

Impact case study (REF3b)

Institution: Oxford Brookes University
Unit of Assessment: 20 - Law
Title of case study: Contributing to public policy on accountability and standards in public life
<p>1. Summary of the impact (indicative maximum 100 words)</p> <p>Woodhouse's research has conceptual and instrumental impact in the UK and internationally. Instrumentally, her research has provided the basis for recommendations on accountability made by political groups, such as parliamentary committees. These relate to the mechanisms by which accountability is secured and to the constitutional relationships between Parliament and the executive, ministers and their civil servants, and MPs and their constituents. Conceptually, this impact concerns the debate by political actors on political accountability, whether of individual Members of Parliament for the standards to which they adhere or individual Ministers for their responsibilities within and outside their departments.</p>
<p>2. Underpinning research (indicative maximum 500 words)</p> <p>The case study impact is underpinned by and results from an extensive body of research into accountability spanning two decades and including 5 Books (and numerous papers and journal articles. Woodhouse's 1994 book <i>Ministers and Parliament: accountability in theory and practice</i> (1) laid the foundation for a corpus of research into the theory and practice of accountability which has been demonstrably influential in the UK and beyond, with copies of the resultant books being retained in over 300 libraries worldwide. In <i>Ministers and Parliament</i> Woodhouse explored the constitutional convention of individual ministerial responsibility, which, inter alia, provides the basis for the accountability of Ministers to Parliament, and the divergence between theory and practice. She analysed the situations in which ministers resign, the effectiveness of resignation as a means of accountability, and the mechanisms used by ministers to avoid taking responsibility. Her historical analysis was continued in her contribution to 'The Constitution in the Twentieth Century' (4).</p> <p>In her work, Woodhouse developed a typology of levels of political accountability that relates to the degree of control ministers exercise over their responsibilities and is appropriate to modern government. The starting point is <i>redirectory responsibility</i> where the requirement is simply for ministers to redirect operational questions to officials who have delegated responsibility for them (e.g. heads of Executive Agencies) while retaining ultimate responsibility for ensuring the questions are addressed appropriately. At the second level, <i>informatory responsibility</i>, ministers are required to provide Parliament with information about what has happened in their areas of responsibility. Thereafter, far more is expected of Ministers; <i>explanatory accountability</i> requires them to explain or account for their own and their departments' actions; <i>amendatory responsibility</i> requires them to make amends for their own or their departments' actions; and, finally, <i>sacrificial responsibility</i> requires them to resign for their own errors and for those of their department in which they were involved or of which they knew or should have known.</p> <p>Woodhouse also examined the powers and limitations of Parliamentary Select Committees as these relate to holding ministers to account, and drew comparisons with mechanisms of accountability adopted by other countries operating under the Westminster system of government, particularly Australia.</p> <p>Subsequently, she developed the notions of causal and role responsibility (2,5) and looked at accountability from a different angle analysing the effect of civil service reform, including the shift towards a public management model of administration, on accountability to Parliamentary Select Committees; examining the increasing political and public focus on the standards of behaviour expected of those in public service and the resulting concentration on regulatory mechanisms (including Codes of Conduct, Codes of Good Administration, and Ministerial Codes) against which politicians and officials could be held accountable; and looking at the impact of judicial review on political accountability (3). Her most recent work (6) examines minister-civil servants relationships in the context of recent governmental changes.</p> <p>The breadth and depth of Woodhouse's research and its relevance to political actors and commentators in the UK and internationally has resulted in it having extensive impact, both before</p>

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the REF period and during it.

3. References to the research (indicative maximum of six references)

1. Woodhouse, D. (1994). *Ministers and parliament accountability in theory and practice.* Oxford, Clarendon. ISBN 0198278926

Type of Output: Monograph.

2. Woodhouse, D. (2002) *'The Reconstruction of Constitutional Accountability'*, Public Law, pp.73-90. ISSN 0033-3565.

Type of Output: Peer-reviewed journal article, submitted to RAE2008, Oxford Brookes University, UoA38-Law, RA2, DP Woodhouse, Output 2.

3. Woodhouse, D. (1997) *'In Pursuit of Good Administration: Ministers, civil servants and judges'*, Clarendon Press. ISBN: 9780198260363

Type of Output: Monograph, submitted to RAE2008, Oxford Brookes University, UoA36-Law, RA2, DP Woodhouse, Output 1.

4. Woodhouse, D. (2003) 'Ministerial Responsibility in the Twentieth Century', in *The British Constitution in the Twentieth Century*, ed. By V. Bogdanor, pp.281-332, Oxford University DOI:10.5871/bacad/9780197263198.003.0008 ; ISBN: 9780197263198

Type of output: Book Chapter

5. Woodhouse, D. (2004) *'UK Ministerial responsibility in 2002: the tale of two resignations'*. Public Administration, 82(1), pp 1-19. DOI: 10.1111/j.0033-3298.2004.00380.x

Type of Output: Peer-reviewed journal article

6. Woodhouse, D (2013) Civil Servants and Politicians: A very British Relationship' *In Civil Servants and Politics*, (ed) C Neuhold & S Vanhoonacker Palgrave, ISBN 9780230304833

Type of output: Book Chapter

4. Details of the impact (indicative maximum 750 words)

The case study highlights three substantive examples of impact arising from the referenced body of research on accountability. While these are relevant to the REF period, they arise from long term active engagement between the researcher and the audience beyond academe.

Example one is of significant high level conceptual impact on the deliberations of the 2011 House of Commons Public Administration Select Committee inquiry, 'Smaller Government: what do Ministers do?' The inquiry examined ministerial accountability, particularly in the light of the government's intention to devolve, wherever possible, responsibility for public service delivery to local level. The Committee fully engaged with Woodhouse's research as it relates to levels of accountability outlined in her book, *Ministers and Parliament* (1), and developed by her in subsequent work. Its report explicitly drew on and cited this research to frame its recommendation to the Government for the inclusion of 'redirectory responsibility' within the Ministerial Code, the document which sets out the duties and responsibilities of Ministers. This, it believed, would be 'a legitimate aspect of ministerial accountability in the context of a more decentralised state' (7), allowing accountability at local level, the government's aim, while ensuring a line of accountability to Parliament through the minister. The refusal of the government to implement this recommendation does not detract from the conceptual impact of Woodhouse's research on political debate. Over the years, it has made a significant contribution to select committee attempts to persuade government to clarify and improve the mechanisms by which Parliament can hold ministers to account; this specific example demonstrates one such contribution (8). A further example is the House of Lords Committee of the Constitution's request in 2013 for Woodhouse to appear before it to give her views on the workings of the 2006 Inquiries Act (9); she was adviser to the House of Commons Public Administration Select Committee's inquiry, *Government by Inquiry*, and co-authored its report (10).

Example two relates to the direct instrumental impact of Woodhouse's research on the development of a robust standards regime in the National Assembly for Wales whereby its

individual members can be held to account for their conduct. As a result of her research on accountability and the mechanisms by which it could be achieved, Woodhouse was asked by the Assembly's Committee for Standards to undertake a review of national and international standards regimes and, on that basis, to make recommendations on the Assembly's regime. Her report, published in 2001 (11) (subsequently known as the Woodhouse Review), recommended, *inter alia*, that the office of Commissioner for Standards for the Assembly should be placed on a statutory footing and have its responsibilities and powers enhanced. Although the Committee for Standards accepted the recommendations, the Assembly could not be asked to give them effect as the power to do so resided with the Westminster Parliament. The Government of Wales Act 2006 changed the situation as it included a provision for the creation of a statutory Commissioner by way of an Assembly measure. As a result, in March 2009 the Committee (12) proposed a statutory Commissioner, as recommended by Woodhouse, which was accepted by the Assembly. The first statutory Commissioner took up post on 1 December 2010.

Example three illustrates broader international reach and conceptual impact. Woodhouse's research on ministerial accountability has been regularly cited in Australian debate over many years and continues to impact today. A 2007 report to the Prime Minister by the Australian Study of Parliament Group (13) explicitly adopted the Woodhouse framework for levels of accountability in its recommendations and despite (or because of) government's resistance to clarifying the responsibility of ministers to Parliament, this framework has continued to feature in debates about accountability in Australia. For example, Woodhouse research was used in a 2008 Australian Parliamentary Paper to illuminate the issues faced by the Australian Parliament in holding the government to account (14) and *Hear Our Voice: The Democracy Australians Want*, published in 2012 by the Australian Collaboration (a consortium of National Community Organisations)(15) explicitly refers to the Woodhouse principles on causal and role responsibility and the Woodhouse responsibility framework.

These examples of Woodhouse's research informing national and international debate on accountability and governance show impact as an ongoing process extending over a period of time through to the current reference period.

5. Sources to corroborate the impact (indicative maximum of 10 references)

7. House of Commons Public Administration Select Committee *Smaller Government: What do Ministers do?* Seventh Report of Session 2010-11 March 2011.

<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmpubadm/530/530.pdf>
 HC 530 Page 16 paragraph 34 and Page 18 paragraph 42 . Explicitly draws on and refers to Woodhouse research on Ministers and Parliament to frame a recommendation for inclusion of 'redirectory responsibility' within the Ministerial Code.

8. Parliamentary and Constitution Centre Briefing Paper for Members of Parliament *Individual Ministerial Accountability* Oonagh Gay Paper 04/31 8 November 2012 (www.parliament.uk/briefing-papers/SN06467.pdf) Draws on Woodhouse research to explain the development of the model of individual ministerial responsibility. Cites and reuses evidence provided by Woodhouse to an earlier Public Service Committee on Ministerial Accountability and Responsibility P.3

9. Corroborating statement author 1. Personal Email correspondence, 24 June 2013, from the Clerk to the Select Committee on the Inquiries Act 2005 inviting Woodhouse to give oral evidence to the Select Committee.

10. Public Administration Select Committee, 'Government by Inquiry' (2005) HC 51 <http://www.publications.parliament.uk/pa/cm200405/cmselect/cmpubadm/51/51i.pdf>

11. Woodhouse, D., 2002. Report for the Committee on Standards of Conduct, National Assembly for Wales Review of the Standards of Conduct Regime of the National Assembly for Wales <http://www.assemblywales.org/memhome/pay-expenses-financial-interests-standards/mem-commissioner->

[standards/diana_woodhouse_report_final_version_english.pdf](#)

12. Proposed National Assembly for Wales Commissioner for Standards Measure: Explanatory Memorandum Jeff Cuthbert AM 25 March 2009
<http://www.assemblywales.org/ms-ld7450-em-e.pdf> Explains background to the Introduction of the Measure including explicitly referring to the Woodhouse recommendation p. 6ff Furthermore p. 19 refers to the implementation of a number of other Woodhouse recommendations.

13. *Be Honest Minister! Restoring Honest Government in Australia* Accountability Working Group Australasian Study of Parliament Group 2007 P.29
<http://www.accountabilityrt.org/wp-content/uploads/2009/10/Be-Honest-Minister.pdf>

14. Parliament of Australia *The Senate, Accountability and Government Control* Harry Evans Papers on Parliament Series No.48 F/N 12 (2008)
http://www.aph.gov.au/About_Parliament/Senate/Research_and_Education/~/~link.aspx?id=17EF4947DD5D4214BC6C1162200D893E&z=z

15. *Hear Our Voice The Democracy that Australians want* Ken Coghill & Paula Wright The Australian Collaboration (Consortium of National Community Organisations) Victoria 2012
<http://www.australiancollaboration.com.au/pdf/Books/Hear-Our-Voice.pdf> P. 53

16. *Democracy in Australia – Accountability of ministers for actions taken under their direct and indirect authority* The Australian Collaboration (Consortium of National Community Organisations) January 2013
<http://www.australiancollaboration.com.au/pdf/Democracy/Accountability-ministers.pdf>