

SIR CHRISTOPHER CHOPE, OBE, MP.



HOUSE OF COMMONS

LONDON SW1A 0AA

The Rt Hon Dame Karen Bradley MP  
Chairman  
Procedure Committee  
House of Commons  
London SW1A 0AA

14<sup>th</sup> April 2024

*Dear Karen,*

I shall be grateful if you can include the issue raised in this letter in our Committee's scrutiny of the Government's performance on written Parliamentary questions.

The issue concerns the increasing failure by Ministers to comply with Cabinet Office guidance on Parliamentary questions and, in particular, the ruling of the Speaker on 4<sup>th</sup> November 2010. This is replicated in paragraph 22.23 of Erskine May and requires that replies to Parliamentary questions should be 'helpful and clear and not simply refer to material on an official website'.

I set out below two recent specific examples which illustrate the nature of the problem. They both relate to 2024. The first is WPQ 19765 in which I asked the Justice Secretary 'how many a) prosecutions and b) convictions there have been in Greater London for (i) dangerous cycling in contravention of Section 28, (ii) careless and inconsiderate cycling in contravention of Section 29 and (iii) cycling when under the influence of drink or drugs in contravention of Section 30 of the Road Traffic Act 1988 in each of the last three years for which information is available'.

The Minister replied as follows :- 'The Ministry of Justice publishes information on the number of prosecutions and convictions in England and Wales for the following offences – 13711 reckless and dangerous driving by pedal cyclists, 13712 careless driving by pedal cyclists and 13713 pedal cyclists driving under the influence of drink or drugs'. The Minister went on to say 'These can be accessed by navigating to the 'Prosecutions and Convictions' tab and using the HO offence code filter to select the above offences in the Outcomes by Offence data tool. The Police Force area filter enables you to select specific cases in this case select 'Metropolitan' '.

Having experienced difficulties in trying to access the information, I sought the advice of the magnificent House of Commons Library. One of the issues was that the amount of data was too large for my computer to be able to download it. The Senior Library Clerk who responded helpfully tabulated the details which I had requested in my Parliamentary question.

She added this information :-

'It took me less than five minutes to retrieve the data and a further ten minutes to put it into a table, which requires some decision-making about how to present it. I am very familiar with this dataset and am an experienced user of it, which is why it takes me relatively little time to extract data.

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I am also using a high-spec laptop which we in the Library's Statistics Sections are given so that we can work with datasets of this size. The fact that the file fails to open on a lower spec computer is clearly a barrier to it being used by non-specialists. I also think that, despite the fairly detailed instructions given, it would not necessarily be obvious to a non-specialist how to open this dataset even if it did open. For example, the instructions are to select these offences using the 'HO offence code' filter but what is not mentioned is that this can only be done if one first ticks a box which says 'Select multiple items'. The instructions, if followed successfully, also only produce a table showing the combined total for these three offences. To view the data for each offence individually, further steps must be taken which I don't think would be intuitive to a less experienced user'. The Senior Library Clerk concludes by saying, 'I expect it would take the statisticians at the MoJ the same length of time, or less, as it took me to extract this data'.

This example brilliantly demonstrates the unacceptability of Ministerial responses being given in such a form. Not only was I unable to access the information in time for a debate in which I was participating but no third party member of the public would have been able to see it, thereby negating the whole purpose of Parliamentary questions to facilitate public scrutiny and debate of Government policy. Finally, and ironically, presumably the Minister responding would have wished to know the substance of the answer and would, therefore, have received the actual information in the background briefing before signing-off the answer. It would have been so easy for this to be shared with me and the wider public 'on the record'.

The second example relates to the Treasury's answer to WPQ 12498 of 1<sup>st</sup> February 2024 in which I asked the Chancellor of the Exchequer 'How many public sector exit payments were made in excess of £95,000 in the financial years ending 31 March (a) 2017 (b) 2018 (c) 2019 (d) 2020 (e) 2021 (f) 2022 and (g) 2023; and what the total cost was of those payments in each of those years'.

The response from Laura Trott on 6<sup>th</sup> February was :-

'Information on the number and costs of exit payments over £100,000 is published in the Whole of Government Accounts'.

I then sought the help of the Library requesting links to the Whole of Government Accounts. The Library provided information that data on exit packages across central and local government is available on page 92 of the Whole of Government Accounts year ended 31 March 2018, on page 114 for those for the years ended 31 March 2019, on page 136 for those for the year ended 31 March 2020. Information for 2019/20 and 2020/21 is available on pages 162-163 of the accounts for the year ended 31 March 2021. Contrary to the implication of Laura Trott's response, the Whole of Government Accounts for the financial years ending 2022 and 2023 have not yet been published and will not be until July 2024 and July 2025. I, therefore, asked a pursuant question 15007 seeking the information requested for those years to which Laura Trott's response was as follows :-

'The Whole of Government Accounts' provide the most complete overview of exit payments in any given year. In advance of them, reference can be made to individual departments Annual Report and Accounts, where information on the usage of exit payments for the financial years 2021/22 and 2022/23 is available. These can be found online using the following link :-

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### Annual Report and Accounts for Central Government Departments

Data on exit payments made by Local Authorities between 2014 and 2023 is available under the heading 'exit payments' using the following link: Statistical Data Sets Local Government Finance'.

Following this further, most unhelpful response I again sought the help of the Library requesting the collation of data from annual reports and accounts on the number of exit payments above £100,000. Another Senior Library Clerk provided me with a table setting out the data that he had collected with the caveat that he could not guarantee that the figures would necessarily be entirely comparable with those provided from the Whole of Government Accounts for the previous years. His table shows, inter alia, that for the financial year 2022/23 there were 726 central government exit packages over £100,000, 77 of which were in respect of compulsory redundancies.

When the Public Sector Exit Payments legislation in 2016 was being discussed in Parliament, the Government was able to provide up to date information of the costs to the public purse which were giving rise to the need for a policy change. Presumably the sources of information have not changed in the last ten years. What has happened, however, is that easy access to the information available in 2016 is no longer being provided by the Government in response to Parliamentary questions. As a result, the Government has been able to frustrate attempts to establish the facts which are that over £2 billion has been spent on public sector exit payments since 2016. Because the legislation outlawing such payments has not yet been implemented, that information may be embarrassing to the Government. But it should not be a justification for refusing to give 'helpful and clear replies to Parliamentary questions' on the subject.

I have several examples from other Departments including the Department of Health to which I can draw the Committee's attention should it so wish.

Yours ever,

CHRISTOPHER CHOPE