



Procedure Committee

Oral evidence: [Written Parliamentary question answering performance in 2013–14](#), HC 655

Wednesday 22 October 2014

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Members present: Mr Charles Walker (Chair); Thomas Docherty; Yvonne Fovargue; Sir Roger Gale; Tom Greatrex; John Hemming; Mr David Nuttall; Jacob Rees-Mogg; Martin Vickers

Questions 1-62

Witnesses: [Rt Hon Simon Hughes MP](#), Minister of State for Justice and Civil Liberties, Ministry of Justice, and **James Crawford**, Principal Private Secretary to the Lord Chancellor and Secretary of State for Justice.

Q1 Chair: Thank you very much, Minister, for coming to see us.

Simon Hughes: Pleasure, I hope.

Chair: : I do not think it is going to be an enormous pleasure

Simon Hughes: It is going to be of service, I hope.

Chair: We are delighted to have you here. You are going to get a bit of a duffing up, I fear, so I hope you take it with your normal good grace. That is my warning. I am going to pass it over to colleagues.

Q2 Thomas Docherty: Mr Crawford, I think you are the civil servant responsible for this?

James Crawford: Yes. I am the Deputy Director responsible for Private Office and Parliamentary branch and I am the Principal Private Secretary to the Justice Secretary.

Q3 Thomas Docherty: In the first session, 2010-12, 93% of named day questions were answered in time. In the 2013-14 session, it dropped to 17%. Is the civil service incompetent or does it just not care?

Simon Hughes: Chairman, I will kick off, if I may. Mr Crawforth, can you pick up?

Thomas Docherty: I am sorry. With the greatest respect to the Chairman, I want to know what the civil service think and then I am happy to hear the Minister as well.

Simon Hughes: Yes, fine.

James Crawforth: We have recognised at every level in the department—the ministerial team, the Permanent Secretary and senior leaders within the department—that the performance last session was very far from being acceptable and we have taken a number of steps to try to address that. We are pleased that we are starting to see an improvement in performance this session. There is more work to do to build on that. We are still not where we need to be. We do take this very seriously and we have been working very hard to try to improve performance.

Q4 Thomas Docherty: This was not a one-off, one-session decline or collapse. In the middle session, having gone from 93% in that first session, you went down to 64%. Why was the service so complacent during the middle session that it took a fall to catastrophically unacceptable levels before action was taken?

James Crawforth: As I say, we recognise that in the last session and the previous session we were not meeting the targets that we need to be meeting in terms of timeliness to Parliament. That is something that we have taken seriously and we have taken some steps to address. I think one of the issues has been that the Justice Secretary has been very clear that he wants to present accurate and high-quality answers to Parliament. He wants Members to be given appropriate context when answering questions, and we have had to embed a series of changes to our processes to try to make sure that happens across the department. It has taken a while for those processes and those cultural changes to bed in. It has been too slow to for performance to get back to where it is now.

Q5 Thomas Docherty: So the civil service advice to the Secretary of State is that previously you were not giving accurate answers to the Secretary of State? Is that basically what you have told us at this stage?

James Crawforth: In the previous session—

Thomas Docherty: In the first session, was it that you were giving inaccurate answers?

James Crawford: We were not giving inaccurate answers but the Justice Secretary was very clear, when he arrived in the department in 2012, that he wanted to make sure that Members were given context. Rather than just giving a single data point or a particular fact, he wanted to make sure the policy context around that information was presented very clearly. We, as the civil service, have taken steps to try to respond to that. It can take a while for the department to catch up and to learn how to present the questions and the responses in the way the Justice Secretary has asked for.

Q6 Thomas Docherty: I am conscious that there are other members but, Minister, having listened to that: what on earth are you doing?

Simon Hughes: First, Chairman, I say to you and the Committee that clearly the record has not been acceptable and that is obvious. I came on in December and it was obvious that we were not in a good place. What we have done has already borne fruit, and I can give you the up-to-date stats for this term, this Parliamentary session, which show that we are considerably improved and going in the right direction, to where you would want us to be.

The first thing that happened was that new guidance was issued as of spring of last year as to how the system should work. I can show that to the Committee, I have copies that I can hand in. Since then, there has been a whole set of things including training of staff at the highest level; up to 200 of the civil servants in the MOJ have been through the system and are now being trained. Since I have arrived, I know for a fact from my own observation that the Executive Committee of the department regularly monitors these figures. They come to the departmental board meeting, which I sit on, which meets monthly. I have personally looked at the figures, I have added a specific agenda item to make sure that it was addressed and we have raised it in the ministerial meetings. As of today, the best figures I can give you, Chairman and Mr Docherty, are that this year, in this session's Commons ordinary written answers, we have a 66% compliance rating. For the Commons named day written PQs, we have, as of today, a 60% compliance rate. Now, we are not where we want to be. We started, as you pointed out at the beginning of Parliament at the very top of the league, I think, in sports terms—

Thomas Docherty: We are now Fulham.

Simon Hughes: As a Millwall supporter, I would never be Fulham. We went down to mid-table. We then went right down to the bottom of the league, where we languished. We are clearly climbing fast but it has not happened accidentally.

One other thing, Chairman, that we have just introduced is that colleagues went to other departments. They went to the DfE to learn from them because they were in front of you before, and I have read the transcript and read the evidence. I have read the report you have issued and I absolutely accept what it said. But they have also been to other departments, they have been to the Home Office—which is the most broadly comparable department—to the DWP and elsewhere, to learn from them. As of this September, just six weeks ago, we have introduced a new case management system, which we did not have before. Putting it very simplistically—and I am not the expert—before we had a bit of a paper and file system and now we have a system which I am assured, and which certainly appears to be, working well, tracking everything from the day it comes in.

Just the last thing, which may help—the system is that if they are named days, obviously that can be as short as two days, they then spend one day only with the officials working out the proposal that comes up to the Minister to answer. They should only spend a day with private office and other people. If they are the ordinary written questions, it is a five-day cycle. They spend two days in the system and then come up after two days. I am hopeful that the new system, the new technology and the new scrutiny by us on a very hands-on basis will, by the end of this session, have got us back to where you would expect us to be and where, bluntly, we owe it to colleagues to be.

Q7 John Hemming: The odd thing about it is obviously that the department was doing very well.

Simon Hughes: It was.

John Hemming: The question for James is, when did you spot it was going wrong?

James Crawford: Clearly during the 2012-13 session the numbers did drop significantly and we did discuss that with Ministers and the Ministers were updated on performance information. But it was, as you have said, only really during the 2013-14 session when performance nose-dived to a level that was clearly unacceptable and one we have had to take very serious steps to address.

Q8 John Hemming: Yes. It is just that it is unusual, is it not? The department is doing well and then changes things to go badly. Can you not just revert to the way you used to do it?

James Crawford: I think one of the trends that we have seen is an increasing proportion of our questions being asked as named day questions, which, as the Minister says, means a two-day turnaround

and is therefore much tighter. That, coupled with a very busy reform program which started when the current Justice Secretary came into the post right across all areas of the department's business, I think has led to pressure points in the department.

Q9 John Hemming: That does not give you an excuse on the ordinary written questions. They have deteriorated badly, from 94% on time to 37%, and obviously the figures you have just quoted are still actually worse than the 2012-13 session. It is unique in the sense that everything was running quite well until the end of the 2010-12 session and then it all nose-dived and still has not really been brought up.

Simon Hughes: My understanding, Chairman, is that when there was a change of Secretary of State, he decided we needed to do this thing differently and better. That was the instruction issued: to give full answers. We give very few, "I will write to the Honourable Member" answers. We try to avoid that because that is not very popular. All of us know that, so that was kept to a minimum. Clearly, it took a considerable time from asking for more detail to being able to deliver it on time, and that is the simple explanation to Mr Hemming's question.

Chair: I am not going to ask a question; I will just make an observation. Colleagues are very good at writing to us if they are dissatisfied with the quality of the answers they get and the clerk cannot recall any occasion between 2010 and 2012 when the Committee received a letter from a colleague expressing dissatisfaction with the performance of the department. I just put that out there but we will check that. John, I am sorry to cut across you.

John Hemming: No, that is all right. Things were working quite well, nobody was complaining, yet it took a nose-dive.

Q10 Sir Roger Gale: I am still at a loss to understand why you went from hero to zero in two years. It is a massive fall and I cannot see any justification for it at all. You did actually say, Mr Crawforth, that the Secretary of State wanted to ensure that Members were getting high-quality answers. The implication of that is that they were not getting high-quality answers before. To take my colleague's point, was anybody actually complaining before that the quality of the answers was not good enough? How did this happen? How, in this relatively short period of time, did it take such an enormous nose-dive unless people in the department were being deliberately obstructive?

James Crawforth: I do not think it is being deliberately obstructive. I think what the Justice Secretary wanted to see when he arrived was more background information being provided to Ministers so that when Ministers were answering the question they understood the policy

context surrounding it more fully and that, where it is appropriate, they also included that context in the answer, including things like data trends. For example, if a question is asking about the number of incidents in prison in a particular year, the Justice Secretary was clear that he wanted to put that information in context. You can understand how it changed over a period of time. Getting the department to respond in that way and to provide that fuller context to the answer, both for Ministers and in the answer they give back to Members, took a cultural change and took too long. It is something that we are now achieving and making good progress on.

Q11 Sir Roger Gale: The underlying implication of what you are saying is that you have moved, somewhere along the line, from giving factual answers, which simply state the case, to incorporating some sort of spin that puts a gloss on the answer; you have moved from fact to presentation.

James Crawford: I would not characterise it as “spin” at all but the Justice Secretary and the ministerial team have been clear they want to see policy presented in proper context. All questions are signed off by a senior civil servant and by the relevant Minister. We would never answer a question in a way that was anything other than factual. That is our practice. But we are trying, on the instruction of the ministerial team, to present the full policy context around it.

Sir Roger Gale: Minister?

Simon Hughes: Yes, thank you. In answer to you, Sir Roger, it seems to me that—and again, I come to this relatively fresh so I will just share with you the observation—like some other departments, but not all, we have a lot of very detailed information. We deal with prisons and that has lots of information, quite rightfully, that people want to know about. We deal with courts and detailed questions about timeliness. The fundamental change that, as I understand it, was asked for, and is now being delivered, is that instead of answering a question—for example, “How many cases did not come to trial for more than two months between the date which Article 8 ...?”—that simple answer was not thought by the Secretary of State and the team before I arrived to be enough, because it did not show whether that was better or worse. It is a bit like you quizzing me on this table without doing anything other than taking into account last year’s figures. That has been the fundamental change.

I can testify—I do not do it all the time; I try not to do it—that probably about a quarter of the time a question comes to me for sign-off, I will say, “I think there is one bit of the question that has not been answered here”. There was one the other day when somebody asked,

"What is the mechanism of a complaint about decisions of the Office of the Public Guardian?" It was a long question—it had about seven supplementary parts—but that bit had not been answered and I thought we had a duty to answer it. We are trying to make sure we get the full answer and we are trying to make sure people can see the context of the specific question that we have answered. That did not work for a while and there had to be a lot of retraining. There are now more people on the job; there are five people, effectively, who do this all the time. They are not special advisers. Special advisers, of course, have a chance to see this, as they do in every department. They have a chance for input. But there are five people who are here on a regular basis now and that is a bigger resource than before.

Q12 Jacob Rees-Mogg: I want to come back to the point Mr Docherty and Sir Roger highlighted concerning these "accurate and high-quality answers", combined with the response from the Lord Chancellor that draft answers must be of the highest standard and set in their full context. This very strongly implies that previous answers were not satisfactory in the Ministry's current view. Is that right?

James Crawford: I think it is what we have just been describing about providing more information and context, rather than about previous answers being inaccurate in any way. It is just helping Members to see the full story around a particular issue.

Q13 Jacob Rees-Mogg: So they were accurate but not of the highest quality?

James Crawford: Accurate, but not as comprehensive—

Q14 Jacob Rees-Mogg: So we are now getting better but later answers?

Simon Hughes: Well, hopefully now, Mr Rees-Mogg, you are getting, again, better but much more timely answers.

Jacob Rees-Mogg: But we are still—

Simon Hughes: The department went through a phase of getting very late answers.

Jacob Rees-Mogg: But we are still quite a long way from 2010-12, when we were at 94% with ordinary written and 93% named day.

Simon Hughes: But I looked back over the week-by-week figures and if I take the time in this session, the reason we are not yet up to where we want to be—66% and 60%—is because there have been one or two weeks—for example a recess week, the first week back after recess—

where we have slipped. However, five of the weeks since we came back in June have been over 70% in terms of ordinary written PQs, and five of the weeks for named day PQs have been over 70%; some over 75%; some over 80%. There have been a couple of weeks that have brought the average down since June this year, but they are one week when there was a change of Minister and one week which was the first week back after recess.

James Crawford: The challenge is to sustain that performance week-to-week.

Jacob Rees-Mogg: The challenge is to get back to where we were at 93%, 94%.

Simon Hughes: And we want to do that. Nothing would give me greater pleasure than, at the end of the session, to be able to leave to you and my colleagues with the legacy of us back in at fifth place, which is where the department was at the beginning.

Q15 Jacob Rees-Mogg: So what is holding up the process? Is it that the service is not providing the full answers in the timely manner or is it that the Ministers are not signing them off fast enough?

James Crawford: It is a combination of factors. There are certainly too many occasions when the draft that we receive in the department is not high-quality enough and parts of the questions are not fully answered, where it does not provide the context that the Justice Secretary has asked for us to provide, and those have to be sent back to the department and re-worked. That leads to a delay. Where you have a named day question, you only have two days to get an answer turned around and that can be fatal in terms of meeting the Parliamentary deadline. There are occasions, of course, where Ministers also query the question and ask for further information, and that has to be, again, re-worked.

Q16 Jacob Rees-Mogg: I was getting the impression from what you were saying earlier that, prior to the current Lord Chancellor, Ministers were just happy signing everything off and that it all went through seamlessly because they were not too bothered. Is that an unfair characterisation of the previous sessions?

Simon Hughes: Just out of fairness, again, I will have to look back and see what—

Jacob Rees-Mogg: You were not there.

Simon Hughes: I am not trying to wash my hands of it. I am just trying to share that my perspective is a bit like the Committee's—I am

looking back over what has happened and trying to understand what has happened. In answer to the first and second question, the evidence is that it generally has not been Ministers sitting on the answer and not getting it from coming in to going out. It generally has been the delay in getting the answer in a form ready to show to the Minister. There have been one or two exceptions to that in a recess or at other times, but generally it has not been sitting on Ministers' desks.

Clearly nobody suggests the answers before were not accurate but they were often minimalist or limited. Now, that may have some merit, but if you are trying to be informative and—to be honest, I have been here long enough to know how to work the system—prevent colleagues having to come back and ask another question and another question and another question to get to what they are really seeking to get, then it is better to try to answer it all at the beginning. That is what the attempt was all about. However, it clearly took a considerable while to get the system geared up to deliver that quickly enough, collecting datasets from the National Offender Management Service or wherever it might have been.

Q17 Jacob Rees-Mogg: Minister, thank you very much for a very helpful answer. I wonder if you could give an idea of how many answers you have been bouncing back, feeling that they were not sufficiently completely answered?

Simon Hughes: Approximately 10%, I have not done—

Jacob Rees-Mogg: No, no. I do not expect you to.

Simon Hughes: I cannot be precise. Just about that. It is normally not that the information was not accurate or clear, it was that it struck me we were not giving everything that my colleagues wanted. It is about working out what somebody is getting at and making sure each bit of the question—and there are often multi-pointed questions—is answered. When I send things back, it would normally be to say either, "This is not very clear" or, "I do not think we are giving what the colleague would expect us to give. Please can we go back" and invariably I have then been given additional information so I have been able to pick a much better version than the first draft that came in.

Q18 Jacob Rees-Mogg: So if, in the interest of speed, you had just signed everything off, we would a little bit better?

Simon Hughes: Yes.

Jacob Rees-Mogg: But we would still not be anywhere near the—?

Simon Hughes: We would not have been, but I can assure the Committee that this is absolutely now on the agenda. We have a grid that shows our performance: it is rated amber or green. This has been, clearly, in the past, at red. It flashes up when we have departmental board meetings—we have had it on the agenda specifically—and everybody is conscious that we cannot not achieve what others expect.

James Crawford: We now have quite comprehensive management information, which we did not previously have because systems were limited, where we can actually see for each area of the department what timeliness performance is like on PQs, so we can hold individual directors and deputy directors to account for performance in their area. That is part of the cultural change in the department.

Q19 Tom Greatrex: Our interest is ensuring that Members of Parliament get prompt and accurate answers. I asked a lot of questions of the MOJ, particularly in the first three years of this Parliament, and got lots of prompt, accurate, usable answers. That is what we are concerned about. It strikes me there are a lot of very subjective judgments in what you have said in the last few minutes, Minister, about better versions and appropriate policy context. Who is the arbiter of what is a better answer and what is appropriate context?

Simon Hughes: The Minister in the first place and Parliament in the second place, in the sense that you ask questions; some of them are not complicated, some of them are simply factual stuff, some cannot be answered so you get the conventional answer, “This cannot be answered except at disproportionate cost”. However, we have a duty to try to make sure that you, Parliament, and the public have as clear a picture of what is being asked about as possible. Technically, we are the arbiters. There is no external system for judging the value or quality of parliamentary answers. The Procedure Committee monitors the system, you would all jump in if you thought the Ministers were evading questions, and quite rightly so. Technically, we are the arbiters, but Parliament in the end has to judge whether the answers were appropriate. I am glad that, in general, you got answers that were satisfactory.

Q20 Tom Greatrex: I did to start with. I think it is not just implicit but explicit in what you have both said, that the change of Secretary of State came with a change of approach, which seems to be more about the context of the information for the Secretary of State than it does about providing accurate and timely answers to Members of Parliament who are asking, quite often, quite specific questions. Do you think that is acceptable?

Simon Hughes: Again, it is clear nobody is denying the fact that the change in process came with the change of Secretary of State. There is no denial of that. He wanted something done differently. I was told, I read, I have checked that that process was begun. He came to the post in September 2012. It took until February 2013, before the new procedure was finalised and issued and therefore was in place, and it has taken a further while to filter through.

Now, it is a department where there are Ministers from both parties, so you would expect me, as the representative now of my party in government, to make sure that I am satisfied that the answers are fair for my colleagues as well as all other colleagues, but also to make sure that the department as a whole is not letting people down. So collectively there is a desire to deliver good answers that make sure people are not having a go at us for not being transparent. I am the Freedom of Information Minister; I believe in sharing as much as we can. I always err on the side of that. I hope we now give better answers. If somebody could adjudicate we would be very willing, and we are certainly willing to be held to account for our timeliness and our effectiveness. I hope I have shown that in the last six months, we have made a transformation. Mr Rees-Mogg said it is not back where we want it to be and I agree with that, but we are half-way there already.

Q21 Tom Greatrex: Can I just ask one question about the process? You said, Minister, that in terms of the time, the lag is waiting before it comes to you or your colleagues to be able to sign off. Can I just ask: before it gets to the Ministers, Mr Crawforth, where do special advisers fit into this process?

James Crawforth: Special advisers do see a significant proportion of the draft answers and the Secretary of State clearly wants that to be part of the process. They will, as will private secretaries in the private offices, ask questions where they think the answer is not complete or does not represent the department's policy in full.

Q22 Tom Greatrex: And are they given a timescale to respond to them by or is it until they get back to you?

James Crawforth: The timescale is ultimately trying to meet the Parliamentary deadline and get things turned round in that window.

Q23 Tom Greatrex: Potentially, then, you could have draft answers sitting with special advisers for a number of days because they are busy or because they think that that everybody will now ask about a certain point for political reasons. as opposed to for the reasons which should be your charge, which we are interested in, which is providing accurate and timely answers to Members of Parliament?

James Crawford: There are certainly occasions when special advisers will ask questions and will have views on the way that an answer is presented and we try to respond to those. We always make sure that we are providing an accurate answer to Parliament and that the appropriate senior civil servant, and, of course, the Minister who signs it off ultimately, are content with the answer. Both the private secretaries in the private offices and the special advisers will ask questions and that is part of the process.

Simon Hughes: I may just deal with what was an implied question, Mr Greatrex, and a perfectly proper question: I can say categorically that since I have been in office, since December, on no occasion have I either seen, been party to or heard discussion delaying an answer for, bluntly, party political or political purposes. Not once. I hope that gives some assurance to the Committee. I also know—I share a special adviser with the DPM's office and the Home Office—that I do not think there has been a single occasion when he has delayed the process in my part of the department within the answers for which I am responsible. I cannot possibly go and sit in the other offices and oversee special advisers, but I am clear that that would be entirely inappropriate. If he wanted to look, he can and does. He can give a view as to the issue but that has never delayed anything that has come to me in the past.

Q24 Thomas Docherty: Minister, my apologies because it has been a couple of minutes now, but you said, in effect, that because there are Ministers from both parties in the department, answers were—you used the word—"fair" to both parties. What on earth do you mean by "fair"?

Simon Hughes: I am not sure quite whether I said that—

Thomas Docherty: You said that the answers would be fair to both parties.

Simon Hughes: I do not mean to mislead about that. Both parties in Government want to make sure that the MOJ does a good job in answering questions. I, for my part, have my responsibilities to my party, to the Government and to you to make sure you get good answers. That we do our job "properly" perhaps might be a better answer; "fair" may be the wrong description. It is not fair to the parties, but fair to our reputation in Government. I do not want my reputation or our party's reputation in Government to be sullied by the fact we are not performing well, and I assume my colleagues in the other parts of the department are the same. We have a duty, it seems to me, to our parties, to the public and to the department, to deliver the best possible product. I have been very clear since the very first

time I saw the figures that I was going to pursue us improving our performance because it needed to be improved. I think colleagues across the department are clear that we all have to do that.

Q25 Thomas Docherty: Sorry. No, the context was you said it took longer because there were two parties and therefore the answer had to be fair to both parties. It was not about reputation of answers in general; you said specifically that it was about being fair to both parties. I have no idea what that means except if it is not spinning answers.

Simon Hughes: Yes. Certainly, there has been no spinning of answers as far as I am concerned or I have seen. I have told the Committee Chairman that on about 10% of the occasions I have sent answers back for further work, it is normally to add information. Fair, if I used the word, was meant to make sure that we were doing a job that we could defend as being a reputable, competent job. That is the fairness consideration. and whichever Minister, and there are Ministers from two parties in this department, as in many departments, we need to make sure that the work of the department and the answers of Ministers fairly reflect what we want to say and do it fully. I hope that has elaborated sufficiently.

James Crawford: Perhaps on an issue where there is live policy development happening rather than a straightforward factual question that would be particularly important to make sure that the question was answered in a way that reflected the views of the Government as a whole and both sides of the coalition.

Q26 Mr Nuttall: Thank you very much, Minister and Mr Crawford, for the answers you have given so far. I have no doubt that you are trying to do the best you can but it does seem to me, having sat here listening for the best part of over half an hour, that clearly we are all agreed there has been a fall-off in performance and if the latest figures are to be believed there has been an improvement. Nevertheless it seems to be that for whatever reason there is a trade-off between trying to give accurate information, factual information on the one hand and on the other hand trying to deal with questions that perhaps the department wished were never asked. It is the questions the department wished were never asked that are probably, I suspect, part of the reason for the problem. It has been reported that there has been a guidance note given to civil servants that requires them to answer a number of questions in their own mind before they respond to members' questions. The first one is apparently, "Why do you believe the MP has asked the question?" First of all, just for the record, is that true? Is there such a guidance note that contains that sort of guidance?

Simon Hughes: The answer is that is one of the questions the team is always asked to ask themselves, yes, and Ministers see the assessment of that. For example, there is a colleague who is not here, Jenny Chapman, who is on the shadow team and responsible for women's prisons. She rightfully will pursue that as an issue of her particular responsibility, so the sort of thing that would come to me would say, "Ms Chapman is asking this question because she has a responsibility on the Labour front bench and she clearly is interested in mother and baby units across the female estate". That is the extent of the sort of information that would come. It might also say—I cannot think of an immediate example affecting the Committee—this appears to be motivated by a constituency experience, for example, court closures in rural areas, and I do not think it applies to Mr Rees-Mogg. but it might say, "Mr Rees-Mogg appears to be asking this because of his interest in plans for court closures in Somerset and he has already asked three oral questions and had an adjournment debate about it". That is the limit of that sort of information.

Q27 Mr Nuttall: Nevertheless, that will take some time. Rather than just simply answering the question there is an extra process going on in the background, a sort of, "Let's try and read the person's mind" thought process going on. It seems to me if we know the answer why not just give them the answer? It does not matter why they are asking it.

Simon Hughes: Let me try to deal with that. Mr Nuttall, you are an assiduous participant in the Commons. I do not think you would be very pleased if we answered questions that were clearly the latest in a series of things you have asked either by writing or orally, without asking the team to look back over what you have asked before so we did not replicate it or just repeat ourselves. Chairman, I have said I am very happy to share with you the whole of the guidance note. I have brought copies along and I will leave them with your clerk, because that is not secret and you are very welcome.

Q28 Mr Nuttall: I am grateful. Can I move on to a slightly easier area? Very simply we have been dealing in percentages but of course they can be counted in absolute terms, these questions, and every week it must be very easy to determine how many questions have arrived and how many have gone out. That must be easy to do, and at the start of the week there will be X number in the system. During the week X will arrive, so many will go out and there will be a balance left. Is somebody carrying out that simple exercise?

Simon Hughes: Yes.

Q29 Mr Nuttall: You may not be and I appreciate that, but are you in a position to give us those figures today?

Simon Hughes: Yes.

Q30 Mr Nuttall: I am sure the Committee would all be interested.

Simon Hughes: Of course, and you would expect me to try to find that further information.

Q31 Mr Nuttall: It does not matter what they are. Just as a matter of interest.

Simon Hughes: I will give you them; they are counted. The figures I have been given are as of today and the team have literally asked for it to be updated now I was coming so that I did not get yesterday's figures.

Q32 Mr Nuttall: This is today?

Simon Hughes: Yes. There are currently 85 parliamentary questions in the Ministry of Justice waiting answer; 30 of those are still within the time as of today, and 55 by one day or more are currently out of time as of today by one day or more. There is just one qualification I would like to make, Chairman, and I have not quite been able to get to the bottom of this, that is apparently the statistics sometimes count as one day late things that are not a day late. I have not quite discovered why and I do not have the breakdown of how many days late. I do know, because again I was conscious I was coming before you, that nobody on the Committee, because I was keen this should be the case, has any questions outstanding. You have all asked questions in varying degrees, but we all have the figures and, Mr Nuttall, yes, we do monitor weekly how many come out and how many are answered.

Q33 Mr Nuttall: That is good news and I am sure that everyone on the Committee will be pleased to hear that. Do you also keep a note of what the oldest outstanding question is?

Simon Hughes: Yes.

Q34 Mr Nuttall: Do you have the assessment of what the oldest outstanding question is?

Simon Hughes: Yes, I do. The oldest outstanding question as of today is a question from Phillip Davis that was due for response on 3 July.

Q35 Mr Nuttall: Would that be question 202782?

Simon Hughes: It would. You are very well-informed, Mr Nuttall.

Q36 Mr Nuttall: I am indeed well-informed on these matters.

Simon Hughes: Are you now going to tell us what the question is?

Q37 Mr Nuttall: I am indeed going to, for the record, Mr Chairman, put on the record that the question was, "To ask the Secretary of State for Justice what the names are of all prisoners who have absconded from prison and currently not been returned and if he will specify in each such case (a) the offence each absconder originally committed and (b) the length of custodial sentence they were serving when they absconded". To me it does not sound a very difficult question but now July, August, September and the best part of October has passed. Are there that many prisoners absconded that we are still counting them?

Simon Hughes: It is a mischievous question and I will try not to give a mischievous answer. Can I give a technical answer and then try to give a substantive answer. The technical answer is the first draft was ready by 9 July but was not complete, not least because of two things I deduced. I have not looked into this particular question personally but obviously in theory there could be a different answer depending on which week you are talking about. Secondly, obviously it has quite a lot of information asked of us and is one of those questions that have quite a lot of facts.

I do not know what the reason for the holdup is for it being so late. I know that when I first looked at this last week ahead of today there were one or two questions that were older than that so they, at my insistence, were cleared so that we reached July. I do not think there are many others left in July at all. I have all the lists of the age of questions for colleagues on the Committee and how many have been answered a day late or not late or so and so. I have that information. Of course, a lot of time since that date has been parliamentary recess time rather than sitting time so they do not count in that sense, but I will take away, as you would expect, the fact—

Q38 Mr Nuttall: Somebody is working on it, are they? They are still counting?

Simon Hughes: I will make sure that you and Mr Davis, or Mr Davis first and then you have the answers as quickly as is humanly possible but make sure it is as accurate as humanly possible.

Q39 Chair: Just to follow up on that, Mr Crawforth, you obviously prepared the Minister's briefing. You identified that as the longest outstanding question. Human curiosity would have demanded that you ask someone, "Why is this so late?" Why is it so late?

James Crawford: I think it is what the Minister says about it being a data request where collating information on that question is quite challenging. It involves going out to a series of prisons.

Q40 Chair: I will have to stop you. You said you think. You either know or you do not know. Do you know why this question has taken so long to answer? Have you found out from talking to an official and if you have what did the official say to you? Not what you think but what do you know?

James Crawford: I asked the team and the explanation is as the Minister has set out. The initial draft was received from the department. It did not contain full details in response to the question and we have had to ask for some further information that the department is now working on and we have committed to go away and make sure that is—

Q41 Chair: But why is it taking them so long? That is the real question. Why has it taken you guys four months not to answer a question? What was the response if you asked that question? Why has it taken them four months?

James Crawford: I think we are completely accepting that has taken too long and we want to make sure it is answered as quickly as possible, notwithstanding the fact it is a complex question with lots of data to be collated.

Q42 Mr Nuttall: If I may proceed, and I will try to speed up, but the very specific questions I have should be easily answered. I think it is referred to as presenting information in context. It has been referred to once or twice but other people might say putting a spin on it. I have a question that was tabled on 8 September to ask the Secretary of State for Justice what the average proportion of male and female prisoners held in open, closed and resettlement prisons was in each of the last five years. It is a very straightforward question and the question was answered in two lines. "The proportion of male and female prisoners held in open, closed and resettlement prisons in England and Wales can be found in table 1". That is it. That was the question and that was the answer. That was two lines. There then followed six paragraphs with 32 lines of context, the spin, the waffle. Nobody asked for the other 32 lines. It must have taken a great deal more time to write all the extra stuff at the end. Why not just give the answer? Nobody would have criticised the department for giving the answer. It was a straightforward question and a straightforward answer but then there was a long-winded, waffling explanation as to why people were moved about from one prison to the other and why this happened and why that happened. Surely this is what is taking the time up and this is what is causing delays.

Simon Hughes: Obviously, Chairman, I do not have in front of me that particular question and answer.

Q43 Mr Nuttall: It is 208511.

Simon Hughes: I will go and look at it afterwards. Just two responses: firstly, we try always to refer to existing data sets. If, for example, there is a question to which the answer is found in a table that has just been produced, the number of prisoners in prison in England and Wales on a certain day, then we can give that because the stats come out every week and they are available. We certainly do not intend to add what Mr Nuttall calls a load of irrelevant—I do not think he said “irrelevant” but a load of waffle afterwards and I certainly to my knowledge have never let through a question that has not in every paragraph been giving facts and added value. But I will take away the point, Chairman, and if we are doing too much too hard now as compensating for what we used to do then, it is something we need to address also. But we are trying to give all the information at one go at the first occasion when it is ready.

Q44 Chair: To be honest with you, Minister, we went through this with the Department for Education and they sent us the innocents, a new Minister and their civil servant. The performance of that new Minister, as you can probably understand, was not satisfactory and neither was that of the civil servant and that was not their fault. They had been in position about as long as you. This is not going well at all. This is not going well and unless it improves it will be the Permanent Secretary and the Secretary of State sitting in those seats within the next two weeks.

Q45 Yvonne Fovargue: We all want to know where the hold-up is and obviously you said you have gone to other departments, so can I ask firstly what percentage of your enquiries go before special advisors before they come out? Secondly, have you looked at whether that is a greater percentage or a lesser percentage than happens in other departments?

Simon Hughes: I do not have an answer to that question. I do not know whether Mr Crawforth has an answer to that question.

James Crawforth: Quite a high proportion of answers will be seen by special advisors in draft, so where it relates to a contentious policy topic or is providing detailed information special advisors will generally want to see the question.

Q46 Yvonne Fovargue: You were looking at hold-ups specifically, so you cannot say what percentage went and whether it is greater or lesser than any other departments, for example, the Department for Education that has Ministers from both parties in a similar way?

Simon Hughes: I know that certainly the questions I look after and I have a special advisor, the bulk of them do not get looked at by the special advisor who works for me and they certainly, as I said to the Committee, Ms Fovargue, do not get held up by the special advisor.

James Crawford: On the Justice Secretary's side, special advisors will see the vast majority of questions unless it is a disproportionate cost answer, for example, or it is just referring to previously available information. If there is new information in a question the Justice Secretary asks special advisors to look at those questions in draft.

Yvonne Fovargue: Did you not look at whether somewhere like the Department for Education have improved their procedure to see if you do proportionately more and what you can do about that?

James Crawford: We have had discussions with other departments. I understand it is quite common practice across those departments that special advisors or advisors in the case of the Department for Education do see a high proportion of drafts. I think that is not uncommon across Whitehall.

Q47 Martin Vickers: Before I go to what I was going to ask can I just follow up Mr Nuttall's question? Minister, you said a few minutes ago that with statistics now you know how many prisoners there are at virtually any one time. Our constituents will be astounded that after four months we do not know how many have absconded. Mr Crawford said it is a complex situation and we have to collect data. Surely each of our prisons, detention centres and whatever knows how many people have absconded and surely there is a record of who has been recaptured.

Simon Hughes: With respect, Chairman, the question Mr Nuttall read out was not only asking for that information. It was asking what the conviction was and some other information. Of course we have a figure as to how many people have absconded, how many people, have been convicted, how many people have been admitted to prison, how many people have been discharged. Of course we have that information.

Q48 Martin Vickers: Are you able to say today, as you can say how many prisoners there are, at least part of the answer, how many people are on the run at the moment?

Simon Hughes: I do not have that figure here. I could say today I have that information in my office. I did not come here with that information in front of me.

Q49 Martin Vickers: That could be helpful.

Simon Hughes: That could be given, of course.

Q50 Martin Vickers: I think that would be helpful. Just returning to some earlier questioning about the context and the cultural change that is required, in a letter to you, Mr Chairman, dated 12 November last year, the Lord Chancellor said, "Workshops for senior civil servants are taking place to ensure the alignment with Ministry routine requirements". But the present Secretary of State has been in post just around two years. Coming up to a year ago special workshops were taking place, another year on there are still problems with getting the context and the cultural change right. How long is this going to take?

Simon Hughes: Can I deal with that first? I hope I have indicated by the statistics this year that there is significant improvement and that is why, Chairman, if I can say so, I was slightly troubled if you thought I was not both giving accurate and full answers, but also indicating there has been a significant, substantial, sustained improvement in the last year, as you would expect.

Q51 Chair: The only reason you are constrained is, as you rightly identified, that you have been in position for two months. Is it two?

Simon Hughes: No, for 10 months.

Q52 Chair: Ten months, so a lot of this process started before you arrived. This is not a personal attack on you in any way.

Simon Hughes: Of course. I was just trying to make the point that I can assert categorically that the figures are significantly better. I hope that is clear and I am happy to share with you week by week what they have been. We have the same ambition as you have. I have no wish at the end of the session for them not to be back at 80% to 90%, which is where you want them to be. Happily we will supply any further information the Committee wants that I do not have with me that will answer any colleagues' questions.

Q53 Martin Vickers: The essence of the question, Chairman, is how much longer do we have to wait before the cultural change and the necessary training has been completed.

Simon Hughes: It has happened. It has been done.

Q54 Martin Vickers: But clearly from your earlier answers it was explained to us this has been the problem and is still the problem. Are you saying, Minister, there is not now a problem and that you are satisfied that there has been the necessary training and so on and all answers are now in context?

Simon Hughes: Yes. Training is ongoing, of course, because people come in and out of the department and in and out of the civil service and in and out of their jobs. But, no, the team, up to 200, have been trained. There are extra people who have been brought on board. We have a new IT system that has worked from the beginning of September. I am absolutely not saying to the Committee we are still training our team to do it better. I am saying we are now in a position to do it as well as the Committee would expect. That is evidenced by what we have been doing. There are some backlog cases and Mr Nuttall identified one, and there are some others that distort, as you all know, the figures and give us a worse percentage score. Most of the late replies are a day or two late rather than a week late or a month late. It certainly was my requirement to colleagues when I knew you had asked someone to come before the Committee to make sure we looked at the oldest, we sorted out the oldest, we answered the oldest cases and it is still not acceptable that we have not answered questions from July. I will take away a reinforced view that we absolutely have to give every bit of information, even if it is not as perfect as some people in the department might wish.

Q55 Thomas Docherty: I think we would be interested to hear the answer to the question to Mr Davis frankly. Minister, by your own statistics two-thirds of questions that are currently in the department are late, overdue, call it what you want. That does not suggest to me, even with your battery of civil servants sitting behind you, that you frankly have a grip, as a ministerial team, of the situation. But I am genuinely troubled by the fact that the response to Phillip Davis' issue is, "We recognise it is a problem and we will get round to it". The fact that you cannot even today say, "Mr Nuttall, I promise you that by"—you clearly knew this was coming up, Minister, because you had the question to hand. Frankly, Mr Crawforth, your answers were, "We realise there is a problem," but you have not said how you are fixing it. Can you guarantee to this Committee that before the House rises on Friday, at the end of this parliamentary week, Mr Davis will have an answer to his question?

Simon Hughes: I will do the very best I can to make sure he has. Can I just amplify? I was not at all saying I am satisfied with the performance and I hope I was clear that I gave the figures about this week and it is right that currently two-thirds of the ones in the system are a day or more late but I also gave the figures to show week by week we are on 60% at least in terms of timeliness. Two-thirds are being answered on time at the moment this week so far. This week we have slipped behind but by the end of this week I would hope we would be back to that at least.

The answer to your question, Mr Docherty, is that it seems to me the obligation is to answer the oldest questions now most quickly, as it has always been. As of last week when I first started going into the detail ahead of your Committee it was not Mr Davis' question that was the oldest, it was another question that was the oldest. There will always be an oldest question and there will probably always be in any department some that are out of date, because no department gets 100%. There will always be something that is the oldest. I will take away—

Thomas Docherty: The Leader of the House has a 100% response rate.

Simon Hughes: I am sorry. I did not mean to misrepresent that.

Chair: The Department of Health is 99%, almost 100%.

Q56 Mr Nuttall: Can we deal with the way some questions are answered? It seems to me that in addition to putting helpful comments on to factual answers, which seems to be happening, two other mechanisms are used by departments, not just exclusively at the Ministry of Justice, I have to say. One is that Ministers will write to the Member, and I have heard, Minister, you have said you are trying to get away from that, which is a good thing. The other thing is Members are written to and told that the information will be placed in the Library. This is a common response to many questions. Is that right?

Simon Hughes: My understanding is, and I stand to be corrected, that, "I will write to the Honourable Member" is the indication that what then happens is it goes into the Library. There is only one parliamentary answer to that question. If the question is a, "I will write" rather than, "I am giving you the information now", then the letter goes both to the Member and into the Library.

Q57 Mr Nuttall: The difficulty with that it seems is that in Hansard it just gets the basic answer of, "I will write" and if nobody bothers to chase up into the Library, so the information sought gets lost in time. In parliamentary question 209236 placed by the Honourable Member for Shipley he asked about the written questions tabled by him that were answered with a promise to place information in the Library. My own view is that the answer that was given did not answer his question, because he asked about information has (a) been put in the Library and (b) not been placed in the Library. For some reason the department was not able to do that. They just said, "It has all been placed in the Library," but the shocking thing was the amount: 11 separate questions, some of which were multiple questions. There were probably over 20 questions where the information was put in the Library.

In answers, clearly your department realised there was a problem here because the answer contains the final sentence, "The department has put in place a robust system to keep track of commitments to place information in the library and ensure that this is done promptly in future". Firstly, that implies it has not been done promptly in the past, which is the clear conclusion to be drawn from that sentence. What is not clear is what the system before was. It does not seem to me that there was a system before, but if there was a system the Committee would be interested to know what it was, and what does the new robust system look like?

Simon Hughes: Can I deal with the figures and then ask Mr Crawforth to deal with the system? I am very clear, and it is perfectly properly a matter for your Committee, Chairman, that this issue as to how people who are following our proceedings as well as colleagues can link letters written in answer to a question to the question and there should not be a treasure trail to try to look for an answer in the Library to try to tie it up with a question. I undertake on behalf of the department to make sure we do our bit to make sure that is an easy system for everybody including the public. The answer factually is in this session since June there have been 20 "I will write" answers sent to Members and there are currently 25 "I will write" responses in the department. I will ask Mr Crawforth if he can to tell the Committee about any change in the system of monitoring and tracking those, but certainly they are in the mechanical system, in the IT system that came into force at the beginning of September.

James Crawforth: That is right. There are 20 we have done this session so it is not a high proportion of almost 1,000 questions we have received so far this session. It is only 20 we have used that on. The system is very simple. We just keep a spreadsheet to make sure that whenever a question is answered in that way we then have a clear sense of who is following up on that, which team in the department will provide an answer and we make sure we review that so that we can chase for a prompt response.

Q58 Mr Nuttall: I have two other questions. One is very quick and very easy. I have a letter from the Parliamentary Under-Secretary of State for Justice that has not been signed. I hope that is not indicative of the fact it has not been seen by the Parliamentary Under-Secretary, the Member for Kenilworth, I think. I am not certain about that. Presumably they all do go to the Minister.

Simon Hughes: Yes. I am sure that was an accident. If you let us have details, I will refer to my colleague and make sure that is corrected.

Q59 Mr Nuttall: Very finally, the letter from the Secretary of State for Justice to the Committee referred to the fact that, and I quote, "Further changes will be introduced to continue to ensure high quality answers". That implies the existing system provides high quality answers but leaving that aside, could either the Minister or the civil servant explain to the Committee what these further changes are and how near are we to them being introduced and implemented?

James Crawford: The Minister explained that we were introducing a new IT system that went live in September so that is continuing to be rolled out. We are also continuing to run workshops for senior civil servants and more junior staff in the department who answer the questions to make sure the training is embedded right across the department. We are doing two of those workshops every month between now and May next year and will continue to do that.

Q60 Jacob Rees-Mogg: I am going to cheat because I have two final questions. The first is very simple and goes back to the special advisor issue that has come up once or twice. Were the questions being passed through special advisors under the old regime or is that something that has happened since the new Secretary of State took office? I am trying to understand whether that is one of the causes of the delay?

James Crawford: It is before my time in the role but I understand they were but perhaps not in the same proportion.

Q61 Jacob Rees-Mogg: The same question and the one I think is more important is that ministerial accountability to Parliament is perhaps the most important part of a Minister's job. There were 3,087 questions asked in the 2013-14 session, averaging out at about 12 per working day. There are five Commons Ministers in the Ministry, so let us take out the Secretary of State because he is very busy. Four other Ministers: that is three per day per Minister. They could write out the answers with a quill pen and get them turned round. I am quite good on quill pens. They could get them turned round in the period available for a named day answer. I just wonder, we get all this talk about IT systems and so on and so forth, but is it not a question of priorities and if the Ministers are really saying, "Come on, Mr Crawford, I want my answer now," it is up to the Ministers to make sure that happens and it will happen because it is only three per day per Minister.

Simon Hughes: I agree absolutely with the assertion as to its priority. There are ways we are accountable and one of them is through written answers and answering letters to parliamentary colleagues, and I can assure Mr Rees-Mogg and you, Chairman of the Committee, that when a parliamentary answer arrives in my office it is given to me at the next

available moment, it is put at the top of any other things I have to do and it is the thing I regard as the most immediate task, subject to something that is inescapable for a minute or two. That is taken seriously and that is understood. There has been a problem of it getting from the system to the Minister's desk, but I do not think any Minister is now unaware of their duty. I am very happy to supply information in whatever form, Chairman, you and your colleagues want. You will see that we have taken the rebuke seriously. We should not have needed to be rebuked and we were not needed to be rebuked. We were on the case before the Committee wanted to hear from us. But I hope we will be in a position where none of your colleagues will have cause for complaint that we are not prioritising answers for the reason Mr Rees-Mogg gave.

Q62 Chair: I would like to thank our two guests for maintaining their good humour throughout the session. I did give you fair warning that it was probably going to be testing at times. I am fairly confident, in fact I am very confident that both of you work extremely hard to do right by members of Parliament. As my colleague said, Mr Rees-Mogg, parliamentary accountability is critically important and is the cornerstone of our democracy and I thank you very much for the time you have given the Committee and the clear preparation you undertook before coming here. Thank you very much, Minister. Thank you very much, Mr Crowthorn.

Simon Hughes: May I leave the guidance as promised, Chairman?

Chair: You can. Thank you.