

## **Guidance on drafting answers to parliamentary questions**

This guidance gives a list of points to be aware of when drafting answers to parliamentary questions.

1. Never forget Ministers' obligations to Parliament which are set out in the Ministerial Code:

**'It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister.'**

**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.'**

2. It is a civil servant's responsibility to Ministers to help them fulfil those obligations. It is the Minister's right and responsibility to decide how to do so. Ministers want to explain and present Government policy and actions in a positive light. Ministers will rightly expect a draft answer that does full justice to the Government's position.

3. Approach every question predisposed to give relevant information fully, as concisely as possible and in accordance with guidance on disproportionate cost. If there appears to be a conflict between the requirement to be as open as possible and the requirement to protect information whose disclosure would not be in the public interest, you should consult your FOI liaison officer if necessary.

4. Where information is being refused on the grounds of disproportionate cost, there should be a presumption that any of the requested information which is readily available should be provided. Find out more about web archiving at The National Archives.

5. Do not omit information sought merely because disclosure could lead to political embarrassment or administrative inconvenience.

6. Where there is a particularly fine balance between openness and non-disclosure, and when the draft answer takes the latter course, this should be explicitly drawn to the Minister's attention. Similarly, if it is proposed to reveal information of a sort which is not normally disclosed, this should be explicitly drawn to Ministers' attention. The Minister should also be advised of any relevant FOI cases which are under consideration which could impact on the way the PQ should be answered.

7. If you conclude that material information must be withheld and the PQ cannot be fully answered as a result, draft an answer which makes this clear and explains the reasons, such as disproportionate cost or the information not being available, or explains in terms similar to those in the Freedom of Information Act (without resorting to explicit reference to the Act itself or to section numbers) the reason for the refusal. For example, 'The release of this information would prejudice commercial interests'. Take care to avoid draft answers which are literally true but likely to give rise to misleading inferences.

8. Where an MP/Peer tables a question and has also submitted a separate request to the department under FOI, it is reasonable to reply in terms that the issue is currently under consideration. Once a decision has been reached, the MP/Peer should be informed of the answer and a copy of the letter placed in the Libraries of the House. Consideration should also be given to a written ministerial statement in both Houses.

9. Where a decision on an FOI case results in a change of policy and that information which was previously withheld is now being released, consideration should be given to informing both Houses, for example, through written ministerial statement.

10. PQs should be answered within the normal deadlines. In the House of Commons, a Named Day question should receive a substantive response on the day named and an Ordinary Written question should receive a substantive response within a working week of it being tabled. In the House of Lords, questions for Written Answer are expected to be answered within 14 days.  
**Consideration of a parallel FOI request is not a reason to delay an answer to a Parliamentary Question.**