



House of Commons

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

Updated June 2011

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

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Purpose of this guide

This is a guide to 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 Public 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 Public Information Office:

Telephone: 020 7219 4272

HCinfo@parliament.uk

Text phone: dial 18001 followed by 020 7219 4272

¹ House of Commons Standing Order No. 152

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 to the House on the outcome of their inquiries.

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 on the evidence, 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**.
- Committee staff will be able to offer advice on how evidence might be submitted in alternative formats where a prospective witness would have difficulty producing a written memorandum.

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.
- Most written evidence received is published on a committee's website during the course of an inquiry.
- **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 on the parliamentary website at:

<http://www.parliamentlive.tv/Main/Home.aspx>

Reporting to the House

- The committee will agree any **report** it wishes to make to the House on the inquiry. The report will be published.

- Both report and oral evidence will be publicly available, on the committee's **website** and in **hard copy**. Most written evidence is published on the internet but is not normally printed.

Submitting written evidence to a select committee

This section provides guidance on **preparing written evidence** to a committee and submitting that evidence. It also discusses what happens to your written evidence once it has been submitted.

What information to include

As a general guideline, written evidence should consist of a **self-contained memorandum** accompanied by a covering letter. Evidence should be presented **as concisely as possible**—some committees ask that submitters observe a word or page limit.

The covering letter should contain the following:

- the **name and contact details** of the persons or organisation submitting the evidence
- **any request to give oral evidence**
- any request that the committee treat the whole, or part, of the written evidence as **confidential**, with reasons for the request. It will then be up to the committee to decide whether to agree to such a request.

The memorandum should contain the following information:

- an **executive summary** of the main points made in the submission
- a **brief introduction** to the submitter, perhaps explaining their area of expertise
- any **factual information** the submitter has to offer from which the committee might be able to draw conclusions, or which could be put to other witnesses for their reactions
- any **recommendations for action** by the Government or others which the submitter would like the committee to consider for inclusion in its report to the House.

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.

If you have difficulty submitting your evidence as a written memorandum a committee should be able to receive your evidence in an alternative format, for example as an audio file. If this is the case, you should contact the relevant committee staff in advance to confirm how your evidence may be presented.

How to format your written evidence

Some points to note:

- **Paragraphs should be numbered**, to assist the committee in referring to the submission during oral evidence.
- If you wish to include **supplementary material** with your memorandum—for example, leaflets, or articles from periodicals—ensure your memorandum is nevertheless self-contained, as committees are unlikely to publish such supplementary material.
- Committee members will receive a **photocopy** of your memorandum. Consequently, even if your submission uses colour, it should still make sense when reproduced in black and white.
- It is helpful to receive submissions by email. If you are submitting your written evidence electronically, your memorandum should be in **Microsoft Word or rich text format**.
- If you are submitting your evidence in hard copy avoid using any complicated binding.

How to submit your evidence

Evidence should be submitted to the committee secretariat prior to the deadline stated in the press notice.

Committees prefer to receive evidence **in electronic form**. Attach your memorandum to an e-mail and send it to the committee's mailbox—the address will be in the press notice announcing the inquiry, and is shown on the committee's website.

Your written memorandum can also be sent in hard copy. Send it to the committee secretariat, at the address given in the press notice.

If your evidence is being sent in an alternative format you should consult the committee secretariat in advance. The committee staff will be able to offer advice on how your evidence may be submitted.

A committee is not obliged to accept your memorandum once it has been submitted as **evidence**, nor to publish any or all of the memorandum if it has been accepted.

What happens to your evidence, once submitted

Submitting evidence to Parliament is generally a **public process**. Your written evidence will become public either when the committee publishes it or at such time as you give oral evidence to a committee—whichever takes place first. **If you wish to distribute or publish your evidence earlier, you will need the committee's permission, for which purpose you should contact the clerk of the committee.** If you are given permission by the committee to publish your evidence separately, **you should nonetheless be aware that you will be legally responsible for its content.**

Committees publish much of the written evidence which they receive, although material published elsewhere is not usually reproduced. Most committees publish the written evidence received on the internet during the course of the inquiry; any that relates to a witness's oral evidence is normally printed with the Committee's report at the end of an inquiry.

Although a committee will generally publish most or all of the written evidence it receives, a committee may exercise its discretion **not to publish evidence** where a submission is very long or contains material to which it is inappropriate to give the protection of parliamentary privilege (see '*Committees and the operation of parliamentary privilege*', below). As indicated earlier, a committee may also exercise its discretion not to publish a submission in whole or in part if it contains material which is subject to issues of confidentiality: you should therefore make sure any such issues are brought to the attention of the committee.

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**. It discusses what happens prior to the hearing, the conduct of the hearing and what happens to your oral evidence once you have given it.

Prior to the hearing

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**—usually 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:

<http://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 help with special requests and to make reasonable adjustments to accommodate a witness's needs. For example, some witnesses with disabilities 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 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 hearing.

Staff will endeavour to let you know if the hearing 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 not always be possible to meet the full expenses of witnesses, particularly those attending from overseas. Committee staff will be in position 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 special requirement**—it is helpful to the committee if you get in touch beforehand to let them know of any special requirements you have so that adjustments can be made. 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 hearing

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, 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.

Disabled access is available, via New Palace Yard. Please let the committee secretariat know as soon as possible if you require disabled access.

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 has full accessibility for disabled people. For more information on disabled access you should refer to the access and security page on the parliamentary website. Use the following link:

<http://www.parliament.uk/visiting/access/access/>

Conduct of the hearing

A plan of a typical committee room is on page 13 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.

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.

Following the hearing of evidence

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 available a few days after the hearing. This uncorrected transcript is:

- published on the committee’s website, and
- sent to witnesses.

Witnesses are asked to correct the transcript and identify any supplementary information asked for by members of the committee. The transcript will be accompanied by a letter giving details of the **very limited sorts of corrections** which are acceptable and the **deadline** by which such corrections need to be sent to committee staff. (See Annex.)

Corrected transcripts are then published with the committee’s report to the House or, where there is no report, as a stand-alone publication.

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. You will be sent a copy of the report in advance of publication. Committee staff can also arrange for you to receive the report electronically, as a pdf file.

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

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.

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. This rarely happens but, if the procedure is used, witnesses are liable to the laws of perjury.

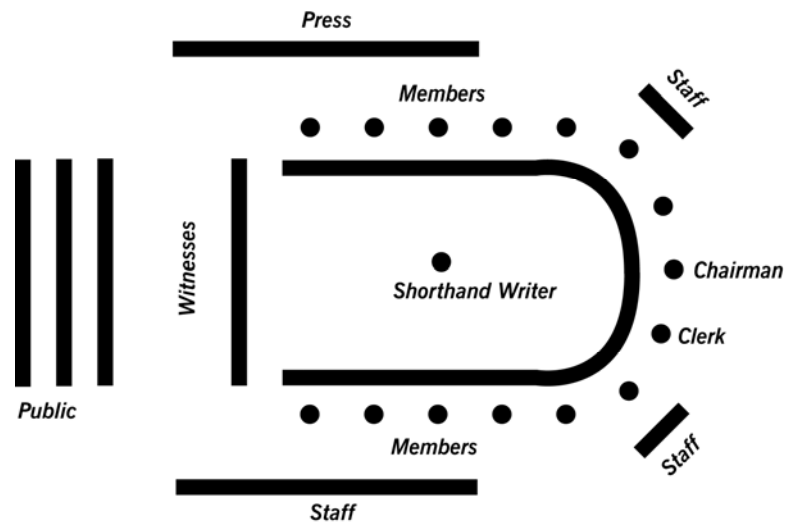
Committees and the operation of parliamentary privilege

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, which the House has the power to punish.

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 1: Standard letter to all witnesses who have given oral evidence to a select committee

Thank you for giving evidence to the Committee on [**date**]. I attach a transcript of your exchanges with the Committee. This is now being prepared for publication. [An uncorrected version is already posted on the Committee’s webpages.]

If you consider that the transcript inaccurately records what you said, this is your opportunity to correct it. You should do this either by marking corrections in ink on a hard copy and returning it to me, or by correcting the electronic text using the “track changes” facility and emailing it to me as an attachment.

Minor alterations to the style or grammar of any answer should not be made. Any changes you propose should be restricted to the correction of inaccuracies in the reporting of your words, or to the correction of matters of fact.

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. [If the Committee requested further information on any points in writing, we will write to you separately about these.]

You should return the corrected copy of the transcript to reach me by [**date**]. If special circumstances make this impossible please let me know, but if I do not hear from you to that effect, and do not receive the corrected transcript within the time indicated, your evidence will be published in its uncorrected form.

The final decision on the admissibility of any proposed amendments rests with the Committee. Although the evidence was taken in public, you should not make any public reference to this transcript without indicating clearly that it is an uncorrected document, and that the final form of its publication has not yet been approved by the Committee.

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

