



**HANDLING CORRESPONDENCE FROM
MEMBERS OF PARLIAMENT,
MEMBERS OF THE HOUSE OF LORDS,
MEPs AND MEMBERS OF DEVOLVED
ASSEMBLIES:**

GUIDANCE FOR DEPARTMENTS

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HANDLING CORRESPONDENCE FROM MEMBERS OF PARLIAMENT AND PEERS:

GUIDANCE FOR DEPARTMENTS

INTRODUCTION

1. The Prime Minister has highlighted the importance he attaches to all correspondence being dealt with effectively and efficiently. Departments should ensure that the handling of all correspondence, including correspondence from members of the public and Members of Parliament and Peers, is given the highest priority.
2. The following guidance has been prepared by the Cabinet Office, in conjunction with other departments, for officials working in Ministerial Correspondence Units or who otherwise routinely handle correspondence. Its purpose is to remind departments of the general principles they should follow when replying to correspondence from Members of both Houses. Examples of good practice can be found at Annex A. This replaces the guidance published in July 2000 and now contains more detailed guidance on the handling of transfers of correspondence between departments, cross-departmental correspondence and the resolving of disputes. It also provides guidance on the handling of correspondence from Members of the European Parliament (MEPs) and Members of the Devolved Legislatures.
3. The guidance should be used in conjunction with any internal guidance departments may produce for officials who regularly draft replies to such correspondence. The same principles apply to the handling of Peers' correspondence.
4. Any questions on the handling of correspondence should, in the first instance, be directed towards departments' own correspondence units. Any questions specifically on this Guidance should be addressed to the Cabinet Office, Propriety and Ethics Team, Room 118, 70 Whitehall, London SW1A 2AS (020 7276 2473).

FREEDOM OF INFORMATION (ACCESS TO INFORMATION)

5. The access to information provisions of the Freedom of Information (FOI) Act 2000 and the Environmental Information Regulations 2004 came into force on 1 January 2005. **All requests for information under the FOI Act including letters from MPs and Peers should be handled in accordance with the requirements of the Act.** Guidance for Departments on the handling of FOI requests is available separately at www.foi.gov.uk. Requests for environmental information should be treated in accordance with requirements of the Environmental Information Regulations (EIR) 2004, guidance on the handling of EIR requests can be obtained from the DEFRA website at www.defra.gov.uk/corporate/.opengov/eir/index.htm. **This guidance sets out the principles which should apply for non-FOI requests.**

6. Care should be taken when deciding whether correspondence requires an FOI or EIR response. It will not necessarily be appropriate to consider every request for information from a Member of Parliament or Peer as intended to engage the statutory framework. If you are in doubt you should seek guidance from your departmental FOI co-ordinator.
7. The performance on the handling of FOI and EIR requests will be recorded separately.

TARGETS

8. All departments should set targets for replying to correspondence from MPs. These targets (which may be different to the targets set for other types of correspondence) will be published in the annual correspondence report co-ordinated by the Cabinet Office. Individual departments' targets for routine correspondence from MPs should be a maximum of 20 working days. Departments should consider setting themselves more challenging targets. When calculating the target date for reply, the clock should start the day **after** (Day 1) the correspondence was received.
9. When calculating the response date for correspondence that has been transferred from another department, departments should treat such correspondence in the same way as correspondence sent direct from the MP, ie. the clock should start the day after it was received by the department that agreed to receive the transfer.
10. All correspondence should be replied to within target where possible. However, on occasions, for example due to the complicated nature of a case, it may not be possible to respond to each letter within departmental targets. Where this is the case, departments should continue to set strict targets and ensure all correspondence is responded to as quickly as possible, keeping the MP informed at all times.
11. Departments may also wish to set internal targets for improving their handling of MPs' correspondence. These targets may be set out in departments' Service Delivery Agreements (SDAs) or Public Service Agreements (PSAs).

“TREAT OFFICIALLY” CORRESPONDENCE

12. Although this guidance is primarily aimed at handling correspondence from MPs and Peers, departments should adhere to the principles set out in this guidance when handling correspondence from members of the public. Departments should publish their own detailed guidance for dealing with treat officially correspondence within their department. Departments should monitor and publish their performance in the handling of such correspondence on an annual basis.

MEMBERS OF PARLIAMENT (MPs)

SUBSTANTIVE REPLIES

13. The right of MPs to take up constituents' cases and other issues directly with Government is an important part of the democratic process and underlines the accountability of Ministers to Parliament. It is essential that MPs receive carefully considered and prompt responses to their enquiries. Every effort should be made to provide an MP with a substantive reply in good time.
14. A substantive reply is where the response answers all or most of the points or questions raised in any correspondence.
15. Departments must ensure that:
 - (i) **all replies to letters from MPs are of the highest quality – accurate, clear and helpful.**
 - (ii) **every effort is made to reply promptly and in line with departments' own published standards for answering ministerial correspondence.**
16. Replies to correspondence should be properly referenced. Where the incoming item of correspondence has a reference number, this must be quoted in the reply.
17. As a matter of course, replies should be sent to the originating office of the correspondence (ie either the Parliamentary or constituency office) unless indicated otherwise by the Member concerned.
18. Where an MP has included a constituent's details in their correspondence, Departments should refer to the constituent's full address (including postcode) in the reply. Officials should consider whether there is a need to consult with colleagues in other departments, Agencies or with officials in the devolved administrations, when drafting replies. Officials must ensure that any consultation does not breach the confidentiality of the MP, or those of his or her constituent.

'HOLDING' REPLIES

19. Where it is not possible to provide a full substantive reply within departmental targets, departments should issue a 'holding' reply.
20. 'Holding' replies should:
 - (i) apologise that it will not be possible to send a substantive reply within departmental targets; and
 - (ii) explain the reason(s) for the delay, set out the action that is being taken to answer the MP's enquiries; and tell the MP when he or she can expect a substantive reply.

21. 'Holding' replies should be used infrequently. Every effort must be made to reply to correspondence from MPs promptly and within the original deadline. A 'holding' reply will not count as a clearance of a case in respect of Departments' performance on handling correspondence. The original target date for reply will remain the same regardless of whether a holding reply is issued. Due to the complicated nature of some cases (eg a complex case about a Member's constituent) it may not always be possible to provide a substantive reply within department targets.

TRANSFERRING CORRESPONDENCE

22. There will be occasions where correspondence needs to be transferred to another department for substantive reply. However, correspondence should only be transferred after officials in the receiving department have agreed to accept the letter. Departments accepting transferred correspondence should let the sending department know as soon as possible. All transfers should be agreed within **3 working days** and the original correspondence transferred as soon as possible. Responsibility for all transfers lies with the transferring department until the transfer has been agreed. The MP should be informed about the transfer of his or her letter by the transferring department as soon as possible and the reason(s) for the transfer should be explained. This will help the offices of MPs when tracking the progress of their correspondence and in the allocation of future correspondence.
23. Correspondence from MPs (and others) to UK Ministers, which deals solely with devolved matters will normally be transferred to the appropriate devolved administration for substantive reply. Further guidance on handling correspondence on devolved matters and from members of devolved legislatures can be found in paragraphs 43-46 and on the DCA website at www.dca.gov.uk/constitution/devolution/guidance/dgn02.pdf. Officials should note that correspondence can only be transferred where this does not breach the confidentiality of the MP or those of his or her constituent.
24. Departments may wish to refer to the *List of Ministerial Responsibilities* and the *Civil Service Yearbook* for help in identifying the correct department to lead on a particular piece of correspondence. Copies of the *List of Ministerial Responsibilities* can be obtained from the Propriety and Ethics Team on 020 7276 2452 or accessed electronically at www.knowledgenetwork.gov.uk/elmr/minister.nsf allowing users to search for individual Ministerial responsibilities on-line.

CROSS-DEPARTMENTAL CORRESPONDENCE

25. MPs and Peers may write to any department raising a number of issues that fall within the remits of a number of other departments as well as their own. Where this is the case departments should, where possible and practical, co-ordinate a single response seeking contributions from other departments as necessary. Departments may find it helpful to use the attached proforma at Annex B when submitting requests for contributions. All contributions should be returned within **5**

working days of any request. If this is not possible because of the complicated nature of the issue (eg a case about an individual that may require additional research) departments should negotiate a realistic timescale to provide a contribution as soon as possible. Every effort should be made to ensure that the responding department is able to reply to the correspondence within their departmental target. To ensure accuracy, all contributions, where possible, should be signed off by the Head of Policy Team/Unit (Grade 7 level or equivalent). Cross-departmental correspondence should be subject to the same departmental response target as other correspondence.

26. Some MPs' letters may require significant research or expertise in another department. On these occasions it may be more appropriate for the department responsible for that issue to reply direct. Therefore, rather than co-ordinate a single reply, departments may judge that it is more appropriate to ask the department responsible to reply direct on that particular issue. The MP should be advised of this and kept informed at all times.
27. **Where departments have arranged a co-ordinated reply they should make clear in the final reply which Department/Minister is responsible for any issue that does not fall within their remit.**

DISPUTES

28. Occasionally disputes between departments may occur on who should handle certain correspondence where it is unclear which department has the lead policy responsibility. Where possible, disputes should be resolved by departmental correspondence units. If departmental correspondence units fail to resolve the dispute, they should raise the matter with the relevant Private Office, who should seek to resolve the dispute with the relevant office in the other department.
29. If disputes have not been resolved **within 5 working days** the department that originally received the correspondence should draft the response consulting other departments as necessary. Ministers should sign off letters in such cases even if the matter is not strictly a matter for their department. When providing drafts for the Minister's signature in cases where ownership has been disputed, a background note should be attached setting out the reasons why the Minister should sign the reply and from where advice has been sought.

SIGNATURES/DUTY MINISTERS

30. **As a rule all correspondence to Ministers from MPs should be signed off at an appropriate Ministerial level.** Where an MP has written about the day to day operations of an Executive Agency or NDPB, Ministers may authorise the appropriate Chief Executive to reply. Further guidance on the handling of correspondence that relates to Public Bodies can be obtained at www.civilservice.gov.uk/improving_services/agencies_and_public_bodies/publications/doc/NDPB-guide_2004/j_policy.doc. This apart, official replies to letters from MPs should only be authorised in exceptional circumstances, for example, when dealing with thousands of letters on the same issue which would lead to a significant improvement in departmental performance handling.

31. By convention, all correspondence to Cabinet Ministers (ie Secretaries of State) from Privy Counsellors should be signed off by fellow Privy Counsellors (ie Ministers who are Privy Counsellors, normally Cabinet Ministers) unless a Privy Counsellor has addressed his or her letter to a Minister who is not a Privy Counsellor.
32. The Prime Minister has made it clear that Ministers are responsible for ensuring correspondence is signed off within departmental targets. Where the appropriate Minister is unavailable to sign off correspondence because of absence, departments should consider making arrangements for the Duty Minister to sign in his or her absence.

CONFIDENTIALITY

33. MPs may write to departments about personal matters relating to their constituents and/or attaching confidential information that relates to them or other matters. Where this is the case departments should treat correspondence with great care to ensure that confidentiality is not broken. Only those who have a direct policy interest should have access to the papers/information and account should be taken of the basis on which the confidential information was provided. If there is any doubt, the MP should be consulted about any areas of difficulty that may arise. Departments should also consider the requirements of the Data Protection Act 1998 in handling and disclosing personal information.

CAMPAIGN LETTERS

34. MPs may write to departments as part of a larger policy campaign. Due to the differing nature of campaigns, exact advice on how to respond to letters cannot be given. However, departments should remember that all types of correspondence from MPs should be treated equally and any response should be sent within departmental targets. Departments will wish to consider the use of a formulated standard reply when responding to campaign letters on a particular subject.

E-MAIL CORRESPONDENCE

35. Some MPs prefer to correspond by e-mail. Departments should ensure systems are in place for those MPs who wish to do so. This may include the setting up of e-mail accounts and relevant electronic tracking systems. Departments should ensure systems are robust enough to cope with any increase in e-mail correspondence. Replies should be in the form of an e-mail or in the form requested by the MP unless it is more convenient to write to the Member concerned, for example, if there are various attachments. If replying by e-mail, departments should consider sending a hard copy in addition to any e-mail response.
36. Although e-mails may be generally dealt with more quickly than formal written correspondence, departments should not give priority to e-mails above formal

written correspondence. E-mails should be treated and monitored in the same way and subject to the same response targets as formal written correspondence.

37. MPs who send e-mails direct to officials should not expect a Ministerial reply. Therefore, officials may, depending on the nature of the case, respond on the Minister's behalf checking with Private Offices that they are content with the proposed response. Departments will need to judge when it is desirable to bring such e-mails to the attention of Private Offices and Ministers.
38. Departments should also refer to 'Guidance and Protocol on the handling of E-Mails' issued by the Cabinet Office in 2004. The guidance can be obtained at www.dca.gov.uk/rights/dca/inforeleased/email.pdf

MEMBERS OF THE HOUSE OF LORDS (PEERS)

39. Departments should apply the same principles and standards set out above when dealing with correspondence from Peers.

MEMBERS OF THE EUROPEAN PARLIAMENT (MEPs)

40. Correspondence from MEPs should receive an appropriate Ministerial reply and be handled using the same care and attention as for MPs' correspondence taking into account the same response targets.
41. Because of the distance involved, it is difficult for MEPs to have regular contact with Ministers. Therefore officials should not feel inhibited about replying if they are approached directly by MEPs. As with written briefing, however, officials should consult Ministers about the terms of a reply. The FCO Consular Division (Tel: 020 7008 4220) should be consulted on correspondence about consular cases. If an MEP requests briefing in preparation for an overseas visit, these should be given equal priority as similar requests from MPs.
42. Additional guidance on relations with MEPs, including guidance on the handling of constituency correspondence, is contained in *Relations with the European Parliament, Economic and Social Committee and the Committee of the Regions*. (Copies can be obtained from the European Secretariat, Cabinet Office, 020 7276 0141).

MEMBERS OF THE DEVOLVED LEGISLATURES

43. Members of the devolved administrations comprise members of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.
44. In a number of UK departments, Ministers have decided that all correspondence from members of the devolved administrations should receive a Ministerial reply. This is not a requirement: individual departmental Ministers will decide how correspondence addressed to their departments should be handled. They may, for example, authorise official replies on Agency business or routine enquiries.

However, in each case, departments must ensure that they have a clear and consistent policy which can be explained to Members.

45. When putting in place procedures for the handling of correspondence from members of the devolved administrations, departments should in particular note the following:
- (i) all correspondence to UK Ministers from Scottish, Welsh or Northern Ireland Ministers should receive a Ministerial reply;
 - (ii) all correspondence to UK Ministers from members of the devolved administrations who are also Privy Counsellors should receive a Ministerial reply. This should be from the Minister to whom the letter is addressed; and
 - (iii) all correspondence to UK Ministers from the First and Deputy First Ministers in Northern Ireland - in whatever context they are writing - should receive a Ministerial reply. Letters from the First and Deputy First Ministers in Northern Ireland should always be treated on an equal footing.
46. Additional guidance on handling correspondence from members of the devolved administrations, including guidance on the handling of constituency correspondence, can be found on the DCA website at www.dca.gov.uk/constitution/devolution/guidance/dqn02.pdf.

MONITORING AND THE ANNUAL REPORT

47. The Cabinet Office publishes an annual report detailing departmental performance in the handling of Members' correspondence. The Report includes details of:
- Departmental targets for replying to ministerial correspondence;
 - Volume of correspondence received (from MPs and Peers);
 - % of replies within targets.
48. Departments should ensure robust systems are in place to monitor the handling of correspondence for internal purposes and for the Cabinet Office annual report.
49. The annual report is based on substantive replies only. Therefore when compiling their annual return departments should not include details of acknowledgements, holding replies or correspondence that has been transferred to other departments.
50. Future annual reports will only include departmental performance on the handling of correspondence that is **not considered as an FOI request**. Therefore departments should only provide information on the handling of non-FOI requests when submitting their annual returns.

GOOD PRACTICE

GENERAL

- Departments should adhere to the principles contained in this guidance.
- Officials in departmental correspondence units should consider holding regular meetings and maintain regular contact with colleagues in other departmental correspondence units to gain a better idea of the workings of each department, to share 'best practice' and to gain knowledge of the policy areas covered. This will be of particular benefit when handling transfers and cross-departmental correspondence and in resolving disputes.

IMPROVING THE QUALITY OF REPLIES

- Each department should prepare their own internal guidance for officials on how to draft replies to correspondence. This might include templates, a list of "dos and don'ts" and guidance on the style which individual Ministers prefer. Departments should ensure that this guidance is disseminated to those who regularly draft correspondence and that it is easily accessible to all staff.

RAISING THE PROFILE OF CORRESPONDENCE HANDLING

- Staff should be regularly reminded of the importance that Ministers attach to correspondence handling through in-house seminars, workshops, staff magazines and office notices.

IMPROVING PERFORMANCE

- Each department should ensure that one Minister takes formal responsibility for correspondence issues and for overseeing performance. This will ensure that the pressure to improve performance is maintained.
- Each department should have effective systems in place to monitor and "chase" replies to Ministerial correspondence.
- When setting up new IT systems for processing/monitoring correspondence, departments should actively seek the advice of other departments and learn from their experiences. Departments should ensure that any system they adopt is compatible with other internal IT systems.
- Central correspondence units should seek to improve their working relationships with key policy units.

- Each department should produce regular internal statistics on the performance of individual business units/divisions. These could be used to produce "league tables" to identify the best - and worst - performers. In particular, these tables can be an important tool in identifying where additional resources might be needed to deal with a high pressure area where levels of correspondence are above the norm.
- Each department should adopt a proactive approach to correspondence handling. For example, departments could consider setting up dedicated central drafting teams to draft replies to Ministerial correspondence. Each department should also attempt to anticipate flows of correspondence and plan ahead. For example, if it can be predicted that a forthcoming policy announcement is likely to result in a substantial amount of correspondence, departments might consider asking Ministers to write to all MPs in a form which can be passed on direct to MPs' constituents (in an attempt to stem the amount of constituency correspondence from MPs coming into Ministers' offices).

SPEEDING UP THE PROCESS

- Departments should ensure that effective systems are in place when handling correspondence that needs to be transferred. Correspondence that a department plans to transfer should continue to be monitored until it has been accepted by the receiving department.
- Those officials tasked with chasing late replies should have the necessary authority to demand action where replies are not forthcoming.
- Each department should explore further the opportunities offered by new technologies to speed up their handling of MPs' correspondence.

PROFORMA FOR DEPARTMENTAL CONTRIBUTIONS

Department	
Topic/Subject Matter	
Text of Contribution (use continuation sheet if necessary)	
Drafting Official*	
Department	
Grade	
Contact No.	
E-Mail	

* must be at least Grade 7 level/team leader.

**Text of
Contribution
(cont'd)**