

CPAC-PA

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From: PARLIAMENTARY CLERK
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To: CPAC-PA, D/PACS-PA, D/PACS-PERSONAL
Subject: THE HOUSE OF COMMONS DEFENCE COMMITTEE - ORAL EVIDENCE SESSIONS - NOTES FOR GUIDANCE



HCDC Comprehensive
Guidance -

Bryan,

We spoke. I attach the guidance notes you asked to see.

As we agreed, I shall meet you and your party at 14:20 at the Whitehall Door Main Reception of Old War Office Building. I can then escort you to the Pass Office and then on to the House, where you have arranged to be met in the Central Lobby by a member of the FAC staff.

If there is anything else I can do, please let me know.

Patricia
81991

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THE HOUSE OF COMMONS DEFENCE COMMITTEE

ORAL EVIDENCE SESSIONS NOTES FOR GUIDANCE

If you have any questions about this,
please contact the HCDC Liaison Officer on x86169MB.

BACKGROUND

1 The House of Commons Defence Committee (HCDC) is a Select Committee of the House of Commons which is appointed each Parliament to examine the expenditure, administration and policy of the Ministry of Defence and the Armed Forces

2 The HCDC has eleven members from a range of political parties, in proportion to the representation of political parties in the Commons. It has complete freedom in deciding its own programme of work and normally conducts about 15 Inquiries each year

3 As part of an Inquiry, the HCDC will seek evidence in a number of ways. Usually it will ask the Department, as a first step, for written material and may supplement this by visiting an appropriate location, unit or establishment. It may also ask for an informal meeting in private with officials. It will also call witnesses to give oral evidence, usually in a public session. Where the subject under examination is likely to require a discussion of classified information, the Committee may take part of the evidence in a private session.

4 Once the HCDC has completed an Inquiry, it will produce a report to the House which will be available to the press and the public via HMSO

5 The Prime Minister and the Secretary of State place great importance on the Department's dealings with the HCDC

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GUIDANCE ON GIVING ORAL EVIDENCE TO THE HCDC

Witnesses

6 The HCDC has very wide ranging powers and may, in the course of an Inquiry, request written or oral evidence from any person, group or institution it chooses. This power, "to send for persons", can, if necessary, be enforced by the House of Commons.

7. Although the HCDC may ask for a specific witness by name, it usually leaves it to the Department to decide which witnesses it will field. The list of witnesses must be approved at Ministerial level.

8 It is usual for a small team of witnesses to attend so that a wide range of questions can be answered in detail on the day. The team should be limited to two or three "key witnesses" and have an obvious team leader (usually 2* equivalent). It is important that witnesses themselves can speak knowledgeably about the subject in question. It is also important that the Chief Witness should involve his supporting team of witnesses where appropriate – there is little point in fielding witnesses who make no contribution. The HCDC Liaison Officer must advise the Committee of the names of the key witnesses in advance of the session, names are made public on the day.

9 If none of the witnesses at the session has the expertise or detail to answer one of the Committee's questions, they should offer to send the Committee a note.

10 If a closed session is necessary, the HCDC Liaison Officer will also need to be advised of the names of all officials who need to remain in the room. Any official not on such a list will be required to leave the room during the closed session. Members of the media and public will **not** be allowed to remain during any closed session.

Military Witnesses

11 **It is usual procedure for Service personnel to wear uniform when giving evidence.** This should be the standard tunic jacket but without medals, shoulder boards etc. Any supporting military staff are not required to wear uniform.

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Giving Evidence

12. Officials and Service representatives giving evidence to the HCDC on Defence related business, do so on behalf of Ministers, who remain responsible for everything which is said or done in their name. It is therefore important to remember that the HCDC's interest, and that of any other Select Committee in defence matters, is to scrutinise the way we do business. **Select Committee Inquiries are not part of the MOD decision making process and should not be viewed by officials as a way of pursuing a particular course of action not already agreed by Ministers.**

13. When giving evidence, it must be remembered at all times:

That you are giving evidence to the Committee on behalf of the Secretary of State
When giving evidence you should be able to explain policies within your area of responsibility and the justification and objectives of those policies **as the Government sees them.**

Witnesses should take great care not to be drawn into commenting on alternative policies especially where this is politically contentious.

14 Further guidance on Select Committees and the giving of evidence is contained in the Cabinet Office publication, "**Departmental Evidence and Response to Select Committees**", often referred to as the Osmotherly Rules. Copies can be obtained from the HCDC Liaison Officer. Section 4 of this guidance is of particular relevance. As a general rule, the advice given to Ministers by their Departments should not be disclosed, nor should information about interdepartmental exchanges on policy issues, about the level at which decisions were taken, or the manner in which a Minister has consulted his colleagues.

Informal Steer

14 About 48 hours before an oral evidence session, the Clerk will normally provide the HCDC Liaison Officer with an informal steer of the likely areas of questioning. This will usually consist of a simple list of headings.

15 There is no guarantee, however, that all of the subjects will be raised, or that the questioning will not deviate from the steer.

16 It is important to remember that no indication should be given on the day that

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we have been given this steer

Open and Closed Evidence Sessions

17. Oral evidence sessions are usually "open", with members of the public and representatives of the media free to enter or leave the room at any time. In addition, some sessions are televised. The Committee is cleared to receive information up to SECRET and, where it is necessary to discuss matters which are of a classified nature (RESTRICTED or above), the session can be "closed" for this purpose.

18. During a "closed" session, the room will be cleared of media representatives and the public. Only the Committee Members, the Committee staff and the pre-notified list of Officials will be allowed to stay in the room and will be asked to state their names for the record. The room doors will be locked and no-one will be allowed to enter or leave.

19. If during an "open" session, the answer to a question is classified, witnesses should say that they cannot answer for this reason and offer to provide a note. It is for the Committee to decide whether they wish to take evidence in "closed" session.

Warning During an "open" session, all officials, with the exception of the key witnesses, sit in the public seating. For this reason they should be extremely careful with official papers to ensure that they cannot be seen by members of the public sitting alongside, or behind them.

Note of proceedings

20. On occasions the HCDC Liaison Officer will request that one of the supporting officials produce a brief note of key issues arising during the evidence session for Ministers, to inform them of what took place.

Follow-up work

21. After the oral evidence session, the Clerk will write to the HCDC Liaison Officer setting out exactly what further written evidence is required (this will include details of any notes asked of, or offered by, witnesses during the session). Witnesses should not, however, wait for the Clerk's note before putting work in hand which they know will be required (preparation of requested notes etc.)

Transcripts

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22. Transcripts of the oral evidence will be provided about a week after the event. The HCDC Liaison Officer will ask Officials to screen it to correct any **factual** errors. The transcript of any "closed" session will also have to be annotated to show which parts are classified. More detailed instructions will be circulated with the transcript.

Administrative Arrangements

23. Oral evidence sessions are usually held on Wednesday afternoons at the House of Commons, starting at 15 00. Evidence sessions are normally held in Committee Room 15 or 16 but this is not usually known until a few days before hand.

24. On the day, the HCDC Liaison Officer will meet the team of witnesses and supporting officials at the Reception Desk at the Whitehall entrance of Old War Office Building at 14 30 hrs to escort them to the appropriate Committee Room in the House.

25. All witnesses and officials will need to collect pre-arranged passes (see paragraphs 29 and 30) on route to the House in order to enter the House. All witnesses and officials will need to pass through a security barrier while their briefcases/bags will go through a baggage check (a similar arrangement to those at airports).

26. On arrival, witnesses will have to wait in the corridor outside the Committee Room until they are invited to enter by the Clerk. Witnesses will go in first through the "public" entrance, followed by supporting officials and then the public. Once the evidence session starts, witnesses would not generally leave the room, although others present, including Committee Members, will come and go at will.

27. For security reasons, witnesses and officials should ensure they take all their personal belongings (such as coats, briefcases, bags etc) with them into the Committee Room. They should **not** be left in the Committee Corridor. Coats may be hung on the coat hooks inside the Committee Room. These are located on the wall to the right of the door leading into the Committee Room.

Televising of Evidence

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28. Until the Committee room has been assigned, it is not possible to confirm if the session will be televised, but it is usual for Ministerial evidence to be taken in front of the cameras. If the event is televised, it is possible to purchase a video tape recording afterwards at a cost of £175 +VAT. This can be done through the HCDC Liaison Officer. Separate advice on the presentational aspects of giving evidence in front of TV cameras can be given if required.

Layout of Committee Room

29. The Committee Room will be laid out with a horseshoe table (around which the Members sit) and a long table at the open end of the horseshoe (where the witnesses sit). Committee members and witnesses will all have nameplates on the table in front of them. If witnesses prefer to be seated in a different way from that indicated by their name plates, it is acceptable to change them around on entering the room. It is, however, better to notify the HCDC Liaison Officer beforehand if there is a preferred seating arrangement. Supporting officials should sit in the row of seats immediately behind the witnesses. The public and journalists will sit in any other available seats in the rows behind.

Committee Members

30. Short biographies of Committee Members can be obtained from the HCDC Liaison Officer if required by witnesses. It is very unusual for all of the members to be at an evidence session and often, they will only attend part of the session and some will come and go during the evidence session. It will not be known who is going to attend until the session starts. Bruce George MP, the Chairman, is invariably in the chair and he will usually make a few opening remarks and then move swiftly on to the Q&A session. Most questions will be directed to the principal witness who may then choose to defer to one of the supporting witnesses to answer. Each Committee Member present will concentrate on a particular area of questioning which other Members may follow up with supplementary questions. Each Committee Member will not necessarily ask all their questions in one go. They may very well have two or three opportunities during the session depending on the Chairman. Members should be addressed by name and Bruce George as "Chairman".

Opening Statement from Principal Witness

31. On occasion, the principal witness may also offer to make an opening statement (which should be no longer than 5 minutes max). The HCDC Liaison Officer must be

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forewarned if the principal witness intends to make an opening statement so that the Committee Clerk can be notified in advance. The Committee will expect to have a copy of the opening statement in advance of the session, therefore a copy should be passed to the HCDC Liaison Officer beforehand

Supporting Witnesses

32. Notwithstanding the fact that the session is a public event, the presence of a large number of officials in the second row, and obviously in support, can give the impression that the witness is not confident with his/her brief. Consequently, witnesses are advised to take along the minimum amount of support staff. **The HCDC Liaison Officer will require confirmation of who is attending the evidence session** (witnesses and supporting staff) a few days beforehand so that the necessary arrangements can be made regarding access to the House

33 Supporting officials can pass notes forward to witnesses but should not speak unless the principal witness has agreed with the Committee Chairman that this is acceptable.

Passes

34 Day passes will be provided by arrangement with the HCDC Liaison Officer. Passes are issued at the Cannon Row Pass Office, Derby Gate, which is located just off Whitehall on the way down to the House (down the side road by the Red Lion pub). The Pass Office is on the right-hand side - you will see a small ramp going into the building on the right at the end of the road

Further Guidance

35 Please contact the HCDC Liaison Officer for clarification on any of these arrangements or further guidance

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