



House of Commons  
Procedure Committee

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**Written Parliamentary  
Questions:  
Government Response  
to the Committee's  
Third Report of Session  
2008–09**

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**First Special Report of Session 2009–10**

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## Procedure Committee

The Procedure Committee is appointed by the House of Commons to consider the practice and procedure of the House in the conduct of public business, and to make recommendations.

### Membership during the Session

Rt Hon Greg Knight MP (*Conservative, Yorkshire East*) (Chairman, from 9.11.05)  
Ms Celia Barlow MP (*Labour, Hove*)  
Mr Christopher Chope MP (*Conservative, Christchurch*)  
Ms Katy Clark MP (*Labour, North Ayrshire and Arran*)  
Mr Mark Field MP (*Conservative, Cities of London and Westminster*)  
Mr Roger Gale MP (*Conservative, North Thanet*)  
Andrew Gwynne MP (*Labour, Denton and Reddish*)  
John Hemming MP (*Liberal Democrat, Birmingham, Yardley*)  
Mr Eric Illsley MP (*Labour, Barnsley Central*)  
Mrs Siân C. James MP (*Labour, Swansea East*)  
Mrs Linda Riordan MP (*Labour, Halifax*)  
Sir Robert Smith MP (*Liberal Democrat, West Aberdeenshire and Kincardine*)  
Sir Peter Soulsby MP (*Labour, Leicester South*)

The following Members were also members of the Committee during the Parliament:

Mr David Anderson MP (*Labour, Blydon*)  
Mr Jim Cunningham MP (*Labour, Coventry South*)  
Annette Brooke MP (*Liberal Democrat, Mid Dorset and Poole North*)  
Mr David Gauke MP (*Conservative, South West Hertfordshire*)  
Rosemary McKenna MP (*Labour, Cumbernauld, Kilsyth and Kirkintilloch East*)  
Sir Nicholas Winterton MP (*Conservative, Macclesfield*) (Chairman till 9.11.05)  
Mr Rob Wilson MP (*Conservative, Reading East*)

### Powers

The powers of the Committee are set out in House of Commons Standing Orders, principally in SO No 147. These are available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/proccom>.

### Committee staff

The current staff of the Committee are Dr Lynn Gardner and Miss Sara Howe (Clerks) and Rowena Macdonald (Committee Assistant).

### Contacts

All correspondence should be addressed to the Clerk of the Procedure Committee, Journal Office, House of Commons, London SW1A 0AA . The telephone number for general enquiries is 020 7219 3318; the Committee's email address is [proccom@parliament.uk](mailto:proccom@parliament.uk)

# First Special Report

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On 16 July we published a Report on Written Parliamentary Questions as our Third Report of Session 2008-09, HC 859. We have now received a response from the Government, which is set out below.

## Government response

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### *Number of Questions*

#### **Recommendation**

The use of WPQs is vital to the scrutiny of Government and, in line with previous recommendations of the Committee, we believe that no restriction should be placed on the number of ordinary written parliamentary questions Members may ask (Paragraph 11)

#### **Response**

As the Committee notes, the volume of written questions has grown significantly in recent years. The longer-term increase is even more marked than the Committee suggests. During the 1997 Parliament, the average number of written answers per sitting day remained fairly constant at a little more than 200. This was followed by a sharp increase to 363 questions per day in 2001–02. Volumes have fluctuated in subsequent sessions but an overall upward trend resulted in the government answering an average of 445 questions per sitting day in 2007–08 and the Committee records that, by March 2009, the average daily number of questions tabled was 515. This is more than double the number tabled in any session of the 1997–2001 Parliament.

The Committee's analysis notes that as well as being driven by a greater desire on the part of Members to hold the Government to account, the increase in the number of questions might be attributable in part to a number of negative factors. These include the use of question volumes by some websites which monitor MPs' activities as a flawed proxy measure of their efforts and effectiveness. The Committee also suggests that Members may be delegating the drafting of significant numbers of questions to their staff.

The Committee may be right in its conclusion that a quota of ordinary questions is not the way to address the rising volume. The Committee suggests that increasing numbers of questions may be dealt with by running the system more efficiently and effectively. The Government's view is that significant increases in the volume of questions will inevitably compromise the Government's ability to provide full, accurate and timely answers.

It will not always be possible for the Government to improve the quality and timeliness of answers by devoting more resources specifically to answering Parliamentary questions. Complete and accurate answers can in many cases only be provided by the officials who work on the relevant policy. This is discussed in more detail in the response to the Committee's recommendations on departmental resources (paragraphs 59 & 60 of the Report).

### *'Trivial' or 'frivolous' questions*

#### **Recommendation**

We understand the frustration of departments when dealing with questions that may seem frivolous. However, Members may have serious motives for tabling these questions, and must be allowed to do so. We do not agree with the suggestion of the former Leader of the House that there should be stricter rules against such questions. It is not appropriate to ask the Table Office to judge definitively whether or not a question is trivial, and the benefit of the doubt in these cases must be given to the Member. Departments should aim, as with all questions, to provide a full and accurate answer, even if the question appears trivial. (Paragraph 16)

#### **Response**

The Government accepts that some questions which appear to be trivial or frivolous may have a serious purpose which for some reason remains obscure. It will, however, generally be easier for the Government to provide full and accurate answers where the serious purpose of a question readily apparent.

### *Round robin questions*

#### **Recommendation**

Members should be free to table round robins to all departments, if they wish. The Table Office should try to identify instances where a round robin is not relevant to a particular department, and advise the Member accordingly, but the Member should continue to have the benefit of the doubt. However, Members should be encouraged to consider carefully whether questions are relevant to all departments, and should recognise that a smaller number of carefully focused questions may be more effective. (Paragraph 21)

#### **Response**

The Government welcomes the Committee's proposal for the Table Office to advise Members where a "round robin" question has been tabled to one or more departments to which it is not relevant. Departments' parliamentary branches will be happy to work with the Table Office to help establish where round robin questions are not relevant to them.

### *Questions where the information is already available to Members*

#### **Recommendation**

Members should not use WPQs as the first resort for obtaining information that could be available elsewhere. We strongly encourage Members to investigate other options before tabling a WPQ. The Table Office should continue to seek to identify, where possible, when information is available elsewhere. However, we recognise that Members may have

legitimate reasons for asking such questions, such as wanting to get a Minister's views on record or wishing to see the information presented in a certain way. (Paragraph 26)

### **Response**

The Government welcomes this proposal and agrees that questions should not routinely be used to seek information which is already in the public domain unless there is a sound reason why the Member wishes to see the information re-published in the Official Report. The Government acknowledges that information which is technically in the public domain may be difficult to locate and recognises that there are circumstances in which a Member might use a Parliamentary Question to seek information which is already published.

### *Authentication*

#### **Recommendations**

We recommend that Members be reminded regularly that WPQs are a proceeding in Parliament and that they are personally and directly responsible for questions tabled in their name. This reiteration should be made to all Members at the beginning of a new Parliament. It should also be made to Members signing up to the e-tabling system; should appear on the e-tabling pages; and should be included in every email acknowledgement of questions tabled. (Paragraph 49)

The Committee understands that researchers are likely to have a role in preparing questions, but tabling questions is an exclusive right and responsibility of Members of Parliament. Members must take full responsibility for the questions tabled in their name, and each individual Member must satisfy him or herself that they have had sufficient involvement in the preparation and tabling of their questions to be able to do so. The Table Office should not be expected to make a judgement of the level of Member involvement. (Paragraph 50)

We recognise that a stronger authentication system for e-tabling could assure a guaranteed minimum level of Member involvement at the point of tabling. But, given that any stronger authentication would involve significant cost to the House, such a measure should only be undertaken if there is confidence that it could address a genuine problem of excessive delegation of the preparation of WPQs to researchers. The e-tabling system already assumes that questions received from a Member's account have been authorised by that Member, and this would remain the assumption under stronger authentication. Imposing a further level of authentication would provide only a superficial solution to the much more complex underlying problem of attitudes to the WPQs process. The challenge is to reform these attitudes by ensuring Members understand their responsibilities, rather than imposing further technical restrictions on the work of Members. (Paragraph 53)

### **Response**

The Government endorses the Committee's view that tabling questions is an exclusive right and responsibility of Members of Parliament.

## *Departmental resources*

### **Recommendations**

It is reasonable that, at times of particular pressure on departments, especially in response to a topical issue, it may take a little longer to provide answers. We also recognise that there may be difficulties in moving resources to meet spikes in demand. However, the volume of questions is unlikely to fall, and Departments need to adjust rather than 'make do'. The Government must ensure that, in sections where there is constant pressure, departments have the resources they need to respond to questions as efficiently as possible. (Paragraph 59)

We recognise that in particularly busy periods the limited number of Ministers available to approve questions may cause some delays. However, we do not believe this should be used as argument against increasing the resources available to departments below ministerial level, especially when better resourced departments should mean Ministers get better answers, and get them more quickly. (Paragraph 60)

### **Response**

It is not always possible for a department to direct extra resources to answering Parliamentary questions in the way the Committee appears to envisage. Questions are in most cases answered by the relevant policy teams. Answering Parliamentary questions is an integral part of their work and the answering of questions by the appropriate policy experts is the best way to ensure high-quality answers. Except in cases where there is a sustained overall increase in questions relating to a particular policy area, it will therefore be difficult to increase the number of staff available to answer questions.

Furthermore, departments have quality-control processes in place to ensure that answers meet the standard that Members and the House are entitled to expect. It will always be necessary for answers to be signed off at a senior level, in order to guarantee the quality of the material that is presented to Ministers, and for Ministers to give the final approval in order to protect the principle of Ministerial accountability to Parliament. There will therefore always be bottlenecks in the system which cannot be addressed simply by providing more resources.

### **Recommendation**

We would support the development of an electronic parliamentary community to improve the speed and efficiency of the answering process. We urge the Government to proceed with these plans as quickly as possible. (Paragraph 62)

We urge the Government to ensure that any development of the Electronic Parliamentary Community takes account of the need to record and analyse the timeliness of answers. (Paragraph 101)

## **Response**

The Government continues to take forward work that would provide for the secure electronic exchange of information between Parliament and Whitehall, in discussion with the House authorities. The Government believes that there is scope for efficiency savings by developing processes in this way and supports the suggestion that any such system should take account of the need to record and analyse the timeliness of answers as discussed elsewhere in this report.

In the meantime, the Government believes that there could be scope for improving the efficiency and cost-effectiveness of the current system if the House were to accept answers via e-mail only, rather than in hard copy.

## *Guidance for Departments and Ministers when answering questions*

### **Recommendation**

We welcome the fact that the Cabinet Office and the Office of the Leader of the House produce central guidance for officials. However, the widespread dissatisfaction with the quality of answers, and the suggestion of inconsistency between certain departments, indicates that this guidance may often be disregarded or may not have been properly disseminated from these central offices. The Government must take steps to review its guidance structures and instigate a thorough review process across government to ensure that the principles set out in the guidance are adhered to in practice. We urge the Government to publish prominently on a publicly accessible website its full range of guidance to officials for answering written parliamentary questions, and to ensure that this is kept up to date. (Paragraph 66)

## **Response**

The Office of the Leader of the House of Commons regularly provides guidance to departments on answering of PQs. Since 22 October 2009, this guidance has been brought together with other central guidance that is available on Parliamentary processes and published on the Cabinet Office website as the Guide to Parliamentary Work at the following address: <http://www.cabinetoffice.gov.uk/parliamentary-clerk-guide.aspx>

Departments will continue to supplement this with guidance which addresses their own particular internal processes. However, the principles governing the substance of answers to parliamentary questions do not vary between departments and the Cabinet Office's central guidance about the content of answers should be followed by all departments. Where answering departments produce their own guidance, the focus is generally on internal procedures for allocating questions to officials, circulating drafts for comment and signing them off for ministers to consider.

### **Recommendation**

We recommend that the Prime Minister undertake a revision of the Ministerial Code to provide a clear and separate statement on the responsibilities of Ministers in answering written parliamentary questions. (Paragraph 69)

### **Response**

The Ministerial Code applies to all ministerial dealings with Parliament, including the answering of written parliamentary questions.

The Code is intended to be a broad statement of Ministers' responsibilities. In the Government's view, it is not the best vehicle for providing detailed guidance of the kind the Committee proposes.

However, the Government acknowledges the Committee's concerns about the lack of detailed guidance for Ministers on answering Written Questions. The Prime Minister will therefore issue guidance to Ministers, drawing on the recommendations in the Committee's Report.

## *Freedom of Information*

### **Recommendation**

No information should be refused under WPQs that would be released under an FOI request. To do so undermines the primacy of Parliament. The Government states its support for this principle, and must enforce it. (Paragraph 74)

### **Response**

The Ministerial Code makes it clear that Ministers should refuse to provide information which they hold only when disclosure would not be in the public interest, which should be decided in accordance with the relevant statutes and the Freedom of Information Act 2000.

## *'Unsatisfactory' answers*

### **Recommendation**

We propose that, for an experimental one-year period, we take on the role of monitoring unsatisfactory answers referred to us by Members. We do not expect to investigate each individual case, but in cases of particular concern we will refer questions to Ministers for comment and review. We expect the Prime Minister to make clear to Ministers that they



should engage fully with the Procedure Committee on the issues referred to them. We will also inform the Leader of the House if we identify broader concerns, in particular weaknesses in answers on a particular topic or from a particular department, and will produce Reports from time to time on trends in unsatisfactory or inadequate written answers and departmental performance. We expect that information on departmental performance will also be used by the relevant departmental select committees in their own analysis and scrutiny. (Paragraph 87)

Members with particular grievances about late answers should refer individual cases to the Procedure Committee as part of the same experiment proposed for pursuing unsatisfactory answers. (Paragraph 96)

## **Response**

The Government welcomes the Committee's proposal to conduct an experimental review of answers which Members consider to be unsatisfactory. Ministers will of course respond to any request from the Committee for information about why a question has been answered in a particular way.

The Committee received a number of examples of answers which were unsatisfactory in the view of the tabling Member. These included multiple questions on the same subject being grouped with a single answer, answers to the effect that the information requested was not available; answers which refer to an earlier answer; disproportionate cost answers; and holding answers which are given in order to allow more time for a proper answer to be prepared. The Government welcomes the Committee's acknowledgement that such responses are often genuine and hopes that this view will guide the Committee in deciding which individual cases to pursue.

If the Committee is seeking to identify weaknesses in answers on particular topics or from particular departments then it would be helpful if the Committee were also to monitor overall numbers of questions on individual topics in order to evaluate the extent to which question volumes have an impact on the quality of answers.

## *Late answers*

### **Recommendation**

A system of publishing a regular list of those questions not answered within a particular deadline could have a serious detrimental effect on the quality of answers. Although we strongly encourage the Government to provide answers promptly, we believe that the quality of the answer provided must be the deciding factor. As such, we do not wish to set a strict deadline after which responses to ordinary WPQs will be considered late. However, we firmly believe that ordinary WPQs should receive an answer within five working days, and certainly no later than ten working days. We urge the Government to work to this timetable. We reiterate the current expectation that, other than in exceptional

circumstances, named day questions should receive a substantive response on the day set for their answer. (Paragraph 94)

### **Response**

The Government aims to answer named-day questions on the named day, and ordinary questions with a week, subject to recesses. However, there are inevitably occasions on which it is not possible to do so.

The Government agrees that, where it is not possible to provide a full answer within the usual deadline, it will usually be preferable to provide the answer a few days late than to provide an incomplete answer.

### **Recommendation**

In the event that departments need to give holding answers, the holding answer should include an explanation of the reason for the delay, and a fair indication of when an answer will be provided. (Paragraph 95)

### **Response**

The Government does not believe that providing an explanation of the reason for the delay will necessarily be helpful to the Member concerned. It is likely that such explanations would become formulaic and, in any case, they would still need to go through the same quality-control processes as substantive answers thereby exacerbating the problem in cases where the delay was due to the volume of questions tabled to a particular unit.

### **Recommendation**

We recommend that a list be produced by the Table Office of those questions that remain unanswered at the end of each session, arranged by date and department. Although this will include some questions that could not realistically be answered before the end of the session, it will also highlight answers that are unacceptably late, will help to identify the worst offenders, and should ensure departments are accountable for any questions that are simply ignored or 'lost'. This list should be submitted to the Procedure Committee, and will be evaluated by us. (Paragraph 98)

### **Response**

The Government would welcome greater monitoring of the number of questions which remain unanswered at the end of each Session as a tool for improving the proportion of questions which are answered.

It is right that departments should be accountable for questions which they ignore or lose. The Committee notes that some questions which are tabled towards the end of a Session can not realistically be answered before prorogation, especially when the date of prorogation is announced late and the Table Office continues to take questions until a day or two beforehand. There will also be a number of cases where the Member concerned has agreed with the department that he or she no longer requires an answer.

Nonetheless, the Government believes that a list of unanswered questions at the end of a Session could help to identify flaws in the system so that they can be addressed. The Government would like departments to have the opportunity to consider any figures produced by the House before they are published, in order to investigate the reasons for any discrepancies between the House's figures and departments' own records.

### **Recommendation**

We recommend that departments be required to provide the Procedure Committee with sessional statistics in a standard format on the time taken to respond to WPQs, accompanied by an explanatory memorandum setting out any factors affecting their performance. These statistics should also record when holding answers have been given. This would allow departments to be compared and trends to be identified, without compromising the quality of answers to individual questions. These statistics should indicate the number of WPQs answered by the department throughout the session, and show the proportion and number of questions answered within particular periods of time. We intend to evaluate such statistics and report on departmental performance as necessary. As with data on unsatisfactory answers, this information on departmental performance will be sent to the relevant departmental select committees to inform their own scrutiny of departments. (Paragraph 100)

### **Response**

The Government accepts this recommendation, with effect from the current Session of Parliament. In the Government's view, explanatory memoranda should address general factors which have an overall effect on a department's performance, such as a very large volume of questions being tabled on the same subject, rather than giving reasons for each individual delay.

### **Conclusion**

Given that many parts of the WPQs system operate well and are valued by Members, we have sought to improve and reform the existing system before considering more radical alternatives. We intend to evaluate progress in the areas covered by this Report, and, if it proves necessary, we will return to the subject to consider further steps. In addition to the Government Response to the Report, we intend to write to the Principal Clerk of the Table Office at the end of the next Session of Parliament, to seek the Office's views on the operation of the system and the effectiveness of any changes made. (Paragraph 105)

**Response**

The Government broadly welcomes the Committee's recommendations. In a system which now processes more than 500 questions a day, it is inevitable that the quality of answers will vary and that some will occasionally fall short of what a Member is entitled to expect. The Leader of the House monitors the timing of answers and raises issues of concern with the relevant department where necessary.

The Government and the Committee are in broad agreement on the principles that should underpin the answering of written questions. However, the Committee, in its Report and the accompanying evidence, highlights a number of individual cases in which those principles appear not to have been followed.

The Government hopes that the new arrangements the Committee proposes for monitoring the timing and content of written answers will help departments to improve their performance. In the meantime, a copy of the Committee's report and the Government response has been sent to the Parliamentary branch of each answering department.

*Ms Harriet Harman MP*

*Leader of the House*

*November 2009*

# Reports from the Procedure Committee since 2005

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The following reports have been published during this Parliament:

## Session 2009-10

First Special Report	Written Parliamentary Questions: Government Response to the Committee's Third Report of Session 2008-09	HC 129
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## Session 2008-09

First Report	Interleaving of Bills and Explanatory Notes	HC 377
Second Report	e-Petitions: Call for Government action	HC 493
Third Report	Written Parliamentary Questions	HC 859
First Special Report	e-Petitions: Call for Government Action: Government Response to the Committee's Second Report of Session 2008-09	HC 952
Fourth Report	Election of the Deputy Speakers: Principles	HC 1080
Fifth Report	Tabling of amendments by select committees	HC 1104

## Session 2007-08

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## Session 2006-07

First Report	Public Petitions and Early Day Motions	HC 513
Second Report	Corrections to the Official Report	HC 541

## Session 2005-06

First Report	Legislative and Regulatory Reform Bill	HC 894
Second Report	Application of the <i>sub judice</i> rule to proceedings in coroners' courts	HC 714