

Devolution Guidance Note 2

Handling Correspondence under Devolution

SUMMARY

- **This guidance sets out the general principles which should apply to all correspondence received by UK departments and provides particular guidance on the handling of correspondence from Members of the devolved legislatures.**
- **This guidance note covers:**
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Introduction

1. This guidance has been prepared for officials working in UK Government departments. It sets out the general principles which should apply to all correspondence received by UK departments and provides particular guidance on the handling of correspondence from Members of the devolved legislatures (MDLs).¹
2. This guidance should be read in parallel with *Guidance for Departments on the Handling of Ministerial and other Correspondence*² and *Handling Correspondence for Members of Parliament: Guidance for Departments* and also *Handling Correspondence for Members Of Parliament: Good Practice Guidance*.³ Officials should also familiarise themselves with the relevant sections of the overarching Memorandum of Understanding⁴ including the provisions on confidentiality, and associated guidance and with their own department's Concordats with the devolved administrations. Guidance on the handling of inter-Ministerial and inter-departmental correspondence (**Devolution Guidance Note 6**) is available.
3. Other queries on the handling of correspondence should, in the first instance, be directed towards departments' own correspondence units.

General Principles

4. The UK Government is committed to ensuring that the handling of correspondence – from whatever source - is given the highest priority. Westminster MPs, MDLs and members of the public can, therefore, expect a carefully considered and prompt response to their letters.
5. Officials dealing with correspondence will also need to consider their replies in light of the Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002 and the Codes of Practice which are made under them.
6. The responsibility for ensuring the proper and effective handling of correspondence rests ultimately with individual Ministers. Whilst all correspondence should be dealt with in line with the principles set out in this guidance, Ministers may reply substantively to any item of correspondence they receive.

Correspondence on non-devolved matters

7. UK departments will continue to receive a range of correspondence on non-devolved matters. When handling such correspondence, officials should ensure that all replies are of a high quality - accurate, clear and helpful. Any correspondence received from MDLs on non-devolved matters should be

¹ Member of Devolved Legislatures (MDLs) – used for convenience here to describe members of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

² Available at <http://www.cabinetoffice.gov.uk>

³ Available at <http://www.cabinetoffice.gov.uk>

⁴ Available at <http://www.justice.gov.uk/guidance/mou.htm>

replied to with the same care and attention as replies to letters from Westminster MPs (see paragraphs 15 - 21).

8. Correspondence addressed to a devolved administration which relates solely to a non-devolved matter will normally be transferred by the devolved administration to the appropriate UK department for substantive reply. The devolved administration will inform the correspondent that this is being done. At the same time, they will provide the correspondent and the appropriate UK department with any information which they are required to supply under their own codes of practice and/or legislation.
9. When drafting replies, officials should consider whether there is a need to consult colleagues in other UK departments - or officials in the devolved administrations.

Correspondence on devolved matters

10. Correspondence addressed to UK departments which deals solely with a devolved matter will normally be transferred to the appropriate devolved administration for substantive reply. This applies whether the correspondence is from a Westminster MP, a MDL or a member of the public. At the same time, the UK department will inform the correspondent and the appropriate devolved administration whether it holds any of the information requested and supply such information as may be required under the Freedom of Information Act 2000.
11. In line with best practice, correspondence should be transferred only after officials in the appropriate devolved administration have agreed to accept the letter. This should be done as swiftly as possible. The correspondent should then be informed immediately about the transfer of their correspondence and told why their letter has been passed to one of the devolved administrations (i.e. because the letter deals with matters which are the responsibility of Scottish Ministers, the Welsh Assembly Government or the Northern Ireland Executive). If possible, the correspondent should be given contact details of an official or section in the devolved administration to which their letter has been transferred.
12. When correspondence is received by a UK department which relates to both devolved and non-devolved matters, the appropriate UK department will normally reply only to those points which relate to non-devolved matters. In the meantime, the correspondence should be copied to the appropriate devolved administration for a reply to those points which fall to them for further action. The UK department and the devolved administration should send each other copies of their respective replies. In some cases, it may be appropriate for a UK department and a devolved administration to agree a single joint reply.
13. Correspondence can only be copied or transferred to a devolved administration where to do so would not breach the confidentiality of the individual correspondent's affairs. In cases of doubt, the correspondent should be invited to pursue the matter direct with the relevant devolved administration.

Handling correspondence from MDLs

14. Replies to correspondence from MDLs should be drafted with the same care and attention as replies to letters from Westminster MPs and MEPs. Letters from MDLs should be answered in line with departments' own published standards for answering correspondence.
15. In a number of UK departments, Ministers have decided that all correspondence from MDLs will 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 to MDLs 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 MDLs.
16. When putting in place procedures for the handling of correspondence from MDLs, departments should in particular note the following:
 - a. all correspondence to UK Ministers from Scottish, Welsh or Northern Ireland Ministers should receive a Ministerial reply;
 - b. all correspondence to UK Ministers from Privy Counsellors should receive a Ministerial reply. This should normally be from the Minister to whom the letter is addressed; and
 - c. all correspondence to UK Ministers from the First and deputy First Minister in Northern Ireland - in whatever context they are writing should receive a Ministerial reply. Departments should note that it is important that the First and deputy First Ministers in Northern Ireland are always treated on an equal footing.

Constituency Correspondence

17. Both MDLs and Westminster MPs represent constituencies and their interests will sometimes overlap. This can be sensitive for all concerned. The handling of correspondence on constituency cases should respect this.
18. The general expectation is that constituency correspondence on non-devolved matters should be routed through a Westminster MP, and constituency correspondence on devolved matters through an MDL (except, of course, in England where all constituency correspondence will come via a Westminster MP). Therefore, when an MDL takes up with UK Ministers on behalf of a constituent a case with some non-devolved content, the following principles should apply:
 - a. if the case contains both devolved and non-devolved aspects, the correspondence should be handled in line with the procedures set out at paragraph 13. The final reply might note the constituency interest of the Westminster MP;
 - b. if the case relates solely to non-devolved matters, departments will need to provide a substantive reply (see paragraphs 8 - 10). However, the final reply should make it clear to the MDL that it is the role of Westminster MPs to represent their constituents' interests on non-

devolved matters. The reply should urge the MDL, in future, to advise his or her constituents to refer such matters to their Westminster MP. Departments might consider using the following form of words:

"This issue relates to a matter which remains the responsibility of the Westminster Parliament and has not been devolved. I should be grateful if you would advise your constituent that any future correspondence on this issue (or on any other non-devolved matter) should be addressed to his or her Westminster MP."

19. Normally, constituency correspondence received from an MDL should not be copied to the constituent's Westminster MP without the constituent's agreement. However, where the correspondence raises policy matters, a UK Minister may judge it right to copy in the Westminster MP to make clear to him or her the general policy line being taken by the Government. In such cases, every care must be taken to ensure that there is no infringement of the constituent/MDL relationship.
20. Where a constituent has written to both a Westminster MP and MDL on non-devolved matters, and both letters have been forwarded to a UK Minister, a single reply can be sent to the Westminster MP and copied to the MDL.

Performance

21. Letters from Westminster MPs, MDLs and members of the public should be answered in line with departments' own published standards for answering correspondence. Under the Freedom of Information Act 2000, there is a statutory requirement to reply to correspondence within 20 days. Individual departments' targets for replying to correspondence should be no less stringent than this.
22. UK departments already monitor the volume of correspondence received from MPs and report annually on their performance in replying to such correspondence. Such targets are published in departments' Service Delivery Agreements. Since 1 July 1999, UK departments have also recorded separately all correspondence received from MDLs. There is no requirement for UK departments to report specifically on their performance in handling correspondence from MDLs although such correspondence should be included along with general correspondence in the annual return to Cabinet Office.

Greater London Authority

23. Correspondence from members of the Greater London Authority to UK Ministers can be replied to at official level in the same way as correspondence from local councillors (although some departments - particularly those with an interest in "London" issues such as transport or tourism - might wish to put in place special arrangements for handling correspondence from Authority members). Letters from the Mayor of London to UK Ministers should normally receive a Ministerial reply.

**Cabinet Office
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