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Public Administration
Select Committee

Ministerial Accountability and Parliamentary Questions

Fifth Report of Session 2004–05

Volume I

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appendices*

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The Public Administration Select Committee

The Public Administration Select Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration, of the Health Service Commissioners for England, Scotland and Wales and of the Parliamentary Ombudsman for Northern Ireland, which are laid before this House, and matters in connection therewith and to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and the committee shall consist of eleven members.

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Report

Introduction

1. This is the seventh report on Ministerial Accountability and Parliamentary Questions published by the Committee or its predecessor, the Public Service Committee. The genesis for this series of reports was the findings of Lord Scott's 'Arms to Iraq' inquiry about the provision of information by Ministers to Parliament.¹ This is the last report covering parliamentary sessions during which the Code of Practice on Access to Government Information (henceforth referred to as the Code) has been in operation.² With a certain symmetry, the end of this period has been marked by inquiries surrounding the information the Government provided to this House and the public about the reasons for the invasion of Iraq, in particular the Butler Inquiry on intelligence and weapons of mass destruction (WMD).³ The Code was superseded by the full coming into force of the Freedom of Information Act 2000 on 1 January 2005.

Government response to the sixth report

2. The Committee's previous report on this subject dealt with, among other things, the potential impact on Parliamentary Questions of the Freedom of Information Act as well as the provision by departments of the relevant exemption under the Code where they refuse to answer a Question on public interest grounds.⁴ These and other matters are dealt with elsewhere in this Report. We also looked, in some detail, into the separate guidance for officials on how to answer Parliamentary Questions produced by departments and its uniformity with central, Cabinet Office, guidance. As our Report showed, departmental guidance was not always consistent with the Government's own core central guidance. It was disappointing, therefore, that the Government did not feel it appropriate for the Cabinet Office to exercise a role in ensuring the consistent application of central guidance and in disseminating examples of best practice by individual departments across Whitehall.⁵ **We understand, however, that the Cabinet Office is actively considering ways in which to disseminate good practice across departments. We will return to this matter in a future report.**

Citing the Code exemptions

3. The Code operated for ten years until 31 December 2004. The Government accepted a recommendation of the Public Service Committee in July 1996 that the relevant Code

¹ Sir Richard Scott, *Report of the Inquiry into the Export of Defence Equipment and Dual-Use Goods to Iraq and Related Prosecutions*, HC (1996–96) 115

² *Code of Practice on Access to Government Information* Second Edition 1997, www.dca.gov.uk

³ Lord Butler et al, *Review of Intelligence on Weapons of Mass Destruction*, HC (2003–04) 898. See also Foreign Affairs Committee, Ninth Report of Session 2002–03, *The Decision to go to War in Iraq*, HC 813; Intelligence and Security Committee, *Iraqi Weapons of Mass Destruction - Intelligence and Assessments*, Cm 5972, September 2003 and Lord Hutton, *Inquiry into the Circumstances Surrounding the Death of Dr David Kelly* CMG, HC (2003–04) 247.

⁴ Third Report of Session 2003–04, *Ministerial Accountability and Parliamentary Questions*, HC 355

⁵ First Special Report of Session 2003–04, *Ministerial Accountability and Parliamentary Questions: Government Response to the Committee's Third Report of Session 2003–04*, HC 1262

exemptions should be specified when departments refused an answer.⁶ Nonetheless this practice has not been fully adhered to since then, despite repeated recommendations by this Committee to that effect, which the Government has accepted. The data for the last two parliamentary sessions are set out in tables 1 and 2 below, which are derived from the memoranda from the Table Office listing departmental refusals to provide information requested in Parliamentary Questions.⁷

4. More than 98% of the Questions in the last two sessions received an answer (although these include holding replies and questions not answered for reasons of disproportionate cost). However, of those where an answer has been refused between sessions 2000-01 and session 2003-04, just over half (52.5%) of the responses have cited the Code exemption.⁸ The Ministry of Defence should be praised for its punctiliousness in providing the specific exemption despite the large number of Questions it handles. Over this period they have cited exemptions, on average, in 86% of cases. The Home Office, on the other hand, has only managed an average of 13%, reaching a low of 9% in the last Session. Overall this has been a poor performance by Whitehall, not least since departments have invariably proved quite capable of coming up with the relevant exemption when we asked them do so subsequently.

5. We are concerned that departments have failed to honour fully their undertaking to provide the specific Code exemption where they have failed to give an answer on public interest grounds. We are particularly concerned that the Home Office has been such a poor performer. This appears to be of a piece with its inability to deal with named day Parliamentary Questions and to meet its own deadlines for correspondence (see paras 11-13 below).

⁶ Public Service Committee, First Special Report of Session 1996-97, *Government Response to the Second Report from the Committee (Session 1995-96) on Ministerial Accountability and Parliamentary Responsibility*, HC 67, pp xv-xvi

⁷ Published in Vol II, Appendices 1 and 3

⁸ For the equivalent tables for sessions 2000-01 and 2001-02 see Third Report of Session 2003-04, *Ministerial Accountability and Parliamentary Questions*, HC 355, pp 11-12

Table 1: Totals of Written Questions to Departments Session 2002–03

	Total No. of Questions Tabled	Percentage Refused	No. of Questions Refused	No. of Questions citing exemptions	Percentage citing exemption
Advocate General for Scotland and Scotland Office	483	1.66%	8	4	50%
Cabinet Office	425	3.06%	13	9	69%
Department for Constitutional Affairs	385	1.56%	6	2	33%
Culture Media and Sport	1401	0.71%	10	4	40%
Ministry of Defence	4256	5.80%	247	206	83%
Office of the Deputy Prime Minister	2693	0.41%	11	7	64%
Education and Skills	3411	0.50%	17	6	35%
Environment, Food and Rural Affairs	4183	1.03%	43	21	49%
Foreign and Commonwealth Office	3322	2.29%	76	47	62%
Department of Health	7676	0.66%	51	21	41%
Home Office	4829	2.07%	100	10	10%
International Development	2172	0.28%	6	6	100%
Northern Ireland Office	1911	1.10%	21	3	14%
Prime Minister	661	7.56%	50	35	70%
Privy Council	2	100%	2	0	0%
Solicitor General	248	4.44%	11	2	18%
Trade and Industry	3506	2.42%	85	43	51%
Transport	2956	1.86%	55	16	29%
Treasury	3295	2.19%	72	57	79%
Wales Office	399	0.75%	3	3	100%
Work and Pensions	2645	0.79%	21	14	67%
Total	50859	1.79%	908	516	57%

Table 2: Totals of Written Questions to Departments Session 2003–04

	Total No. of Questions Tabled	Percentage Refused	No. of Questions Refused	No. of Questions citing exemptions	Percentage citing exemption
Advocate General for Scotland and Scotland Office	298	4.36%	13	12	92%
Cabinet Office	431	3.48%	15	11	73%
Chancellor of the Duchy of Lancaster	39	2.56%	1	1	100%
Department for Constitutional	984	1.12%	11	6	55%
Culture Media and Sport	1292	0.85%	11	5	45%
Ministry of Defence	3210	5.02%	161	134	83%
Office of the Deputy Prime Minister	2928	1.02%	30	6	20%
Education and Skills	3946	0.41%	16	10	63%
Environment, Food and Rural Affairs	4126	0.61%	25	12	48%
Foreign and Commonwealth Office	3218	2.89%	93	54	58%
Department of Health	6323	0.36%	23	9	39%
Home Office	5529	1.41%	78	7	9%
International Development	1617	1.67%	27	14	52%
Northern Ireland Office	2784	0.86%	24	10	42%
Prime Minister	646	12.23%	79	44	56%
Leader of the House and Privy Council	93	0%	0	0	n/a
Solicitor General	208	6.25%	13	7	54%
Trade and Industry	3818	2.30%	88	35	40%
Transport	2685	1.79%	48	11	23%
Treasury	2794	1.97%	53	23	43%
Wales Office	256	0.00%	0	0	n/a
Work and Pensions	2589	0.39%	10	9	90%
Total	49814	1.64%	819	420	51%

Implementation of the Freedom of Information Act and Parliamentary Questions

6. The potential impact of the Freedom of Information Act 2000 on the system of Parliamentary Questions was first raised by this Committee back in 1998. We noted then that “It would be absurd if the private request should be in some way a better method of obtaining an answer from Government than the public request in Parliament”.⁹ We raised these issues again in our most recent report.¹⁰ In its response, the Government registered its determination “that greater access to information for the citizen should do nothing to undermine the crucial role of Parliament in holding Government to account”. It went on to reiterate that “where a Member is dissatisfied with the answer to their Parliamentary Question there are well-established parliamentary routes Members may follow...” but clarified that “alternatively [Members] may write to the appropriate Minister expressing their concern and setting out the information they are seeking”.¹¹ This route would attract the full provisions of the Act. We welcome this approach which properly reconciles the scope for Members to pursue to the full the opportunities to obtain information provided by the new arrangements, while effectively safeguarding Parliament’s right not to have its proceedings questioned. **The Committee will monitor the effect of the Freedom of Information Act on Parliamentary Questions, and we will publish our findings in a future report on this subject.**

Judging the public interest

7. The 1997 parliamentary resolution on Ministerial Accountability sets out the principles which should govern the conduct of Ministers in relation to Parliament. Paragraph 3 of the Resolution states that:

“Ministers should be as open as possible with Parliament, refusing to provide information only when disclosure would not be in the public interest, which should be decided in accordance with relevant statute and the Government’s Code of Practice on Access to Government Information”.¹²

8. The interpretation of public interest has thus been judged with reference to the exemptions in the Code. Where the Government has refused to answer a Parliamentary Question on the grounds that it is not in the public interest to do so, we have been relentless in pressing for the relevant exemptions of the Code to be explicitly cited. The Cabinet Office guidance of September 2002 was unequivocal. It advised officials that “If you conclude that material information must be withheld and the PQ cannot be fully answered as a result, draft an answer which makes this clear citing the relevant exemption of the Code of Practice...”.¹³ The Government’s response to our last report on the subject said:

⁹ Fourth Report of Session 1997–98, *Ministerial Accountability and Parliamentary Questions*, HC 820, para 15

¹⁰ HC (2003–04) 355, paras 4–13

¹¹ HC (2003–04) 1262

¹² CJ (1996–97) 328

¹³ First Report of Session 2002–03, *Ministerial Accountability and Parliamentary Questions: Government Response to the Committee’s Ninth Report of Session 2001–02*, HC 136, Appendix, p 10

“...in preparation for the implementation of the Freedom of Information Act from January 2005, the Department for Constitutional Affairs will give guidance on applying exemptions under the Act and the Cabinet Office will update their Guidance to Officials on Drafting Answers to Parliamentary Questions. This will maintain the approach that exemptions must be cited for each situation where information is not provided in the Parliamentary Answer”.¹⁴

9. The Cabinet Office has made available to us copies of its latest guidance to officials on drafting answers to Parliamentary Questions which has been revised to take account of the Freedom of Information Act. This new guidance states that:

“If you conclude that material information must be withheld and the PQ cannot be fully answered as a result, draft an answer which makes this clear and explains ... in terms similar to those in the Freedom of Information Act (without resorting to explicit reference to the Act itself or to section numbers) the reason for the refusal. For example, “The release of this information would prejudice commercial interests””.¹⁵

10. We believe the Cabinet Office guidance, revised to take account of the Freedom of Information Act, is inconsistent with earlier practice and with the Government’s recent response to us which undertook to maintain the approach in future that exemptions must be cited for each situation where information is not provided in the Parliamentary Answer. As with the Code, it should be possible to interpret the public interest by analogous reference to Freedom of Information Act exemptions. For example an answer withholding information for a particular reason could state that “the parallel exemption under the Freedom of Information Act would be ...”. Such phraseology would be helpful without prejudicing the separate and distinct character of Parliamentary proceedings. We recommend that Cabinet Office guidance should be reconsidered accordingly.

Timeliness: named day questions

11. The system of (unlimited) named-day questions subject to a minimum period of notice of three days was introduced in session 1972-73. Concerned about the “overloading” of the system, the Procedure Committee recommended, in June 2002, a daily quota of five named-day questions per Member.¹⁶ This quota was introduced in January 2003.

12. We have had occasion to publish evidence from Members about departmental performance in answering named-day questions by the due date.¹⁷ Norman Baker MP sent us the outcome of his research into whether the five day quota had led to an improvement in named day questions being answered on time. He concluded that the expected benefits had not materialised. There are now, of course, fewer named day Parliamentary Questions since the limit of five per Member per day was introduced, so percentages are of a much

¹⁴ HC (2004–05) 1262, p 3

¹⁵ Cabinet Office, *Guidance to Officials on Drafting Answers to Parliamentary Questions*, February 2005, para 7 at Appendix 1

¹⁶ Procedure Committee, Third Report of Session 2001–02, *Parliamentary Questions*, HC 622, para 73

¹⁷ Second Report of Session 2000–01, *Ministerial Accountability and Parliamentary Questions*, HC 61, Annexes 2 and 3

smaller total.¹⁸ The Table Office kindly undertook a comparison of Mr Baker's results with research which other Members have undertaken on this matter. The Table Office Memorandum is at Appendix 2. Although it was difficult to make meaningful comparisons because of the limited nature of the comparative data available, the Table Office found certain indications about performance. For example, the office of the Leader of the House seemed to show a consistently high level of performance of between 96% and 100%. The Department for Environment, Food and Rural Affairs (Defra); the Department of Health (DH); the Home Office and the Department of Trade and Industry (DTI) showed a low level of performance with figures recorded at substantially below 50%.

13. By way of comparison we also looked at departmental performance on handling of Members' and Peers' correspondence in 2002 and 2003, published by the Cabinet Office.¹⁹ One of the top performers was the office of the Leader of the House with, respectively, 95% and 96% of responses within their target of 15 days. Defra, DH, the Home Office and DTI were among the weaker performers. None of this is conclusive but it may be indicative either of systemic difficulties in certain departments over the handling of information or a reflection of the weight and nature of the caseload of those departments. The Procedure Committee hoped that rationing would "lead to a significant amelioration of the current overloading of the system".²⁰ In the absence of consistent published data on how well departments have met the deadlines in named-day questions it is not possible to determine the relative performance of departments and the reasons for this. **We recommend that the annual report on departmental performance on handling correspondence should be accompanied by a similar report on departmental performance on named-day questions.**

'I will writes'

14. Members have, for some time, expressed concerns about the number of replies to Parliamentary Questions consisting of an undertaking to write to the Member concerned. Such letters are subsequently placed in the Library but are not published. In our last report we also made reference to this issue of 'I will write' replies.²¹ On 21 July 2004 the Leader of the House, the Rt Hon Peter Hain MP, announced a change to how 'I will writes' would be handled.²² One of the changes is that, where it has not been possible to provide a substantive answer before Prorogation, Ministers, instead of issuing an 'I will write' reply as in the past, answer the question with the following form of words: 'It has not proved possible to respond to the [Right] hon Member in the time available before Prorogation'. It is then open to the Member concerned to re-table the question in the new session if he or she wishes. Although portrayed in some press reports as an attempt to avoid answering questions, the new arrangements, if operated properly, should provide for greater

¹⁸ According to the Sessional Returns there were there were a total of 23,688 named day questions in Session 2001–02 compared to 8,712 in Session 2003–04.

¹⁹ HC Deb, 20 May 2004, Col 64-66WS

²⁰ HC (2001–02) HC 622, para 79

²¹ Third Report of Session 2003–04, *Ministerial Accountability and Parliamentary Questions*, HC 355, para 29

²² HC Debs, 21 July 2004, cols 35–6 WS

efficiency and transparency with answers available to all in the printed volumes of Hansard.²³

15. However, we have had evidence to suggest that the new arrangements may be open to misuse by departments. One Member of our Committee, Mrs Anne Campbell MP, drew our attention to a question she tabled to the Home Office about terrorist suspects in Belmarsh Prison. She received an answer from the Minister on 22 July 2004 saying he would reply as soon as possible. When no answer was forthcoming, Mrs Campbell tabled the Question again on 27 October. The reply of 18 November adopted the new formulation about it not being possible to reply before Prorogation. The original question had been tabled some four months before.²⁴

16. Similarly Mark Oaten MP copied the Committee his letter to Paul Goggins MP, Parliamentary Under-Secretary of State in the Home Office, complaining about the Question he tabled on 12 February 2004. The Question only received an answer nine months later, stating that there was insufficient time to reply before Prorogation. Mr Oaten decided to ask for an answer by letter rather than re-tabling the Question.²⁵ We recognise that it is early days but, if media predictions that Questions are being ‘binned’ are not to be proved correct, departments need to ensure they do not bring the system into disrepute. **We would strongly deplore any attempt by departments to use the new arrangements for dealing with Questions before Prorogation, intended to create greater transparency, as a means of avoiding answering a Question. We are particularly concerned about the performance of the Home Office in this respect. We recommend that the Leader of the House should, by the end of the year, review how the new arrangements have been working and report to the House.**

Other evidence from Members

17. It has now become well-established practice for Members who are dissatisfied with the answers they receive from departments to write to the Chairman, (or in some cases copy him their letters to Ministers) asking the Committee to take the matter up with the department concerned. Since we last reported we have received further correspondence from Members complaining about the answers they have received to some of their questions. Inevitably a number of those relate to the war in Iraq.

18. The Committee’s approaches to Ministers on behalf of Members always receive a constructive reply. They have also achieved some notable results. For example, David Laws MP was dissatisfied with the answer he had received from the Department of Health about the percentage increases in the budget of drug action teams. Following our intervention the Parliamentary Under-Secretary for Public Health, Melanie Johnson MP, apologised for the fact her original response was inaccurate, provided the correct data, arranged for the Official Report to be corrected and placed a copy of her letter in the Library.²⁶

²³ The Guardian, *Ministers now bin MPs' old questions*, 29 November 2004

²⁴ Vol II, Appendix 5

²⁵ *Ibid.*

²⁶ *Ibid.*

19. We also received complaints that questions about the war in Iraq had not been properly answered, mainly by the Prime Minister. These Members complained that the answers instead referred them to the outcome of various inquiries or to other statements made in the House.²⁷ It is, of course, a matter for Ministers to decide how best to answer Parliamentary Questions and statements to the House are intended to set out the Government's position. Nonetheless, Ministers should also seek to answer Questions as fully as possible. General statements of policy, particularly on controversial issues such as Iraq, may not necessarily address the totality of Members' interests or concerns. Answers to such questions can serve to deepen Members', and the public's, understanding of policy decisions and ministerial actions.

Conclusion

20. The first few months following the implementation of the Freedom of Information Act have seen some high profile stories about hitherto unreleased information. Politicians and the media have been prominent among those using the Act to try and obtain particularly controversial information. We should expect this initial enthusiasm for the Act to settle down in due course. Only then will it be possible to make a rational assessment of the impact of the Act on the system of Parliamentary Questions. Our future reports will provide an opportunity to examine how matters are developing in the new conditions applying to the release of information. We are convinced, however, that Parliamentary Questions will remain crucial as a means for the release of Government information in a publicly accessible form.

²⁷ *Ibid.*

Conclusions and recommendations

1. We understand that the Cabinet Office is actively considering ways in which to disseminate good practice across departments. We will return to this matter in a future report. (Paragraph 2)
2. We are concerned that departments have failed to honour fully their undertaking to provide the specific Code exemption where they have failed to give an answer on public interest grounds. We are particularly concerned that the Home Office has been such a poor performer. This appears to be of a piece with its inability to deal with named day Parliamentary Questions and to meet its own deadlines for correspondence (Paragraph 5)
3. The Committee will monitor the effect of the Freedom of Information Act on Parliamentary Questions, and we will publish our findings in a future report on this subject. (Paragraph 6)
4. We believe the Cabinet Office guidance, revised to take account of the Freedom of Information Act, is inconsistent with earlier practice and with the Government's recent response to us which undertook to maintain the approach in future that exemptions must be cited for each situation where information is not provided in the Parliamentary Answer. As with the Code, it should be possible to interpret the public interest by analogous reference to Freedom of Information Act exemptions. For example an answer withholding information for a particular reason could state that "the parallel exemption under the Freedom of Information Act would be ...". Such phraseology would be helpful without prejudicing the separate and distinct character of Parliamentary proceedings. We recommend that Cabinet Office guidance should be reconsidered accordingly. (Paragraph 10)
5. We recommend that the annual report on departmental performance on handling correspondence should be accompanied by a similar report on departmental performance on named-day questions. (Paragraph 13)
6. We would strongly deplore any attempt by departments to use the new arrangements for dealing with Questions before Prorogation, intended to create greater transparency, as a means of avoiding answering a Question. We are particularly concerned about the performance of the Home Office in this respect. We recommend the that Leader of the House should, by the end of the year, review how the new arrangements have been working and report to the House. (Paragraph 16)

Appendix 1

GUIDANCE TO OFFICIALS ON DRAFTING ANSWERS TO PARLIAMENTARY QUESTIONS

1. Never forget Ministers' obligations to Parliament which are set out in the *Ministerial Code*:

“It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister.

Ministers should be as open as possible with Parliament and the public, refusing to provide information only when disclosure would not be in the public interest”.

2. It is a civil servant's responsibility to Ministers to help them fulfil those obligations. It is the Minister's right and responsibility to decide how to do so. Ministers want to explain and present Government policy and actions in a positive light. Ministers will rightly expect a draft answer that does full justice to the Government's position.

3. Approach every question predisposed to give relevant information fully, as concisely as possible and in accordance with guidance on disproportionate cost. If there appears to be a conflict between the requirement to be as open as possible and the requirement to protect information whose disclosure would not be in the public interest, you should consult your FOI liaison officer if necessary.

4. Where information is being refused on the grounds of disproportionate cost, there should be a presumption that any of the requested information which is readily available should be provided.

5. Do not omit information sought merely because disclosure could lead to political embarrassment or administrative inconvenience.

6. Where there is a particularly fine balance between openness and non-disclosure, and when the draft answer takes the latter course, this should be explicitly drawn to the Minister's attention. Similarly, if it is proposed to reveal information of a sort which is not normally disclosed, this should be explicitly drawn to Ministers' attention. The Minister should also be advised of any relevant FOI cases which are under consideration which could impact on the way the PQ should be answered.

7. If you conclude that material information must be withheld and the PQ cannot be fully answered as a result, draft an answer which makes this clear and explains the reasons, such as disproportionate cost or the information not being available, or explains in terms similar to those in the Freedom of Information Act (without resorting to explicit reference to the Act itself or to section numbers) the reason for the refusal. For example, “The release of this information would prejudice commercial interests”. Take care to avoid draft answers which are literally true but likely to give rise to misleading inferences.

8. Where an MP/Peer tables a question and has also submitted a separate request to the department under FOI, it is reasonable to reply in terms that the issue is currently under consideration. Once a decision has been reached, the MP/Peer should be informed of the answer and a copy of the letter placed in the Libraries of the House. Consideration should also be given to a written ministerial statement in both Houses.

9. Where a decision on an FOI case results in a change of policy and that information which was previously withheld is now being released, consideration should be given to informing both Houses, for example, through written ministerial statement.

10. PQs should be answered within the normal deadlines. In the House of Commons, a Named Day question should receive a substantive response on the day named and an Ordinary Written question should receive a substantive response within a working week of it being tabled. In the House of Lords, questions for Written Answer are expected to be answered within 14 days. Consideration of a parallel FOI request is not a reason to delay an answer to a Parliamentary Question.

CABINET OFFICE
February 2005

Appendix 2: Letter from the Principal Clerk, Table Office

Parliamentary Written Answers: Memorandum from Mr Norman Baker, MP

I enclose some comments on the memorandum to the Committee from Mr Norman Baker MP. I have compared Mr Baker's results with research that other Members have undertaken on this matter. Given the limited data applicable to the period before the limit on named day questions was put in place, the comparisons show nothing conclusive, but some comparisons can be made between performance of different Departments.

Mr Baker has collated data covering the period 1 January 2003 to early 2004²⁸ for a total of 15 Government Departments on

- The percentage of ordinary written questions answered within 10 working days, and
- The percentage of named day written questions answered on the date specified.

Mr Baker's central complaint is that the limit of 5 named day questions that Members can table each day, put in place in January 2003, have not been met with a corresponding improvement in the number of named day questions being answered on time.

Mr Baker's analysis can be compared with

- analysis carried out by Mr Simon Burns (on the basis of answers to parliamentary questions) of the numbers of named day questions that received holding answers (it is assumed that the remainder of named day questions accordingly received a substantive reply) for the period 15 October to 5 November 2001²⁹, and
- answers to parliamentary questions tabled by Mr John Thurso on the numbers of named day written questions that received a substantive answer on the day specified in 2002–3 and 2003–04 up to July.

Mr Baker's figures are broadly consistent with the figures obtained by Mr Thurso, with the one exception of figures for the Department for Constitutional Affairs. This is slightly surprising, as the two sets of figures cover a fairly similar time period.

It is very difficult to make meaningful comparisons with the figures obtained by Mr Burns as the 2001 data only applied to a period of 3 weeks, as opposed to around 15 months. The small size of the Burns sample may exaggerate improvements in a Department's performance or erroneously point to a fall in standards. The Thurso and Baker samples are statistically much more significant³⁰. However, given these caveats, the limited comparison with the Burns sample does illustrate

- Substantial improvements in percentages of named day questions answered on the day specified by the Cabinet Office, Department of Culture, Media and Sport, Treasury, Department for

²⁸ The end date for the sample was determined by the Department itself depending on when the answer was given.

²⁹ Third Report of the Procedure Committee, Session 2001-02, on Parliamentary Questions, HC 622, Ev. 101.

³⁰ Neither Mr Baker nor Mr Thurso pursued questions to the Prime Minister or the Solicitor General, as Mr Burns had done.

Constitutional Affairs, and Northern Ireland Office, and an improvement in performance by the Office of the Deputy Prime Minister and the Department for Transport compared to the performance of the Department for Transport, Local Government and the Regions. Each of these Departments answered over 60% of named day questions on the day specified in both the Baker and Thurso samples.

- Consistently high level of performance from the office of the Leader of the House.
- A fall in percentages answered on the day specified by the Foreign and Commonwealth Office, the Office of the Secretary of State for Wales, and the Department for Work and Pensions, although all three Departments record percentages over 60%.
- No discernible improvement from a low level of performance noted in the Burns sample, for the Department for Environment, Food and Rural Affairs, Department of Health, Home Office and Department for Trade and Industry; each still records figures substantially below 50%.
- No comparisons were possible on the basis of data provided by the Ministry of Defence, and the Department for International Development.
- The Scotland Office estimates a performance of c.65% in its response to Mr Baker, but no comparable data was produced for the Burns sample.
- The Department for Education and Skills did not provide the information requested to Mr Baker, but on the basis of data provided to Mr Thurso, its performance appears to have remained at around 50% during 2002–03 but to have dipped to 20% in the first months of 2003–04.

I hope that this assessment is of use to the Committee in its work.

15 November 2004

Data collected on numbers of named day written questions answered on the date specified

Department	Simon Burns Sample (15.10.01 to 5.11.01)		John Thurso Samples (a) Session 2002–03 and (b) Session 2003–04 up to April 2004 ³¹		Norman Baker Sample (1.01.03 to early 2004 (see footnote 1))	
	Number of named day questions tabled	Number of substantive answers on day specified (percentage of total)	Number of named day questions tabled	Number of substantive answers on day specified (percentage of total)	Number of named day questions tabled	Number of substantive answers on day specified (percentage of total)
Cabinet Office	20	13 (65%)	(a) 74 (b) 34	62 (84%) 25 (74%)	84	67 (80%)
Culture, Media and Sport	44	17 (39%)	(a) 202 (b) 78	112 (55%) 54 (69%)	176	105 (60%)
Defence	153	100 (65%)	(a) 51 (b) 46	Information not available	819	Information not available

³¹ The precise date to which questions were counted differs marginally between departments, but it is assumed that these differences do not have a significant effect on the results given the relatively long time period of the sample.

Education and Skills	191	96 (50%)	(a) 630 (b) 451	52% 20%	797	Information not available
Environment, Food and Rural Affairs	254	53 (21%)	(b) 368	55 (15%)	190	42 (22%)
Treasury	143	68 (48%)	(a) 620 (b) 277	438 (71%) 188 (68%)	544	380 (70%)
Foreign and Commonwealth Office	66	62 (94%)	(a) 591 (b) 250	74% 76%	637	471 (74%)
Health	345	135 (39%)	(a) 1448 (b) 579	32% ³² 37%	1458	Approx. 30%
Home	156	64 (41%)	Information not available. Published performance measures for 2002-03 indicate that 37% of PQs answered within deadline.		Information not available. Latest published performance measures indicate that 39% of PQs answered within deadline.	
International Development	21	7(33%)	Information not available.		Information not available.	
Lord Chancellor's Department / Constitutional Affairs	24	12 (50%)	(a) 98 (b) 70	65 (66%) 34 (49%)	122	100 (82%)
Northern Ireland	32	7 (22%)	(a) 223 in 2003 (b) 129 from Jan to April 2004	80% in period 1 May to 31 December 2003	65	52 (80%)
Prime Minister	37	30 (81%)	Question not asked by Mr Thurso.		Question not asked by Mr Thurso.	
President of the Council / Leader of the House	7	7 (100%)	(a) 46 (b) 19	44 (96%) 19 (100%)	49	47 (96%)
Scotland	Figures not provided		(a) 48 (b) 21	Department estimates 60%	56	Approx 36 (65%)
Solicitor General	5	5 (100%)	Question not asked by Mr Thurso.		Question not asked by Mr Baker.	
Trade and Industry	104	50 (48%)	(a) 723 (b) 336	247 (34%) 117 (32%)	723	247 (34%)

³² Information not given in form requested, but Department reported that 68% and 63% of answers in the respective time periods received a holding answer (it is assumed the remainder received a substantive one).

Transport, Local Government and Regions	261	180 (69%)				
Wales	10	10 (100%)	(a) 42 (b) 6	62% 100%	38	23 (61%)
Work and Pensions	106	88 (83%)	Information given in form not usable for this purpose. ³³		463	306 (66%)
Office of Deputy Prime Minister			(a) 485 (b) 302	415 (86%) 260 (86%)	548	460 (84%)
Transport			(a) 537 (b) 266	420 (78%) 192 (72%)	539	410 (76%)

³³ DWP provided proportions of named day questions being answered on day specified; the average monthly proportion in 2002-03 was 57%; the average monthly proportion in 2003-04 up to April was 77%.

Formal minutes

Thursday 17 March 2005

Members present:

Tony Wright, in the Chair

Mrs Anne Campbell
Mr David Heyes

Mr Kelvin Hopkins
Mr Gordon Prentice

The Committee deliberated.

Draft Report (Ministerial Accountability and Parliamentary Questions), proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 20 read and agreed to.

Resolved, That the Report be the Fifth Report of the Committee to the House.

Ordered, That the Chairman do make the Report to the House.

Several Papers were ordered to be appended to the Report.

Ordered, That the Appendices to the Report be reported to the House.—(*The Chairman.*)

[Adjourned to a day and time to be fixed by the Chairman.]

Reports from the Public Administration Select Committee since 2001

Session 2004–05

First Report	Government by Inquiry	HC 51–I (<i>Cm 6481</i>)
Second Report	Work of the Committee in 2004	HC 306
Third Report	Response to the Government’s Consultation on the Civil Service Bill	HC 336
Fourth Report	Choice, Voice and Public Services	HC 49–I
Fifth Report	Ministerial Accountability and Parliamentary Questions	HC 449–I

Session 2003–04

First Report	A Draft Civil Service Bill: Completing the Reform	HC 128–I (<i>Cm 6373</i>)
Second Report	The Work of the Committee in 2003	HC 229
Third Report	Ministerial Accountability and Parliamentary Questions	HC 355 (<i>HC 1262</i>)
Fourth Report	Taming the Prerogative: Strengthening Ministerial Accountability to Parliament	HC 422 (<i>Cm 6187</i>)
Fifth Report	A Matter of Honour: Reforming the Honours System	HC 212–I (<i>Cm 6479</i>)
First Special Report	Ministerial Accountability and Parliamentary Questions: Government Response to the Committee’s Third Report of Session 2003–04	HC 1262

Session 2002–03

First Special Report	The Public Service Ethos: Government’s Response to the Committee’s Seventh Report of Session 2001–02	HC 61
First Report	Ministerial Accountability and Parliamentary Questions: The Government Response to the Ninth Report from the Committee (Session 2001–02)	HC 136
Second Report	The Work of the Committee in 2002	HC 447
Third Report	Ombudsman Issues	HC 448 (<i>Cm 5890</i>)
Fourth Report	Government By Appointment: Opening up the Patronage State	HC 165–I
Fifth Report	On Target? Government By Measurement	HC 62–I (<i>HC 1264</i>)
Sixth Report	On Target? Government By Measurement: the Government’s Response to the Committee’s Fifth Report	HC 1264

Session 2001–02

First Report	Public Participation: Issues and Innovations: The Government Response to the Committee’s Sixth Report of Session 2000–01	HC 334
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Second Report	The Ministerial Code: Improving the Rule Book: The Government Response to the Committee's Third Report of Session 2000–01	HC 439
Third Report	Special Advisers: Boon or Bane: The Government Response to the Committee's Fourth Report of Session 2000–01	HC 463
Fourth Report	Ministerial Accountability and Parliamentary Questions: The Government Response to the Committee's Second Report of Session 2000–01	HC 464
Fifth Report	The Second Chamber: Continuing the Reform	HC 494–I (<i>HC 794</i>)
Sixth Report	The Second Chamber: Continuing the Reform: The Government Response to the Committee's Fifth Report	HC 794
Seventh Report	The Public Service Ethos	HC 263–I (<i>HC 61</i>)
Eighth Report	"These Unfortunate Events": Lessons of Recent Events at the Former DTLR	HC 303–I (<i>Cm 5756</i>)
Ninth Report	Ministerial Accountability and Parliamentary Questions	HC 1086 (<i>HC 136</i>)

The response to the report is printed in brackets after the HC printing number.