



Procedure Committee

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From Rt Hon Karen Bradley MP, Chair

Rt Hon Jacob Rees-Mogg MP

Leader of the House of Commons

10 November 2021

Dear Jacob

In our first report of the Session on written parliamentary questions, the Committee undertook to reviewing the relevant section of the Guide to Parliamentary Work and making recommendations for its revision and improvement. The Committee considered the Guide its meeting on Monday 25 October. We believe that the Guide would benefit from strengthening and clarification in the following areas:

1. Clearer statement of the principle of ministerial accountability to Parliament

Paragraph 132 refers to the Ministerial Code; we believe the Guide should directly quote the relevant sections of the Code, specifically paras 1.3(b) and (d):

(b) Ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their departments and agencies;

[...]

(d) Ministers should be as open as possible with Parliament and the public, refusing to provide information only when disclosure would not be in the public interest, which should be decided in accordance with the relevant statutes and the Freedom of Information Act 2000;

2. Interaction with the Freedom of Information Act 2000

Ministerial accountability through WPQs pre-dates Freedom of Information and, while we recognise that the two systems sit alongside each other, we are concerned that FOI practice within departments may be inhibiting the openness of answers to WPQs. ***We request sight of the guidance referred to in paragraph 165 of the Guide.***

We also note that in many cases, Members will indeed be seeking the release of information not normally or already disclosed. Ministers should give careful

consideration to the balance between any genuine public interest in not disclosing information and the principle of Ministerial accountability to Parliament. ***The fact that information is not already in the public domain should not inhibit its release through an answer to a written parliamentary question: this should be made clear in the Guide.***

3. Reference to published material

Paragraph 156 of the Guide instructs officials to ensure that answers which refer to material which is already in the public domain is clear and direct. In some of the cases raised by Members with the Committee, we have seen evidence that this is not always happening, with references to information being “on gov.uk”. ***Answers which refer to material already published by the Government should clearly state the answer to the question and make clear where precisely the information is routinely published.***

4. Disproportionate cost

Paragraph 153 notes that the disproportionate cost threshold is advisory, and not a barrier to a question being answered.

The disproportionate cost threshold should:

- ***Have a standard methodology applied for its calculation;***
- ***Be recalculated to allow for an appropriate measure of inflation;***
- ***Be calculated only with regard to policy team time—it should not account for any central processing in parliamentary branches or Written PQ teams, or the time taken by Ministers or their advisers;***

A Written Statement should be made no later than 8 February 2022 covering the points above. A copy of any such calculation should be available on request.

Departments should consider the benefits of answering a question which although above the disproportionate cost threshold, could be retabled as multiple questions.

5. Arm’s-length bodies

Ever since the introduction of the ‘Next Steps Agencies’ in the late 1980s, backbench Members have been keen to ensure that ministerial accountability to Parliament is not weakened by the delegation of operational matters by central departments. Paragraph 162 notes the longstanding practice of an answer relating to the work of an arm’s-length body overseen by a Minister being answered by a letter from a representative of that body. This does not, however, alter the general principle Ministerial accountability for the work of arm’s-length bodies in the Commons. Paragraph 164 suggests that the position is different between the Commons and the Lords. ***We propose that paragraph***

164 is redrafted to remove any ambiguity relating to the accountability of Commons Ministers for the work of arm's-length bodies.

It may be helpful for answers provided by arm's-length bodies to have the relationship between the department and body briefly described in the text of an answer, especially where an ALB is a non-ministerial department.

6. Procedural basis for questions

While we note that the introduction to the Guide states that it is “not meant to be a comprehensive guide to Parliamentary practice and procedure”, we believe it omits key information which would be of benefit to officials preparing answers. The Guide should include information on:

The key difference between types of question, i.e. those which ‘seek information’ and those which ‘press for action’. This is a key distinction and not always recognised in answers.

The rules of order relating to written questions, which have developed slowly over time and represent a stable body of parliamentary practice. Officials should be encouraged to familiarise themselves with the relevant section of *Erskine May*, which is available online at <https://erskinemay.parliament.uk/browse/?part=3&chapter=22>.

7. Departmental guidance

As the Guide is clearly not the only guidance provided to civil servants and is itself quite high level, the Committee would welcome sight of other guidance provided by the Cabinet Office to departments, and copies of internal handling guidance, in order to ensure that it is consistent and accurate.

The Committee would appreciate your assistance in collating departmental guidance on the handling of WPQs.

I would be happy to meet you to discuss this letter and look forward to continuing to work together to strengthen this aspect of ministerial accountability to the House.

Yours sincerely



Rt Hon Karen Bradley MP