

Constitutional Watchdogs

The need to establish new, independent, machinery to safeguard the democratic process is a recurring theme in the Constitution Unit's published reports; and in the proposals for reform put forward by the opposition parties. With each of these watchdog bodies, it will be necessary to develop the right framework to ensure their independence, accountability and effectiveness. This briefing concludes that:

Independence is critical to the successful operation of constitutional watchdogs. The central problem is how to reconcile independence and accountability.

Independence will depend on a body's formal legal status, the nature of any powers of direction, who defines the body's work programme and intended outputs, who holds the power of appointment and dismissal, the security of funding, and the permanence of the body and the possibility of dissolution.

Accountability should be both 'upwards' to Parliament and 'downwards' to the public, including publication of an annual report. Accountability should also lie to the Comptroller and Auditor General (for audit); to the Parliamentary Ombudsman (for maladministration); to the courts, by means of judicial review; and to the Commissioner for Public Appointments for all key appointments.

With constitutional watchdogs, the key accountability requirement is to provide an opportunity for examination, rather than to provide direction. One means of securing accountability direct to Parliament (and simultaneously strengthening the clout of any watchdog) would be to establish a direct link to a specialist Parliamentary Select Committee.

Effectiveness will be achieved through formal design elements such as legal status, powers, structures, funding arrangements; and operating style. This will be the product of a wide, and less controllable, set of factors - the personalities and integrity of members and staff, the national profile of the organisation, and its approach to public relations.

In devising proposals for the governance of new watchdogs, several criteria should be applied:

- institutional arrangements should be as transparent as possible.
- accountability should be to those who have reason and incentive to exercise their powers.
- familiar structures should not be dismissed for their own sake; but more flexible forms of control than the traditional methods of political and administrative oversight are needed.

ish new, independent, guard the democratic process in the Unit's published proposals for reform put opposition parties. Examples of 'watchdogs' include: Referendum Commission, Appointments Commission, Commission for the House of

Commissioner, Justice Commission, Commission on the functions of each of set out in previous Constitution of these new bodies are significant new public might replace existing quangos the merger of the existing commissions into a new Electoral other cases new roles might be ng bodies - the Ombudsman role of Information he has already taken on a n relation to the Code of (Government). Where an y is created, its full range of phased in over time. In each necessary to develop an work suited to the watchdog's e. This briefing considers the frameworks.

and Quangos

watchdogs are not new to the use of public officers to check public officers was a cardinal principle by Bentham's famous 'watchdog' (which he began to draft in 1781, see Scott, *Bureaucratic*). But it is not a category with status or recognition. Whatever the use to describe them, these watchdogs are essentially the institutional tensions and come with the territory. No single model exists, nor are there clear particular subset with which to describe them. The expansion in the number of quangos has gone ahead in a different overall direction, a direct response to political and administrative Questions of structure, and the process are resolved on an *ad*

and here, 'independent guard the democratic process', a very wide range of bodies. It includes the National Audit Office (headed by the Comptroller and Auditor General); Commission; Parliamentary Administration (the PCA or the Commission for Local

Administration (Local Government Ombudsmen); the Local Government Ombudsman; the Boundary Commissions; and the Boundary Commissions. Lesser known bodies include the Political Honours Scrutiny Committee, the Civil Service Commission, and the Security Commissioner. Many have territorial counterparts; and in Northern Ireland, there is also a Standing Advisory Commission on Human Rights and an independent Electoral Commissioner. Then there are the more recent bodies associated with Nolan: the Committee on Standards in Public Life itself; the Commissioner for Public Appointments; and the Commissioner for Parliamentary Standards. Equally, we could include the Data Protection Registrar; the Committee on Public Broadcasting, responsible for allocating broadcasting time to political parties; or the advisory committee to the Home Secretary tasked with vetting members of the armed services who wish to stand for election.

Despite the broad definition, these individuals and institutions inhabit a particular place in the political landscape. For example, siting them on the quango map is fairly straightforward. Using a scale developed by the Political Economy Research Centre (PERC) which uses the two axes - 'Purely Private to Purely Public' (in terms of their own status rather than their sphere of influence) and the 'Degree of Control by Ministers' - constitutional watchdogs will be firmly in the 'Purely Public' camp, and subject to a low degree of Ministerial control. But they are not a homogeneous set of institutions. These bodies can be seen as belonging to two distinct categories: regulatory bodies, with varying powers of enforcement, and advisory bodies charged with tasks or inquiries deemed too 'political' to be dealt with by Ministers or even by Parliament. Beyond this, there is little consistency in their operating frameworks.

In type, the new constitutional watchdogs are mainly advisory rather than regulatory bodies, although some combine both functions. They are concerned more with guarding against impropriety than illegality. In developing appropriate governance frameworks, our reference points are not limited to the range of existing constitutional watchdogs. Since the 1960s, the UK has acquired a range of non-constitutional quangos deliberately set up at arm's length from government, to preserve their independence e.g. the regulators for the privatised utilities, public sector ombudsmen, and the various anti-discrimination bodies. Across Europe, there has been intense development of administrative regulation over the last two decades; but by comparison, the UK lacks the sort of public law framework which would ensure that the legal liabilities and obligations of quangos are understood and respected.

In extending the existing network of independent watchdogs, care must be taken not to cause public confusion, or to adversely affect their credibility through proliferation. There is also what Lord Nolan has referred to as “a danger of the excessive involvement of unelected officials in supervising elected politicians upsetting the balance which is needed in a democratic society.” The operating frameworks for these new constitutional watchdogs need to be founded on clear political and legal principles - both to ensure coherence in their development and to safeguard their legitimacy as guardians of the democratic process. Moreover, any guiding principles must underpin both the formal and informal, the visible and invisible elements of the new watchdogs’ operating frameworks. As PERC has pointed out “The changes to the structure of the public sphere have removed many of the old certainties. The constitutional form of a particular body is no longer an adequate framework for analysis.” For example, the nature of the operating frameworks devised for these new bodies is likely to be influenced by whether they have an advisory or executive role. But this is not an easy distinction to draw: some bodies will have a range of functions, some advisory and some executive. Moreover, the specialist role and status of such bodies may mean that their *de facto* powers extend beyond their formal limits, as with the existing Boundary Commissions whose advice is so influential as to determine the normal outcome of boundary reviews.

Formal design elements will include legal status, powers, structures, and funding arrangements. These are considered in more detail below. But the operating style of the bodies will be the product of a wider, and less controllable, set of factors - the personalities and integrity of members and staff, the national profile of the organisation, and its approach to public relations. In this latter respect, the ‘seven principles of public life’ devised by the Committee on Standards in Public Life (selflessness, integrity, objectivity, accountability, openness, honesty, leadership) are clearly pertinent, and practical support should come from the Government’s proposal to develop a model code for staff of quangos and its advisory document, *Guidance on Codes of Practice for Board Members of Public Bodies*.

Independence, Accountability - and Influence

Although recent years have seen an escalation in the use of independent agencies, these developments have yet to produce easy solutions to the central political problem of such institutions: how to reconcile independence with accountability.

The critical importance of independence to the successful operation of these bodies cannot be underestimated. Indeed, their existence is justified by their independence, for the tasks with which they are to be entrusted are certainly not beyond the capacities of central government. Moreover, because the possibility of entrenchment does not exist in any formal sense under the UK’s unwritten constitution, the intention of such independence must be clearly signalled and protected in their structure and organisation. A range of international bodies, including the United Nations and the International Organisation of Supreme Audit Institutions, have produced guidelines on how to buttress the independence of key public bodies. These guidelines suggest two key criteria for assessing independence: a body’s formal legal status and the nature of any powers of direction.

The degree of freedom possessed by any constitutional watchdog will also reflect a wider range of factors: its terms of reference; who defines the body’s intended outputs; the political salience of the body’s area of work; the centrality of unchallengeable expert opinion; who holds the power of appointment and dismissal; funding requirements and uncertainty in the amount and duration; competition and contestability (i.e. whether the body has a monopoly in its area of work); the permanence of the body and the possibility of dissolution [PERC, 1996]. The criteria published by the British and Irish Association of Ombudsmen governing the recognition of Ombudsman offices also suggest a further aspect of independence: that the watchdog’s jurisdiction, powers and method of appointment should be matters of public knowledge. Finally, there must be well-defined statutory and institutional objectives; and the risk of ‘regulatory capture’ should be minimised.

If all these criteria are satisfactorily met, can independence be a substitute for accountability? The need for accountability arises from the indirect nature of our democracy: “those who make decisions on our behalf must do so transparently and must convince us that they are the right people to be doing so. In short, we must see them as legitimate” [PERC, *Good in Parts: An Agenda for Reform*, 1996]. In the case of elected bodies, this legitimacy is conferred largely as a result of the election process. But is it possible to argue that in the case of constitutional watchdogs, their legitimacy depends “not upon accountability *to someone*, but upon the absence of such accountability i.e. on its independence in carrying out its statutory mandate”? [University of Sheffield, *The Changing Constitutional Role of Public Sector Audit: The Audit Commission*, March 1996].

this may well be the case. But as of the democratic process, national watchdogs require institutional not only to secure accountability, but also to send the right signals to others. So what are the signals of that accountability? The answer is applied to constitutional watchdogs a number of questions. First, who is to be held accountable? A critical issue is whether these bodies should be accountable for their own actions, or whether they will also have sponsoring organisations to whom they will share that accountability. The move to embed the new watchdogs into the current administration environment into the new watchdogs may be born will be a challenge, for public bodies, accountability to Ministers to Parliament is no longer the way it once was. Increasingly, there is a move away from over-reliance on the conventions of ministerial accountability, and a challenge to the notion that the doctrine of ministerial responsibility is an effective guardian of good government or good administration. Direct accountability of the watchdogs to Parliament, rather than Ministers, is an important option.

The question 'accountable to whom?' is also being asked with greater frequency. Accountability to whom? Different people or institutions for different purposes, and need not be reactive - for example, the Nolan Committee's report provides a means of accountability. The Democratic Audit has suggested that a range of 'upwards' and 'downwards' mechanisms of accountability is needed. They propose that the public should have the right to: inspect a register of members' names; attend board or committee meetings; see minutes of meetings; see policy papers; request minutes for meetings; and that the bodies should be required to: publish accounts and annual reports; and meet regularly. A further form of accountability is suggested - as with the public consultation conducted as part of the Local Government Commission's recent review of the state of local government in England. This has been taken this further: the BBC, for example, has established national, regional and local councils; specialist advisory machinery; a public meetings; reports by an independent assessor; and governors' seminars.

The concept of accountability that requires to be taken in this context is 'accountable for their own actions' - could independent bodies be held accountable for their own policies and actions; or is the degree of control over their actions such a requirement likely to be necessary to ensure their independence? In broad terms, the bodies should be accountable only for their performance, e.g. efficiency and effectiveness, rather than for the merits of their policies, actions, policies or goals. In most cases, accountability should be after the fact, rather than the sort of pre-accountability that

involves seeking consent prior to a course of action, through a business plan or structuring the action by prescribing the rules.

The second half of this briefing explores the key factors involved in securing independence and accountability. This is not to say that resolving these structural issues will determine the effectiveness or success of these new bodies. Independence and accountability alone are insufficient for this purpose; good management and clear lines of responsibility between Commissioners and staff will play their part. Most importantly, any new constitutional watchdog should have influence within its operational sphere - whether derived from statutory powers or its own expertise and authority. The scope for a Government to undermine the credibility of such bodies if it objects to their actions should not be underestimated. As the Nolan Committee and the Scott Inquiry have recently shown, the balancing act involved in operating both independently and influentially will inevitably create tensions; the governance framework must be designed to cope with this.

Legal Status

There are two broad possibilities here. A new watchdog could be established without legislation - a body created by the government as a non-departmental public body, operationally independent. An alternative model would be to establish a new body through an Order in Council, primary legislation or incorporation by Royal Charter (as with the BBC and Arts Council) - progressively stronger forms of legal protection. A statutory basis may be required for some bodies, if they are to exercise certain powers or impose sanctions. Such a statute might also specify the functions and remit of the relevant body to avoid future disputes or unwarranted political intervention. This second model would provide a more robust form of independence. Indeed, the Public Service Committee has recently suggested that the status of Next Steps Agencies should be considered candidates for having independent statutory status, specifically as a safeguard against Ministerial over-involvement in their activities. However, statutory backing is more important in terms of entrenching a body against dissolution than for conferring legitimacy. It is noticeable, for example, that the Nolan Committee has no statutory footing and yet has achieved considerable influence and status; indeed, it could be argued that the need to prove their worth was a spur to create legitimacy through their recommendations. A further alternative structure that might be considered in some circumstances would be a quasi-judicial model, but this is unlikely to be appropriate for any of the bodies considered here, except possibly for an Information Commissioner.

External Scrutiny and Monitoring

The Government has recently accepted the desirability of extending the PCA's jurisdiction, promising a review of the position of every executive quango and giving consideration to bringing advisory bodies into jurisdiction for the first time. In principle, the new watchdogs should fall within the jurisdiction of both the C&AG and the PCA; and therefore should be subject to the existing Code of Practice on Access to Government Information (and any subsequent freedom of information legislation). Key appointments to all the watchdogs should be subject to scrutiny by the Commissioner for Public Appointments. This range of monitoring mechanisms would safeguard the ethics and performance of watchdogs rather than considering the merits of their decisions, actions or advice. Additional external scrutiny might be appropriate in relation to particular watchdogs. For example, the Commissioner for Public Appointments might be required to report annually on the procedures and operation of a House of Lords Appointments Commission and a Judicial Appointments Commission. In the case of advisory bodies, the scope for more extensive scrutiny will depend heavily on the extent to which the advice they offer is made public, and on the transparency of the procedures they follow. Of the 674 advisory quangos in 1996, only 25 were required by statute to publish an annual report; 13 were required to publish their advice to the Government. In the case of constitutional watchdogs, the presumption should be in favour of public disclosure.

Relationship with Parliament

Amongst the constituencies to which these bodies must be accountable, Parliament ranks highly. A key question is whether this accountability is via the relevant Minister, as is currently the case for the Boundary Commissions and the Audit Commission, or direct to Parliament (as with the PCA and the NAO) possibly through a Parliamentary Committee. At first sight, the notion of direct accountability to Parliament seems attractive, as a means of bolstering the watchdogs' independence. On the other hand, Parliament lacks the resources that Ministers possess: it has many fewer staff, limited time, comparatively little expertise. The resulting relationship between Parliament and the utility regulators, or the Data Protection Registrar, for example, is far from effective. Moreover, the mechanisms that can be used by Parliament to call Ministers to account for the bodies for which they are responsible - Parliamentary questions, debates, and so on - would be lost if their accountability was direct to Parliament. What this suggests is that if accountability to Parliament is desirable as a means of signalling detachment from the executive, then Parliament must devise new arrangements for securing that accountability.

One means of securing accountability direct to Parliament (and simultaneously strengthening the clout of any watchdog) would be to establish a direct link to a specialist Parliamentary Select Committee. This might be a relationship of vertical accountability; or a 'partnership' relationship. One example of such a relationship is that between the National Audit Office and the Public Accounts Committee. The C&AG is appointed on the recommendation of, and reports to, Parliament. But in practice only the Public Accounts Committee follows up reports (although other select committees are now allowed to consider NAO reports in consultation with the Public Accounts Committee). The NAO's workplan is designed in consultation with the Public Accounts Committee, but the NAO has the last word. Unofficially, the NAO also briefs the Committee with questions for its hearings with Government Departments, and contributes to the drafting of its reports. However, the limits of this relationship are implicitly acknowledged by the fact that the NAO is required to present its annual budget to a separate committee (the Public Accounts Commission, which includes the Chairman of the Public Accounts Committee) for approval; the Commission is also responsible for appointing auditors to audit the NAO. A similar model - but without the separation of accountabilities - is provided by the relationship between the PCA and his Select Committee. Each year the Select Committee produces its own report on the Ombudsman's Annual Report, reviewing his work and sometimes proposing changes in his methods of working. The Committee also produces occasional reports on some of the more difficult cases tackled by the Ombudsman; or thematic enquiries. The Committee's function is both to provide a channel of accountability and to add weight to the Ombudsman's judgment.

In most cases, accountability to Parliament will be intended to provide an opportunity for examination based on an annual report, rather than to provide direction. Those new watchdogs with a cross-departmental remit (Human Rights Commission, Information Commissioner) might most benefit from the sort of 'partnership' arrangement described above. This could require breaking out of the departmental committee mould - both to avoid a proliferation of committees and to provide for more issue-based groupings. One option might be for the Public Service Committee to adopt a general remit in respect of constitutional watchdogs (it already oversees the work of the Commissioner for Public Appointments); or the establishment of a new committee dealing with constitutional affairs - perhaps a joint committee of both Houses. Any significant extension of the Select Committee system would require wider consideration of the resources available to

Parliament; not least whether sufficient enthusiastic parliamentarians could be found to sustain it. The administrative support available to the committees under present arrangements (with the exception of the PAC) is already stretched. A reformed House of Lords, with a larger proportion of working peers, might create more scope for establishing new committees, especially if the second chamber was itself recognised as having a particular remit in constitutional matters.

Funding

Ring-fencing the funding of any body from across-the-board budget cuts is unrealistic. However, Parliament has passed statutes that authorise the salaries of certain people who hold offices which are constitutionally independent of the Executive to be charged directly to the Consolidated Fund and not be subject to the annual supply procedure. These include the judiciary, the C&AG, the PCA and the Speaker of the House of Commons. The NAO's staff and running costs are also funded directly from the Consolidated Fund based on estimates prepared by the Public Accounts Commission; and the Government has recently accepted recommendations for the PCA's Office to be funded along NAO lines. The Audit Commission's income from district audit allows it to be almost entirely self-funding, a factor which is seen by some as an important contributor to its success. On the other hand, the members' salaries and running costs of the Nolan Committee, Local Government Commission and the Boundary Commissions are funded from Departmental Votes, and do not appear to have suffered as a result.

For bodies whose running costs are not funded from the Consolidated Fund, but instead from Departmental grants-in-aid, it could be argued that a statutory funding formula is key to securing independence, although it is not always easy to devise an appropriate formula. Certainly, funding should not be linked to Whitehall assessments of a body's effectiveness, and bodies should be free to point out the consequences of under-funding. It should be possible to adapt the recommendation of the Commission on the Regulation of Privatised Industries that regulators should have a statutory duty to state publicly the level of resourcing they believe they require; and that the relevant Secretary of State and the Treasury should have a statutory obligation to have regard to this stated level when allocating resources to them. This might be extended to requiring the Government to explain any difference in the two amounts to Parliament. Commissions should have broad discretion in deploying their budgets, including choices over recruitment and remuneration and, critically, in programme planning. Where watchdogs are reliant on grants-in-aid, the head of the

institution should be an independent Accounting Officer. Bodies should be entitled to raise income through marketing their expertise e.g. via training or publications, so long as there are no conflicts of interest.

Staffing might be drawn from within the civil service, operating independently of government for the duration of their attachment (as, for example, with the Nolan Committee, PCA's Office and SACHR). However, the 'half-in, half-out' arrangements devised in relation to the Secretaries to the Boundary Commission are clearly unsatisfactory. Commissions could alternatively recruit direct, as with the NAO, Audit Commission, and anti-discrimination agencies. The choice will depend upon the size of the organisation; whether it can offer satisfactory career progression and attract good candidates; and the degree of expert knowledge or professional training required.

Relationship with Whitehall

The question of agenda setting and powers of direction is critical here. Norman Warner describes the public perception that "with the growth in appointed bodies accountable to ministers and dependent on them for funding, has come greater centralisation of decision-making and priority-setting..." [Demos, *Restoring Public Trust*, 1995]. In some cases, the power of central direction is not just a matter of procedures or a culture shift; but is embodied in legislation. This is, for example, the case in respect of the Audit Commission, whose governing statute confers on the Secretary of State reserve powers.

Where powers of direction are necessary, they should be embodied in legislation to ensure that they are overt and subject to Parliamentary approval. Whatever the formal arrangements, maintaining the right balance between oversight and interference will require constant vigilance: freedom to publish and commission research, for example, is one area where the courtesy of providing advance sight of findings should not blur into a power of approval or veto. Where a watchdog is accountable to a government department rather than to Parliament, the responsibility of the parent department should be to ensure good systems of control and strategic and business planning. But responsibility should not extend to limiting funds in order to squeeze out activities of which the Department disapproved.

Membership

New watchdogs might have multi-member boards or a single post of Commissioner. There are advantages and disadvantages in each approach: with a multi-member body, there is a risk that it might not be easy to achieve a generally accepted balance in the membership,

and that a corporate body might lack the decisive authority and unambiguous personal responsibility of a single Commissioner. On the other hand, the Commission on the Regulation of Privatised Industries points out: "One of the factors which may undermine legitimacy is the personalisation that has characterised discussion of the activity of several of the DGs...the result of legislation investing them, personally, rather than institutionally, with specific powers and obligations" and that multi-member boards might better sustain continuity, if replaced in rotation. The choice would depend on the range of functions designated to the body, and the skills and experience required. For a Human Rights Commission, establishing public credibility will be more easily achieved with a multi-member Commission, which enables a range of interests to be represented among the membership. For other bodies, multi-member boards may be required to secure cross-party involvement (e.g. a House of Lords Appointments Commission) or a diversity of expert views (e.g. a Finance Commission). Where technical expertise is a key factor, the application of objective or professionally validated criteria by expert members provides legitimacy, which can supplement formal accountability.

Appointments to a commission might be the responsibility of the Crown, on advice from the Prime Minister, or the Minister in charge of the sponsoring department. Transparency is important to establish the credibility of the process. In the case of executive quangos, the selection process would be subject to the guidance produced by Nolan and the Commissioner for Public Appointments, and any other arrangements instituted by the Government of the day - for example, both the Labour Party and the Liberal Democrats have suggested that Select Committees might scrutinise key appointments. An alternative would be for the Chair of the most important commissions to be appointed by the Crown on the recommendation of Parliament in the same way as the C&AG. Some key appointments are by convention subject to agreement with the opposition parties. This would clearly be necessary for a House of Lords Appointments Commission, which might be composed of one nominee from each party in the House of Commons with more than a certain number of seats and one nominated by the cross-benchers. Nominations could be agreed through the 'usual channels'; or through a more public process of public nomination by party leaders.

Equally important is the question of dismissal - the strongest form of protection being a requirement that removal from office is dependent on a vote from both Houses of Parliament (as with the Data Protection Registrar, C&AG, PCA and judiciary).

Conclusions

There is no lack of operational models for the new constitutional watchdogs. The trick is to find the right combination of structural and practical safeguards to secure an appropriate balance between institutional and 'goal' independence on the one hand, and public and parliamentary accountability on the other. Too much reliance cannot be placed on statutory or other formal frameworks; but by the same token the absence of such arrangements need not preclude operational effectiveness. This is borne out by comparing the experience of the National Audit Office and the Audit Commission. The former has far more institutional defences against governmental interference than the latter, but in practice the Audit Commission has shown itself capable of rigorously protecting its own independence, without undermining its relationship with government or its channels of accountability.

In devising proposals for the new watchdogs, several criteria have been applied:

- institutional arrangements should be as transparent as possible.
- accountability should be to those who have reason and incentive to exercise their powers.
- familiar structures should not be dismissed for their own sake; but more flexible forms of control than the traditional methods of political and administrative oversight are needed.

The chart overleaf suggests how the new watchdogs might map out.

Inevitably the exact framework will reflect the specific functions fulfilled by the bodies; and in particular whether they have decision-making powers or are simply advisory (and if so, whether they advise Parliament or the Executive). Some will operate differently in respect of different functions. Aside from the formal governance arrangements, the style and scope of the new bodies will be influenced by the individual or individuals first appointed to lead them. This was certainly the case with the PCA, where the operating style adopted at the outset was heavily influenced by the first post-holder's previous experience as C&AG.

Some bodies will have territorial counterparts which, in the context of a devolution settlement, might be separate bodies with separate lines of accountability e.g. to a Scottish Parliament. These parallel sets of institutions will need to create effective interfaces, perhaps through shared membership. It is possible that a form of collegiality will develop between different watchdogs as has happened in Northern Ireland, or that certain functions will be amalgamated (perhaps through sharing common services), especially in devolved territories. Collegiality could help to develop a further line of mutual accountability as a form of peer review; and mutual support if any individual watchdog were to be undermined or attacked by the Executive.

	Advisory or Executive	Reports To?	Commissioner(s) Funded From?	Single or Multi-Member	Appointed By?	Ombudsman and Audit
Electoral Commission	A/E	Parliament (Public Service Committee or Home Affairs Committee)	Consolidated Fund	MM	Queen, following Parliamentary motion moved by PM, on basis of consultation with Opposition	PCA/NAO
Information Commissioner	A/E	Parliament (Select Committee on the PCA)	Consolidated Fund	S	Queen, on advice from PM, following consultation with Opposition and Select Committee Chairman	PCA/NAO
Human Rights Commission	A/E	Parliament (Joint Committee on Human Rights)	Consolidated Fund	MM	Queen, on advice from PM, following consultation with Opposition and Joint Committee Chairman	PCA/NAO
Judicial Appointments Commission	A	Lord Chancellor	Departmental Vote	MM	Lord Chancellor	PCA/NAO plus Commissioner for Public Appointments
House of Lords Appointments Commission	A	Prime Minister	Consolidated Fund	MM	Queen, on advice from PM, with nominees from Opposition parties	PCA/NAO plus Commissioner for Public Appointments
Finance Commission	A	Parliament (Public Accounts Committee) and Devolved Parliaments	Consolidated Fund	MM	PM, following consultation with Devolved Governments	PCA/NAO

About the briefing

The Constitution Unit is a research project set up in April 1995 to conduct an independent inquiry into the implementation of constitutional reform. The Unit aims to: analyse current proposals for constitutional reform; explore the connections between them; and identify the practical steps involved in putting constitutional reforms in place.

A series of reports is being published by the Unit. Each report will be accompanied by a briefing. The reports deal with the practicalities of planning and legislating for constitutional reform; reform of the House of Lords; the introduction of devolved assemblies in Scotland, Wales and the English regions; human rights legislation; the relationship between constitutional reform in the UK and changes in Europe; and the conduct of referendums. In addition, the Unit is publishing a number of stand-alone briefings, of which this is one.

In the preparation of this briefing, the Unit has been advised by a wide network of experts who have contributed to our work. The principal author is Nicole Smith. Neither our advisers nor the Faculty of Laws, University College London (where the Unit is based) are responsible for the conclusions and recommendations in this briefing, which are those of the Unit alone.

Copies of reports can be obtained direct from the Unit at a cost of £10 each. Briefings are available free of charge.



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