discuss this.
- A committee is not obliged to accept your submission as evidence, nor to publish any or all of the submission even if it has been accepted as evidence. This may occur where a submission is very long or contains material to which it is inappropriate to give parliamentary privilege (see *Committees and the operation of parliamentary privilege* on page 10 for further information).
- Once submitted, no public use should be made of any submission prepared specifically for the committee unless you have first obtained permission from the clerk of the committee. If you are given permission by the committee to publish your evidence separately, you should be aware that you will be legally responsible for its content.

Data protection

The personal information you supply will be processed in accordance with the provisions of the General Data Protection Regulation and the Data Protection Act 2018.

Full details of how your data will be used, and how to contact us if you have any queries, can be found at www.parliament.uk/business/committees/committees-a-z/privacy-policy.

4 Giving oral evidence to a select committee

This section provides guidance on what happens when you are scheduled to appear before a committee to give oral evidence at a committee meeting. It discusses what happens before the meeting, the conduct of the hearing and what happens to your oral evidence once you have given it.

Before the committee session

Before the committee session the committee will issue a press notice in advance of the oral evidence session, announcing the date and time of the hearing and naming the witnesses from whom the committee will be hearing.

How committee staff can help you

Committee staff will contact you a few days prior to the oral evidence session. Staff will let you know:

- **Where the session will take place:** this will usually be in a House of Commons committee room, located in the Palace of Westminster (also known as the Houses of Parliament) or in Portcullis House (the building above Westminster underground station). You can find out what a select committee room looks like before you attend a session by using the virtual tour facility on the parliamentary website. Use the following link: www.parliament.uk/visiting/online-tours/
- **If other witnesses are appearing at the same session:** if other witnesses are scheduled to appear prior to your appearance, it is helpful to the committee if you can attend earlier and listen to the previous witnesses' evidence, so that you are in a position to comment on that evidence.
- **Special requirements:** committee staff are happy to assist with requests and to make reasonable adjustments to accommodate a witness's needs. For example, some disabled witnesses may wish to be accompanied throughout an evidence session by a facilitator for assistance with their mobility or communication needs.
- **Expenses:** the House will cover reasonable expenses related to a witness attending a committee hearing. Committee staff are able to offer advice on getting to the evidence session and are in a position to confirm what travel and other expenses (such as childcare) can be met by the House. In some circumstances committees can book and pay for tickets on behalf of a witness in advance of a session, please contact the committee staff to discuss this.

Staff will endeavour to let you know if the session might necessitate you gathering together some information or views. With the agreement of the committee, staff may also be able to give you an informal indication of possible lines of committee inquiry, in order to assist you in preparing for the session. However, you should not expect the committee to restrict itself to these lines of inquiry.

How you can help committee staff

You should let committee staff know the following information:

- The names and job titles of the people who will be appearing as witnesses. Where the witness is an organisation, it is usually left to the organisation to decide which of its members or staff should represent it at the hearing. Committees may, however, request the attendance of specific individuals or post holders.
- If you expect to submit a claim for expenses necessarily incurred in attending the hearing you should contact the committee secretariat in advance. Full loss of earnings cannot be claimed. It may be possible to cover the expenses of legitimate additional childcare costs incurred due to providing evidence. It may not always be possible to meet the full expenses of witnesses, particularly those attending from overseas. Committee staff will be able to confirm what travel and other expenses can be met by the House in advance of an evidence session.
- If you know that matters which may arise during oral evidence are currently before a court of law, or court proceedings are imminent. If you anticipate such issues arising, you should discuss with the clerk of the committee how this might affect the oral evidence you can give.
- If you have a particular requirement: it is helpful to the committee if you get in touch beforehand to let them know of any particular requirements you have so that adjustments can be made, if possible. For example, the provision of BSL interpretation can be arranged or a member of staff can meet a witness to help them to the committee room.

On the day of the session

You should aim to arrive at Westminster at least 20 minutes before you are due to appear before the committee. A map of Parliament is attached to this guide (see Annex 2, page 15), to assist you.

You will need to pass through a security checkpoint to enter the House of Commons.

- If the committee is meeting in the Palace of Westminster, enter through Cromwell Green entrance, opposite Westminster Abbey, and identify yourself as a select committee witness to one of the visitor assistants on duty outside the entrance. (Visitor assistants can be identified by their distinctive dark blue uniform which has a portcullis on the front.)
- If the committee is meeting in Portcullis House, enter the building from the Victoria Embankment.

Step-free access is available, via New Palace Yard. Please let the committee secretariat know as soon as possible if you would like to discuss particular access arrangements.

A limited number of parking spaces for disabled drivers is available on the Parliamentary estate but must be booked in good time owing to demand. Should these spaces be taken then there is a public car park in close proximity to the House of Commons, which is available for disabled drivers. For more information on access please refer to the access

and security page on the parliamentary website: www.parliament.uk/visiting/access/

Conduct of the session

A plan of a typical committee room can be found on Annex 1, page 14 of this guide.

Giving oral evidence to Parliament is generally a public process. Committees almost always take evidence in public, the proceedings are transcribed, representatives of the press may be present and the proceedings are carried live by webcast on the internet (www.parliamentlive.tv), and may also be broadcast on radio or television. However, in appropriate circumstances, committees are able to take evidence in private. If you have particular reasons why you want to give some or all of your evidence in private, you should contact the clerk of the committee as early in the process as possible (please see page 3).

The focus of the evidence session is on the committee putting questions to witnesses. In limited circumstances, it may be appropriate for witnesses to make an opening statement before questioning commences. However, committees generally prefer to get questioning immediately underway. Witnesses should therefore consider whether material to be covered in an opening statement can instead be provided to the committee in writing.

You may appeal to the committee chair if you consider that a particular question is unfair or that you are not the appropriate person to answer it, or you would like time to consider the answer or to seek advice. However, if a committee, collectively, considers that the question is proper, you must attempt to answer it.

If you do not have the information to answer a question immediately to hand, you may offer to come back to the committee in writing on a particular point. A committee may also ask you to submit further written information to it.

After the committee meeting

You will need to send any further information which you have agreed to provide to the committee to committee staff, as soon as possible. This information is ordinarily treated as written evidence and published alongside the other written evidence received by the committee.

Transcripts of evidence

A transcript of what was said in oral evidence is published on the committee's website a few days after the hearing. You may also be sent the transcript by the committee staff and asked to identify any supplementary information asked for by members of the committee.

The House of Commons has emphasised the obligations on witnesses to be honest and open in the evidence which they give to committees. Knowingly to mislead a committee is a contempt of the House. If you have become aware that you need to make corrections of any matters of fact or interpretation to ensure that the final record of what you said to the committee is accurate and complete, you should submit a separate note which will be appended to the evidence either as a footnote or as a freestanding memorandum.

The committee's report to the House

A committee will ordinarily conclude its inquiry by agreeing a report to the House. The committee may decide to issue embargoed copies of the report up to 72 hours in advance of publication. If you gave oral evidence to the committee you may receive a copy of the report electronically, as a pdf file, in advance of publication.

Committees occasionally hold press conferences to coincide with report publication. Witnesses can attend, as may other members of the public. Details will be given in the press notice announcing the report's publication.

5 Powers of select committees, and parliamentary privilege

If you wish to discuss any of the points raised below in greater detail, please contact the clerk of the committee. Contact details of individual committees can be found on the committee's website. A list of Parliament's committees and links to their websites can be found by following the link: www.parliament.uk/business/committees/committees-a-z/

Powers of committees in gathering evidence

When gathering evidence, almost all select committees have a power to send for “persons, papers and records”. This means that committees can insist upon the attendance of witnesses and the production of papers and other material. This formal power is rarely used.

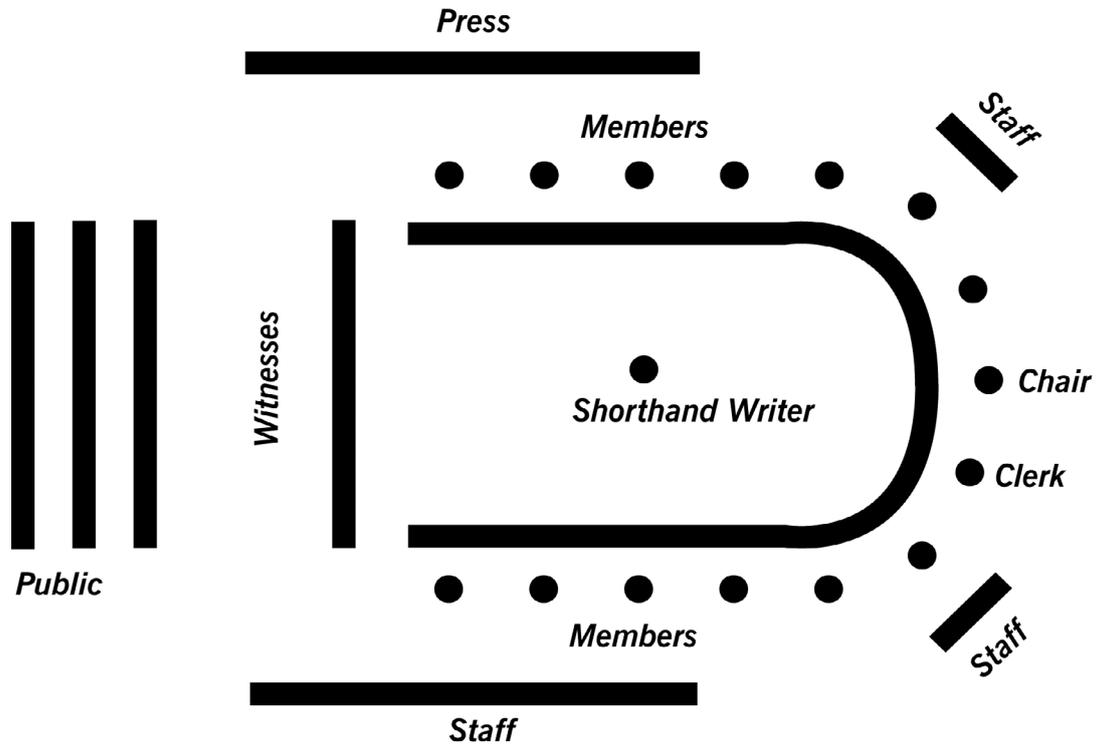
When hearing oral evidence, committees have the power to require witnesses to answer questions. In practice, evidence-taking before committees is conducted with a degree of informality and such powers are seldom used. A committee also has power to take evidence on oath. If the procedure is used, which it has on extremely rare occasions, witnesses are liable to the laws of perjury.

Committees and the operation of parliamentary privilege

Witnesses to select committees enjoy absolute privilege in respect of the evidence they give, whether written or oral, provided that it is formally accepted as such by the committee. Absolute privilege protects freedom of speech in parliamentary proceedings; it is enshrined in statutory form in Article 9 of the Bill of Rights 1689, which prohibits proceedings in Parliament from being called in question in any court. In practical terms this means that select committee witnesses are immune from civil or criminal proceedings founded upon that evidence; nor can their evidence be relied upon in civil or criminal proceedings against any other person.

Absolute privilege does not apply to written submissions which have been distributed or made available prior to being published by a committee. The protection which absolute privilege gives to those preparing written evidence and to witnesses must not be abused. In particular, witnesses should answer questions put to them by a committee carefully, fully and honestly. Deliberately attempting to mislead a committee is a contempt of the House.

Annex 1: Layout of a Select Committee Room



The precise room layout may differ slightly for some meetings. For example, the shorthand writer sometimes sits alongside the committee staff at the side of the horseshoe instead of in its centre.

Annex 2: Map of the Palace of Westminster and the Parliamentary Estate



THE PALACE OF WESTMINSTER AND THE PARLIAMENTARY ESTATE

Directions by Public Transport

- By Rail**
Nearest stations are Charing Cross, Victoria and Waterloo (20 - 30 minutes walk).
- Underground**
Westminster (Circle, District and Jubilee Lines).
- By Bus**
Routes 3, 11, 12, 24, 53, 87, 88, 148, 150, 211, 453, N2, N3, N11, N87, N136, N155, N159 & N381 all stop nearby.
- Use of public transport is advised as the Abingdon Green car park is often full and meter parking is expensive and scarce.**
- Barclays Cycle Hire Docking Station**
Abingdon Green - Great College Street

| KEY | |
|---------------------------|---|
| (A) NORMAN SHAW NORTH | (1) CURTIS GREEN (VEHICLES ONLY) |
| (B) 1 DERBY GATE | (2) CANON ROW PASS OFFICE |
| (C) 1 CANON ROW | (3) PARLIAMENTARY BOOK SHOP |
| (D) NORMAN SHAW SOUTH | (4) PORTCULLIS HOUSE MAIN ENTRANCE |
| (E) PORTCULLIS HOUSE | (5) CARRIAGE GATES |
| (F) 1 PARLIAMENT STREET | (6) MEMBERS' ENTRANCE |
| (G) PALACE OF WESTMINSTER | (7) CROMWELL GREEN (VISITORS' ENTRANCE) |
| (H) 7 OLD PALACE YARD | (8) ST STEPHENS ENTRANCE |
| (J) FIELDS HOUSE | (9) PEERS' ENTRANCE |
| (K) MILLBANK HOUSE | (10) BLACK RODS GARDEN PASS OFFICE |
| (L) 7 MILLBANK | (11) MILLBANK HOUSE MAIN ENTRANCE |
| (M) 14 TOTTHILL STREET | (12) FIELDS HOUSE |

