How effective is Parliament in checking executive power?

The executive is the branch of government that is responsible for the implementation of laws and policies, consisting of the prime minister, his cabinet and junior ministers and the Civil Service. It formulates official government policy and controls the coordination of the policy process, being the branch of government that ‘governs’. As such, the executive is a very powerful body, but is subject to scrutiny and control through Parliament, the legislature of the United Kingdom. Parliament’s effectiveness at doing this has been interpreted in different ways, with varying theories concerning Parliamentary power in relation to that of the executive.

The Westminster model is the traditional interpretation of Parliament as the lynchpin of the British political system. This theory implies that Parliament provides both representative government and responsible government, acting through the principle of Parliamentary sovereignty. This is an important feature of the Westminster system of government, which sees a fusion of powers between the elements of government. In this model Parliament is to be seen as the central part of the political system, through which public will is conveyed and governments are held accountable. Although some may argue that this system no longer exists in the UK, aspects of it are evident and point towards Parliament being effective in checking the power of the executive.

Parliament ensures the accountability of the executive in several ways. Ministers have to regularly appear before the Commons to answer questions, including the prime minister on Wednesday afternoons. In these, MPs can pose questions to ministers on government policy and the important issues of the day. Select committees scrutinise government policy in great detail, shadowing the work of each of the major government departments. They carry out inquiries and write reports, being able to carry out question-and-answer sessions with ministers, civil servants and other witnesses, and can ask to see government papers. Parliament (the place of speaking) is continually having legislative debates and votes on the proposals of the executive. The opposition also plays a key role in Parliament of holding the government to account, criticising government initiatives and highlighting alternative policies and ideas. A government is still required to stand-down if it loses a vote of no confidence in the Commons, a demonstration of the MPs potential power. This was last seen in 1979.

However, there is also an argument that power has shifted from Parliament to executive in British politics, and that the legislature is no longer effective at holding the government to account. This concept is called the Whitehall model and claims that Parliament is executive-dominated, and acts as little more than a ‘rubber stamp’ for government policy. In this view, Parliament has no meaningful policy influence.

Many points support this view. At the starkest level, it has been seen by an increase in prime-ministerial or even ‘presidential’ government in the UK, with the leader of the executive having accumulated more power. This was seen particularly under the premierships of Thatcher and Blair. It does not just relate to the prime minister within his cabinet, but also to a decrease in the fusion that exists between the elements of government in this country. More and more, the prime minister and his government are seen to be able to act independently of Parliament, using their large majorities in the Commons to pass legislation unopposed and unchecked. As the majority of MPs in the House of Commons (normally) belong to the governing party, their primary role is to support the government of the day, not to criticise and embarrass it. Although some would argue that this still requires a government to act through the legislature, its role in the formulation and checking of policy had decreased and the making of policy is left much more to advisors and civil servants.
The ability of the Commons to scrutinise policy has also been targeted with other problems. Question Time is often weak and ineffective. Oral questions seldom produce detailed responses, and are used more to embarrass ministers that to subject them to careful scrutiny. This is particularly the case with PMQs, when a party-political battle often quickly develops and little is achieved.

However, both of these theories neglect that there is no fixed relationship between Parliament and government. The principles of parliamentary government establish a framework within which both Parliament and government work, but this does not determine the distribution of power between them. Therefore there is an alternative to the Westminster and Whitehall models – the transformative model. This accepts that whilst Parliament is no longer a policy-making body, it can still transform government policy by reacting to government initiatives. The extent to which Parliament is effective on checking executive power is fluid and dependent on several factors, including the extent of party unity and the size of the government’s majority. For instance, in April 2009 the government’s policy on Gurkha settlement was defeated in the Commons as a result of poor Labour Party unity. Likewise, the 1974-9 Labour Government was defeated on no fewer than 41 occasions due the party’s majority of only four. It can therefore be said the ability of Parliament to check executive power is dependent on factors that change between elections and governments. The ability of an executive to avoid Parliamentary scrutiny is larger down to the will of Parliament to challenge it.