
MPs' Role in the Constitution: A Practical Guide

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1. The Role of the MP

Members of parliament have a huge and important job. The role that they hold is crucial to the UK's democracy.

MPs are centrally important to all democracies, but the constitutional roles and responsibilities of MPs at Westminster are far greater, thanks to the UK's tradition of 'parliamentary sovereignty' (discussed further in section 2).

MPs are constantly bombarded with competing information and demands. Newly elected members in particular have many things to get to grips with, and the job can be exhausting. Thankfully, high-quality briefing is available from different bodies – including the House of Commons itself – to help new MPs to navigate their roles. Some key resources of that kind are listed at the end of this section.

This short guide, put together by the UCL Constitution Unit with the support of other expert organisations, steers clear of the kind of standard procedural guidance available elsewhere. Instead, in 10 short sections, it focuses on the core constitutional roles held by MPs, which are crucial to maintaining our democracy. Each section ends with some further reading, topic-by-topic, for those who would like to know more.

There are many different ways of being an MP. For example, some members focus primarily on local matters, and others on national campaigns. Some serve as government or opposition frontbenchers, and others as backbenchers. Some hold important committee positions. In terms of policy, there are many different topics to specialise in. But all MPs are united in sharing a fundamentally important role at the heart of our democracy and constitution.

Members' heavy burden of day-to-day parliamentary responsibilities, and the numerous pressing demands on their time, can make it easy to lose sight of the bigger picture – including how crucial

their jobs are to the maintenance of our democracy. The current guide is designed to help keep that bigger picture in mind.

The brief lessons set out in the document are intended to help MPs reflect on the central role that they play. Those lessons may also be useful when communicating that important role to constituents and others. Each lesson is summarised in the closing paragraph of the respective section, and then they are all drawn together as a list of 'key points' at the end of the document.

We hope that MPs will want to read this guide, but also keep it, and the lists of resources that it points to, as a reference for the future. Whether newly elected and starting out in parliament for the first time, or already having many years' experience, we hope that all MPs will find it thought-provoking and useful.

MPs have busy day-to-day jobs, and numerous responsibilities. But they also have a crucial role in maintaining our democracy. Amidst such pressures, it is important always to keep this in mind.

FURTHER READING

There are various more general induction guides and materials provided for MPs, which this document does not seek to replicate. Those wanting broader reading material may wish to consider:

MPs' Survival Guide: Navigating Westminster's Processes and Procedures, Hansard Society (2024), hansardsociety.org.uk/publications/guides

Support for New MPs, Institute for Government website (2024), instituteforgovernment.org.uk/ifg-academy/parliamentarians-and-policy-makers/support-new-mps

MPs' Guide to Procedure, parliament website (2024), guidetoprocedure.parliament.uk/mps-guide-to-procedure

How to Be an MP, Paul Flynn, Biteback (2012).

2. The Centrality of Parliament

The national legislature is an essential and core institution in every democracy. These bodies perform key roles including representing voters, agreeing legislation, scrutinising the executive, and serving as forums of national debate. All of that applies to the UK parliament, but its centrality goes even further.

The UK is one of very few democracies around the world without a single document labelled 'Constitution'. Instead its constitutional rules are scattered, including in numerous statute laws, other documents, and unwritten conventions. Crucially, when countries have a central constitutional document, that document normally takes on the status of 'higher law', meaning that it sits above the statutes agreed by the legislature. Hence other parliaments are constrained, because they must comply with the written Constitution. In the UK, this isn't the case.

In contrast, the Westminster parliament can famously make or unmake any law. Judges are expected to give effect to the statutes that it passes, and cannot declare them void for unconstitutionality. This is a very different situation to that which applies in most other democratic states. It is frequently referred to as the UK's core constitutional principle of 'parliamentary sovereignty'.

The rights and wrongs of this arrangement have long been argued over. Some suggest that we should join other states in adopting a written, codified Constitution. Others strongly believe that the flexibility inherent in the UK system is an asset. This document does not seek to get into such arguments. Instead it simply emphasises that, under current arrangements, the UK parliament has a uniquely high status in the constitution.

This effectively means that MPs are the top of the constitutional tree. They have responsibility not only for making the law, but also for protecting our constitution and democracy. If MPs make bad choices, or seek to accrue too much power to themselves, or to the government, there is very little that can be done to stop them. This brings with it a huge responsibility.

The House of Commons is of course not completely unconstrained. The House of Lords can question its decisions, but the most it can generally do is delay, not overrule them. The media, pressure groups and wider public opinion all hold MPs to account, and can provide warnings about bad decisions. But these constraints fall well short of the formal constitutional and judicial ones that exist in many other countries.

MPs need to be very aware of the high level of constitutional responsibility they hold. They cannot make bad decisions and hope that somebody else will sort it out. That might apply to MPs in other jurisdictions, but not to members of the UK parliament.

FURTHER READING

Parliamentary Sovereignty, Mark Elliott, Public Law for Everyone blog (2014), publiclawforeveryone.com/2014/10/15/1000-words-parliamentary-sovereignty

The UK Constitution, Constitution Society website (2024), consoc.org.uk/the-constitution-explained/the-uk-constitution

What is the UK Constitution?, Constitution Unit website (2024), ucl.ac.uk/constitution-unit/explainers/what-uk-constitution

3. Parliament and Government

One of the most central relationships that parliament has is with the government. Consequently, in the public mind, the two may sometimes get mixed up. Ministers sit *in* parliament, and are answerable to parliament. But obviously parliament goes far further, and represents numerous different interests beyond the government.

Another core principle of the UK constitution is that the government depends on the *confidence* of parliament – which in practice means the confidence of the House of Commons. If the government loses this, it can be forced from office via a ‘no confidence’ vote. A similar rule applies in many other parliamentary democracies, for example around Europe, and in Australia, Canada and Japan.

Such an arrangement generates an important constitutional responsibility of MPs. Although often quite far in the background of their considerations, MPs must ultimately keep watch over whether the government deserves to remain in power.

This helps to explain why the work of government and parliament are so intertwined on a day-to-day basis. Most debates are opened and closed by a minister. MPs have multiple routes to holding ministers to account, for example through parliamentary questions, government statements, debates and select committees. In addition, most legislation reaching the statute book originates with the government, but it must be considered and approved by parliament. One of the core duties of MPs is to scrutinise the government and its legislation carefully, to ensure that the UK is governed well.

MPs’ main interaction with government comes through ministers, who themselves sit in parliament. There are numerous opportunities for different kinds of interaction, formally through exchanges in the chamber and committees, and informally through meetings of different kinds.

Accountability to MPs also less directly affects the work of civil servants, who ultimately report to ministers and support them in all of their government work – including in relation to parliament (e.g. preparing bills, answering parliamentarians’ letters and preparing ministers for debates). Another key UK tradition is that of a politically impartial civil service. However, small numbers of political appointees also serve as special advisers. MPs may sometimes also have contact with government through either civil servants or special advisers. Additionally, they may work through ministers’ Parliamentary Private Secretaries (PPSs), or party whips.

It is easy to assume that in the close relationship between government and parliament, parliament is subservient to government. The relationship is often painted that way, for example by the media. But while the government initiates much of the business discussed in the House of Commons (particularly legislation), and also has significant control over its timetable, the fundamental relationship is really the other way around.

Scrutiny of government is a core responsibility of MPs. In terms of the relationship between government and parliament, it is important to remember that MPs are actually the bosses – due to the confidence relationship, and the power over legislation.

FURTHER READING

Confidence Motions and Parliament, Institute for Government website (2018), instituteforgovernment.org.uk/article/explainer/confidence-motions-and-parliament

Ministerial Accountability, Catherine Haddon, Institute for Government website (2020), instituteforgovernment.org.uk/article/explainer/ministerial-accountability

The Civil Service: What is its Role?, Lisa James, Meg Russell and Alan Renwick, Constitution Unit blog (2023), constitution-unit.com/2023/07/11/the-civil-service-what-is-its-role

Parliamentary Scrutiny: What is it, and Why Does it Matter?, Meg Russell and Lisa James, Constitution Unit blog (2023), constitution-unit.com/2023/09/12/parliamentary-scrutiny-what-is-it-and-why-does-it-matter

THE MONARCHY AND THE PREROGATIVE

Parliament's highest-profile interaction with the monarchy comes in the form of a ceremonial occasion – the state opening of parliament, and King's speech, at the beginning of each new session. More regularly, the monarch grants royal assent to bills: the point at which they become Acts of Parliament. But this too is largely ceremonial, as it is widely agreed that royal assent cannot be withheld.

The most significant powers nominally remaining to the monarch are the prerogative powers. Prerogative powers are those which are still formally held by the monarch (never having been curtailed by an Act of Parliament), and can be exercised without parliament's approval. But in most cases the monarch now has very little control over how the prerogative is used, and these powers are instead exercised by the government.

A handful of prerogative powers are still notionally exercised by the monarch, but on government advice; these include the power to prorogue parliament, or to appoint ministers. Various other prerogative powers are exercised directly by ministers. Some of these are significant, including the power to make or exit international agreements, and deploy the armed forces.

Recent years have seen live debates about whether the current level of parliamentary control over the executive's use of the prerogative is appropriate. In particular, the UK's exit from the European Union brought concerns to the fore about parliament's limited input into the making and approval of international agreements. Some high-profile international conflicts have resulted in questions about the appropriate level of House of Commons oversight of military action. Specific controversy also arose over whether the executive should be able to prorogue parliament for a lengthy period (see page 18). Despite the term 'royal' prerogative, such debates really concern the appropriate balance of power between parliament and government.

Further reading: The Royal Prerogative and Ministerial Advice, David Torrance, House of Commons Library (2024), commonslibrary.parliament.uk/research-briefings/cbp-9877



4. Parliament and the Quality of Political Debate

As already indicated, one of parliament's core functions is to act as a forum for national debate. The very word 'parliament' denotes a place where people talk.

Parliament, and MPs, are centrally important to our national discourse. Debates inside the House of Commons can reach people in unedited form, for example through BBC Parliament and the Hansard record. Short clips from debate are often shared on social media and quoted in other media outlets, where they may reach many more thousands of people. The central principle of 'parliamentary privilege' ensures that MPs can speak freely in such debate.

Beyond this, MPs are also highly visible outside formal parliamentary proceedings – for example, through their own contributions to the media and social media, and through appearances at public meetings. What MPs say in all of these different forums is key to shaping how members of the public think and talk about politics.

Some aspects of how parliament organises debate are regularly subjected to criticism. This applies particularly to the often rowdy and combative forum of Prime Minister's Questions. PMQs has some firm defenders, and can perform important political functions, but the fact that it is so visible does project a somewhat misleading impression of how parliament works. Very often, debates and committee proceedings are characterised far more by reasoned discussion and agreement, which many in the public do not see.

The public tend to dislike overly adversarial debate, personalised attacks and political 'point-scoring'. Politicians are also often criticised for obfuscation. Giving straight answers, treating people respectfully, and acknowledging the legitimacy of other perspectives, is more likely to foster public trust.

Parliament is crucially not just a forum for ‘debate’ in the adversarial sense of people disagreeing with each other, but also a forum for ‘deliberation’, where members work together productively to define policy solutions, and draw on high-quality evidence. MPs need therefore not just to be skilled ‘debaters’, but also to use their skills to consider evidence from various sources and discuss the options together constructively. Where the public see such work, they will often value it.

A particular general concern in recent years has been the rise of misinformation and disinformation, and its effect on our political discourse. With a plethora of sources available, it is sometimes difficult to know what is true and what is not. MPs therefore have a particular responsibility to use information and evidence carefully. Within parliament there are some rules in this area: some ‘unparliamentary’ language is policed by the Speaker, and MPs are expected to issue corrections if they inadvertently mislead. But both inside and outside parliament a great deal depends on members taking care over what they say.

Overall, MPs’ centrality and visibility mean that they have very important responsibilities for maintaining the quality of our national political debate. This applies to their work both inside and outside parliament.

FURTHER READING

Healthy Political Discourse: What is it and Why Does it Matter?, Alan Renwick and Tom Fieldhouse, Constitution Unit blog (2023), constitution-unit.com/2023/10/31/healthy-political-discourse-what-is-it-and-why-does-it-matter

Disinformation and its Effects on Society, Paul Bolton, Anne-Lise Harding and Clare Lally, House of Commons Library website (2024), commonslibrary.parliament.uk/disinformation-and-its-effects-on-society

What Constitutes Privilege, Erskine May, parliament website (2024), erskinemay.parliament.uk/section/4570/what-constitutes-privilege

Making a Correction to Hansard, MPs’ Guide to Procedure, parliament website (2024), guidetoprocedure.parliament.uk/articles/wT3DdG7k/making-a-correction-to-hansard

5. Parliament and Opposition

In democratic systems, the legislature will nearly always contain representatives from beyond the governing party or parties. The UK system makes this distinction particularly explicit, through both the design of the House of Commons chamber, and the formal recognition of opposition parties.

The largest non-government party in the House of Commons is generally known as ‘the official opposition’, or ‘His Majesty’s loyal opposition’. This is an important and well-established role, which brings significant responsibilities, which are balanced against certain rights. Some such rights are set out in standing orders, and others are recognised through convention, including by the Speaker. Procedurally, they include the right to key speaking slots during question times and debates, and to a number of opposition days, the selection of key amendments, and to chair a certain number of select committees. To a lesser extent, the rights of the second largest opposition party, and smaller opposition parties, are also recognised. Most opposition parties also have access to ‘Short Money’ to support their parliamentary work.

In comparative terms, Westminster is seen as facilitating a relatively ‘adversarial’ form of opposition. Opposition parties, and particularly the official opposition, may often challenge government policies quite robustly. The UK system acknowledges that this kind of challenge can be useful to ensure that policy is thoroughly tested – requiring ministers to respond to difficult questions, and thereby helping to ensure that the government’s positions are well thought through. In some ways this might be seen as ‘opposition for opposition’s sake’ – deliberately looking for weaknesses. But if opposition parties present such challenges in a responsible way, this may help lead to better policy.

The dynamics of this arrangement therefore deserve respect, by those on both the government and the opposition sides. While challenge may sometimes be uncomfortable for ministers, and others on the government side, it is central to what oppositions do. At the same time, responsible opposition means remaining constructive and realistic: for example, recognising that policy solutions may be hard

to find, and that budgets are limited. Simply haranguing the government for perceived failures while proposing no alternative, or alternatives that are clearly unworkable, may contribute to driving down public trust.

At times, opposition parties may usefully put issues onto the political agenda which government backbenchers, or even the government itself, come to support. Hence the opposition has an important agenda-setting role and can be a source of fresh thinking and policy ideas. Sometimes government and opposition parties will publicly agree on policy solutions, which may help to strengthen the legitimacy of policy in the eyes of the public in an environment where the two sides so often clash. But the opposition's ability to ask difficult questions remains a strength of the system.

In the UK system the government-opposition relationship can often look overly adversarial. But if the opposition behaves responsibly, rather than purely negatively, it can be an important and underappreciated part of the structure of government accountability.

FURTHER READING

The Official Opposition, Erskine May, parliament website (2024), erskinemay.parliament.uk/section/5986/the-official-opposition

Official Opposition, Catherine Haddon, Alice Lilly and Jo-Anna Hagen Schuller, Institute for Government website (2024), instituteforgovernment.org.uk/explainer/official-opposition

How to be in Opposition, Nigel Fletcher, Biteback (2011).

6. Parliament and Devolution

Although the Westminster parliament sits at the centre of the UK constitution, there are other important elected bodies that make policy for different parts of the UK, which is important for how it acts. This applies most obviously to the legislatures in Northern Ireland, Scotland and Wales, but also to various devolved bodies in England.

Devolution statutes in the late 1990s established the Scottish, Welsh and Northern Irish legislatures, and various changes have been made to their powers and functions since. In practice, the boundaries between which policy matters are controlled by the Westminster parliament and which fall within the competence of the devolved legislatures has mostly been clear, and the division laid down in the devolution statutes respected. For example, education and health policy in Wales, Scotland and Northern Ireland is mainly determined by the devolved governments and legislatures, while foreign policy remains the preserve of the UK government and parliament.

The notion of Westminster parliamentary sovereignty (see section 2) was important to the establishment of the devolution arrangements. Formally, the UK parliament retains the power to legislate on any matter, even if that matter lies within the devolved competence of one of the other legislatures. However, a core feature of the settlement is the 'Sewel' or 'legislative consent' convention, that Westminster will not normally legislate on a devolved matter without the explicit consent of the legislature concerned. Often this arrangement has worked harmoniously and constructively. It was written into statute for Scotland in 2016 and for Wales in 2017, but nonetheless remains legally non-binding.

Devolved governments have at times accused the Westminster parliament of breaching convention and understandings about how it will use its powers. This notably occurred during the Brexit process.

Arguments between the different institutions can be fuelled by policy differences and issues of principle, but also at times by party political factors.

These tensions apply less to the devolved institutions in England, which lack their own legislative powers, and are more clearly subordinate to the Westminster parliament. Nonetheless, frictions can still occur.

It is quite common, or even normal, for territorial tensions to arise between different levels of government in democracies. But it is important to manage these well, and to ensure that relationships do not break down.

Notwithstanding formal parliamentary sovereignty, there are expectations that Westminster will not interfere in key policy areas that are devolved. MPs need to recognise the sensitivities around this, and seek to respect the different devolution settlements.

FURTHER READING

What is Devolution?, David Torrance, House of Commons Library website (2024), commonslibrary.parliament.uk/what-is-devolution

Sewel Convention, Akash Paun et al., Institute for Government website (2024), instituteforgovernment.org.uk/explainer/sewel-convention

Strengthening the UK Union, Heather Evennett, House of Lords Library website (2024), lordslibrary.parliament.uk/strengthening-the-uk-union

7. Parliament and the Courts

As noted in section 2, parliament in the UK has a distinctly different relationship to the courts than legislatures in many other democracies, because there is no 'higher law' that courts can use to strike down Acts of Parliament. Instead, courts enforce statute law passed by parliament. This may involve some interpretation if the language in the statute is ambiguous or relatively non-specific.

While the courts may not clash directly with parliament in the UK, tensions with the government can occur, as they do in other countries. Government, ministers and public bodies are routinely held to account when they stray beyond their legal powers, including those granted by parliament. This makes 'judicial review' relatively common. While the government must comply with judicial decisions, it may sometimes come to parliament to propose a subsequent change in the law.

Unlike primary legislation, secondary (i.e. delegated) legislation may be invalidated by the courts if they conclude that it went beyond the powers originally delegated by parliament.

Parliament, government and the courts all have responsibility for upholding the rule of law. An exact definition of the rule of law is not straightforward, but it includes ideas that nobody, including the government, is above the law, that the law should be enforced through fair procedures by independent judges, and that the law should be clear, accessible and relatively stable. Undermining the rule of law has practical implications for people being able to plan their lives, and for businesses being able to operate.

Support for this core principle, elements of which are at least as old as Magna Carta, has long bridged the political divide. At the start of the 2024 Labour government, the Lord Chancellor and Attorney General both emphasised the importance of the rule of law. But equally, Conservative Prime Minister Margaret Thatcher was an outspoken proponent of the principle, viewing its observance as central to Conservatism.

As part of their interpretation role, UK courts may be asked to adjudicate on whether Acts of Parliament are compatible with the rights set out in the Human Rights Act. But if they cannot interpret such legislation compatibly, they cannot strike it down – only point out the conflict and ask the government and parliament to review it. When new government legislation is presented to parliament, ministers make compatibility statements, and the parliamentary Joint Committee on Human Rights often publishes in-depth reviews. This makes it easier for any incompatibilities to be resolved in advance.

The courts will inevitably sometimes reach decisions that politicians find unwelcome. But if politicians respond by attacking the courts and judges this risks undermining judicial independence, and corroding trust in the legal system, both of which are essential to maintaining the rule of law.

Given the principle of parliamentary sovereignty, it is particularly important that MPs recognise their responsibility to protect the rule of law, and the independence of the judiciary. This is crucial to upholding public trust in the wider democratic system.

FURTHER READING

Judges and Parliament, Courts and Tribunals Judiciary website (2024), [judiciary.uk/about-the-judiciary/our-justice-system/jud-acc-ind/judges-and-parliament](https://www.judiciary.uk/about-the-judiciary/our-justice-system/jud-acc-ind/judges-and-parliament)

What is the Rule of Law and Why Does it Matter?, Lisa James and Jan van Zyl Smit, Constitution Unit blog (2022), [constitution-unit.com/2022/12/15/the-rule-of-law-what-is-it-and-why-does-it-matter](https://www.constitution-unit.com/2022/12/15/the-rule-of-law-what-is-it-and-why-does-it-matter)

The State We're In: Addressing Threats and Challenges to the Rule of Law, Justice (2023), [justice.org.uk/our-work/system-wide-reform/rule-of-law](https://www.justice.org.uk/our-work/system-wide-reform/rule-of-law)

Enemies of the People? How Judges Shape Society, Joshua Rozenberg, Bristol University Press (2020).

THE SUPREME COURT CASES OVER BREXIT

The Brexit years saw numerous conflicts over parliament's role in the constitution – two of which culminated in Supreme Court cases. In both cases, the court affirmed parliament's central constitutional role.

The first case, in 2017, concerned whether Theresa May's government needed parliament's approval to trigger the process of leaving the European Union following the referendum. The government held that it had the right to trigger 'Article 50' without parliamentary authorisation – relying on the royal prerogative (see page 8) over the making and breaking of international agreements. Others argued that withdrawal from such an important treaty, which would involve the repeal of existing legislation, required a new Act of Parliament. The Supreme Court upheld this view, after which parliament quickly passed a short bill authorising the May government to trigger Article 50.

The second case followed then Prime Minister Boris Johnson's attempted prorogation of parliament in autumn 2019. This proposed five-week prorogation was unusually long, and came at a crucial time in the Brexit negotiations. Prorogation is again a prerogative power, exercised by the monarch on the Prime Minister's advice, and not requiring parliamentary approval. The government argued that it could request prorogation under any circumstances; others argued that the Prime Minister's actions sought to shut down parliamentary scrutiny of the government. In a unanimous judgment, the court concluded that parliament has a central constitutional role in holding the government to account, and that actions which frustrate this represent a misuse of the prerogative. The prorogation was declared null and void.

Further reading: The Parliamentary Battle over Brexit, Meg Russell and Lisa James, Oxford University Press (2023).



8. Parliament and the Public

As elected parliamentarians, MPs have an essential representative function. This is central to legitimating our whole system of government, because it ensures that the people to whom ministers are accountable are themselves directly accountable to the public.

MPs in the UK parliament feel their bond of accountability to the public very strongly, partly as a result of our constituency-based system – whereby each member represents a unique geographic area. Over many decades, a clear tradition of constituency service has built up as part of that accountability relationship. This often focuses substantially on casework, but also on listening to the policy concerns of constituents, and understanding the interests of local businesses and other groups. Such connections help parliament to take into account the voices of 650 diverse communities around the UK.

Many MPs now dedicate a great deal of their time, and of their staff resources, to constituency representation. This can prove valuable when MPs use information gathered locally to identify national problems that the government or other authorities can tackle. Sometimes MPs can come together to identify common problems – as occurred, for example, in recent years over the Post Office Horizon scandal. This kind of strategic use of constituency-based knowledge can be very beneficial to the Westminster policy process.

MPs also seek to represent the interests of the public in numerous other ways, going beyond their constituents – for example through working with pressure groups, charities and other bodies. Most MPs also have social media accounts that communicate far more widely with the public. As well as listening in such interactions, MPs are also important voices for parliament, in their local communities and beyond.

In addition to this, the parliamentary authorities place great emphasis on public communication, for example through parliament's website, education and outreach programmes, and facilitating visitors to the estate. The parliamentary petitions procedure allows citizens to put topics in front of MPs. Meanwhile the media clearly has a key role in communicating the work of parliament, and MPs, to the public. All of this helps to ensure that the public are informed about parliament's activities, and that those activities are, in turn, informed by the public.

Tensions have long been recognised between MPs' responsiveness to the public and the use of their own judgement. Centuries ago the thinker and MP Edmund Burke (1729–97) pointed to the competing pressures of being a 'delegate' or a 'trustee' – that is, between parliamentarians acting on constituents' instructions versus evaluating and seeking to act in the broader public interest. MPs will sometimes feel these conflicts at a policy level, and also in terms of how to allocate their time. Tensions may feel particularly acute if public pressure conflicts with MPs' other constitutional responsibilities.

Through their representative roles, MPs have an important linkage function, connecting public concerns to national policy and government accountability. A key challenge is balancing short-term responsiveness to voters with acting in the broader public interest, which includes protecting the constitution.

FURTHER READING

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Sorry, the Role of an MP is to be a Representative, Not a Delegate, Chris Bryant, New Statesman (2015), newstatesman.com/politics/2015/12/sorry-role-mp-be-representative-not-delegate

The Inside Story: Parliament and the Post Office Horizon Scandal, Parliament Matters podcast (2024), hansardsociety.org.uk/news/parliament-matters-podcast-e15

9. Parliament and Political Parties

Although not formally part of the constitution, political parties are central to how parliament works. This is the case in all modern parliaments, and affects Westminster in various ways.

The vast majority of MPs are elected on a party ticket, associated with a particular policy platform, as summarised in the party manifesto. Manifestos and other election materials support the accountability relationship with the public, enabling voters to know what a party's priorities will be if it enters government, and to hold it accountable afterwards. Although party loyalties among the public are loosening, most voters still decide who to support on the basis of the party for which a candidate stands.

Inside parliament, parties are at least as important. Party whips advise MPs how to vote, and most of the time party groups vote very cohesively. Although 'rebellion' against the whip has become gradually more common in recent decades, usually the great majority, if not all, of a party's MPs will vote together.

But this does not imply that parties are monolithic blocks in which backbench MPs have no influence. Instead, the successful functioning of parliament depends on two-way communication between party leaders and backbenchers through various channels, including through the whips. When party groups vote cohesively, this may be because members have listened to the leadership, or leaders have listened to members, or often some combination of the two. Parliament functions less well when this kind of behind-the-scenes communication breaks down. Most MPs feel party loyalty strongly, and will rebel rarely – but may do so where they believe that following the whip conflicts with their conscience on important issues of principle, or with the interests of their constituents.

Work inside political parties is therefore central to the life of an MP. Much of this work goes on out of the public eye, in private and informal meetings of various kinds. This enables MPs – both frontbenchers and backbenchers – to take soundings from each other, build allegiances, and often thereby achieve policy change.

As well as working inside parties, cross-party work at Westminster can be very important. Although the public image of Westminster may be of parties attacking each other, a great deal of cross-party cooperation and collaboration goes on. This is formalised through select committees, which take evidence and report on a cross-party basis. It also often occurs informally at backbench level – where campaigns on specific topics may garner support from MPs across party divides, which can help to move those issues up the political agenda – and sometimes through all-party parliamentary groups (APPGs).

A great deal of what MPs do involves working either inside parties, or across parties. This work is crucial to how parliament functions, but not always visible from the parliamentary record. Party loyalty is often central to the running of parliament, and to accountability, but MPs' greater loyalty should always be to upholding the principles of our democracy.

FURTHER READING

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Fiercest of Rivals, Best of Friends: Cross-Party Pals in Parliament, Gaby Hinsliff, Guardian (2017), theguardian.com/politics/2017/oct/15/fiercest-of-enemies-best-of-friends-cross-party-pals-parliament-mps

Guide for Select Committee Members, House of Commons (2024) parliament.uk/globalassets/documents/outreach/guide-for-select-committee-members-2024.pdf

10. MPs and the Reputation of Parliament

The Westminster parliament serves as an iconic symbol of UK democracy. Indeed, its image symbolises democracy for many around the world. Upholding the good reputation of parliament is both a key privilege and a key duty of MPs.

Parliament as an institution rarely speaks with one voice. By design, it brings together diverse voices from all corners of the UK, representing different communities, and different political parties. It is a place where not everybody is likely to agree, and where big issues will often be debated with passion. Its ability to act as a forum where politicians can speak out and argue robustly is one of the strengths of our democracy.

But no matter how much MPs may differ on matters of principle or policy, they should remember that maintaining the integrity and standing of the institution to which they are elected is important to the reputation of our democracy. Both individual and collective actions can contribute to that.

One obvious aspect of this is how MPs' personal behaviour, and adherence to standards of integrity, can impact on the reputation of parliament. For example, the importance of not using misleading information was noted in section 4. But the maintenance of standards goes far further, to include for example financial probity, respecting the law, following parliamentary rules on outside interests, and treating staff appropriately. Many of these matters are covered by the Standards Committee and the Parliamentary Commissioner for Standards. Living up to the expectations set in these areas is important.

But the reputation of parliament stands on more than this. Personal attacks on opponents can also corrode public trust, particularly if it is suggested that those opponents are acting in bad faith or lack integrity. Debates that are overly vitriolic, or based largely on political ‘point-scoring’, rather than evidence and discussing real policy differences, can have similar effects.

An even bigger problem (as with the judiciary: see section 7) arises if politicians seek to discredit political institutions. This applies particularly to the organs of parliament itself. It may be legitimate to argue that a parliamentary committee, for example, has taken a wrong decision. But that is different to suggesting that such a committee is illegitimate or corrupt. Westminster may not be perfect, and many people back different kinds of reform. But keeping such criticism constructive will reduce the risks of devaluing parliament in the eyes of the public.

Westminster MPs have been elected to one of the most historic and high-profile political institutions in the world. They have a vitally important job to do, and many political objectives that they feel passionate about. They may not necessarily have thought so much about the core objective of defending parliament and the culture of democracy itself.

Parliament is symbolic of, and central to, the functioning of UK democracy. When parliament’s reputation falters, public faith in our democracy is likely to suffer. If parliamentarians are not at the forefront of defending and protecting this, few others may be able to do so.

FURTHER READING

Who Regulates Standards for MPs?, Finn Baker, Institute for Government website (2024), instituteforgovernment.org.uk/explainer/mps-standards-behaviour-regulate

Induction Pack for Members: Parliamentary Standards, Daniel Greenberg, Parliamentary Commissioner for Standards website (2024), parliament.uk/globalassets/documents/pcfs/advice-notes/parliamentary-commissioner-for-standards--members-induction-pack-2024.pdf

Meg Russell Tells Commons Administration Committee that MPs Must Stop Talking Down Parliament, Constitution Unit website (2023), ucl.ac.uk/constitution-unit/news/2023/jun/meg-russell-tells-commons-administration-committee-mps-must-stop-talking-down

Held in Contempt: What’s Wrong with the House of Commons?, Hannah White, Manchester University Press (2022).

PUBLIC OPINION ON PARLIAMENT

As emphasised in section 10, maintaining parliament's reputation is crucial to the reputation of our democracy. Yet polling on both of these is worrying.

The 41st edition of the long-running British Social Attitudes survey, conducted in 2023, was launched with the stark claim that 'trust and confidence in Britain's system of government' had reached a 'record low'. The proportion of respondents saying that they took pride in the way Britain's democracy worked had fallen to 53%, from 69% in 2013.

With respect to parliament, a YouGov tracker poll has suggested that confidence in the House of Commons fell from 40% in May 2022 to 26% in January 2024.

The Constitution Unit's Democracy in the UK after Brexit ('DUKB') project has explored attitudes to parliament in further detail. Its large-scale survey in 2022 found that only 20% of respondents trusted parliament to act in the best interests of people in the UK.

But it also found support for strengthening parliament. Almost half of respondents (47%) thought that 'parliament should be strengthened, so that ministers' proposals are scrutinised more carefully', against just 13% thinking that 'government should be strengthened, so that ministers can get things done more easily'. Parliament's role in the legislative process was strongly supported, with just 4% believing that 'government should be able to change the law without full scrutiny by parliament', against 77% who thought that 'parliament should always need to consider and approve changes to the law'. Specifying that this was on 'urgent' or 'minor' matters moved support for government freedom upwards, and for parliamentary control downwards, but by only around 10 percentage points.

Further reading: Constitution Unit Democracy in the UK after Brexit project ucl.ac.uk/constitution-unit/research-areas/deliberative-democracy/democracy-uk-after-brexit



Summary of Key Points

1. MPs have busy day-to-day jobs, and numerous responsibilities. But they also have a crucial role in maintaining our democracy. Amidst such pressures, it is important always to keep this in mind.
2. MPs need to be very aware of the high level of constitutional responsibility they hold. They cannot make bad decisions and hope that somebody else will sort it out. That might apply to MPs in other jurisdictions, but not to members of the UK parliament.
3. Scrutiny of government is a core responsibility of MPs. In terms of the relationship between government and parliament, it is important to remember that MPs are actually the bosses – due to the confidence relationship, and the power over legislation.
4. Overall, MPs' centrality and visibility mean that they have very important responsibilities for maintaining the quality of our national political debate. This applies to their work both inside and outside parliament.

5. In the UK system the government-opposition relationship can often look overly adversarial. But if the opposition behaves responsibly, rather than purely negatively, it can be an important and underappreciated part of the structure of government accountability.
6. Notwithstanding formal parliamentary sovereignty, there are expectations that Westminster will not interfere in key policy areas that are devolved. MPs need to recognise the sensitivities around this, and seek to respect the different devolution settlements.
7. Given the principle of parliamentary sovereignty, it is particularly important that MPs recognise their responsibility to protect the rule of law, and the independence of the judiciary. This is crucial to upholding public trust in the wider democratic system.
8. Through their representative roles, MPs have an important linkage function, connecting public concerns to national policy and government accountability. A key challenge is balancing short-term responsiveness to voters with acting in the broader public interest, which includes protecting the constitution.
9. A great deal of what MPs do involves working either inside parties, or across parties. This work is crucial to how parliament functions, but not always visible from the parliamentary record. Party loyalty is often central to the running of parliament, and to accountability, but MPs' greater loyalty should always be to upholding the principles of our democracy.
10. Parliament is symbolic of, and central to, the functioning of UK democracy. When parliament's reputation falters, public faith in our democracy is likely to suffer. If parliamentarians are not at the forefront of defending and protecting this, few others may be able to do so.

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The Constitution Unit is a research centre based in the UCL Department of Political Science. It conducts timely, rigorous, independent research into constitutional change and the reform of political institutions. Since its foundation in 1995, the Unit's research has had significant real-world impact, informing policy-makers engaged in such changes – both in the United Kingdom and around the world.

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Members of the House of Commons have a huge and important job, which is central to the UK's political system. The unique nature of that system, with its emphasis on parliamentary sovereignty, gives them a particularly vital role in upholding the health of our democracy.

MPs have busy lives, and numerous pressing demands on their time – making it easy to lose sight of the bigger picture. This short guide, put together by the UCL Constitution Unit with the support of other expert organisations, is designed to help MPs navigate their core constitutional roles and functions, and keep that bigger picture in mind. We hope that they will find it thought-provoking and useful, both as a quick read and a longer-term reference guide.

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