

PARLIAMENTARY GUIDANCE NOTES – GUIDANCE FOR SCOTTISH GOVERNMENT OFFICIALS ON SCOTTISH PARLIAMENTARY QUESTIONS

FOR:

SG officials required to provide draft answers to questions lodged in the Parliament, or those seeking guidance on how to promote Inspired Questions.

KEY POINTS:

- This guidance provides background on the procedures for handling the 4 types of Parliamentary Question (PQ):
 - **Written;**
 - **Oral;** (topical, portfolio, general & FMQs)
 - **Government Initiated;**
 - **Urgent;** (oral).
- **PQs are one way Ministers meet their obligations to the Parliament as set out in the Scottish Ministerial Code.** The Code confirms Ministers' duty to be held to account; the importance of giving accurate and truthful information to the Parliament, and to be as open as possible.
- **It is a civil servant's responsibility to help Ministers to fulfil their obligations but ultimately it is the Minister's right and responsibility to decide how to do so. Care should be taken to avoid replies which are literally true but are likely to give rise to misleading inferences.**
- **Replies should be kept brief and to the point.** This is particularly the case for Oral replies. Answers should be no more than half a page.

CONTACTS:

[Redacted]

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INTRODUCTION

Purpose

1. This document provides guidance on the procedures for answering Parliamentary Questions (PQs) in the Scottish Parliament. It is intended to explain the Standing Orders of the Parliament in relation to the processing of PQs. This guidance will ensure MSPs receive prompt, accurate and helpful responses to PQs, whilst avoiding disproportionate burden on the Government, by effectively using the resources available when responding to MSP's questions.

2. In particular this guidance contains information on:

- I. The procedures in the Scottish Parliament and Government for tabling, processing and responding to written, oral and emergency questions;
- II. The use of standard responses to questions. For example:

- If a question relates to reserved matters or representations to the UK Government;
- Where information sought is already in the public domain;
- Where the question would be more appropriately directed to another body;
- Operational matters for which Agency Chief Executives are responsible

III. How and when to use Government Initiated questions

3. This guidance has been prepared following consultation between the Parliamentary Clerk, and the Parliament and Legislation Unit.

4. All PQs are allocated a unique number starting with the prefix which identifies the relevant Parliamentary session e.g. S3W indicates a PQ from the third session which was a written question. S5W is a written PQ from the 5th session and S5O is an oral PQ also from the 5th session.

5. Ministers are extremely grateful for the hard work that goes into dealing with PQs and are sympathetic to the pressures faced by officials. It is hoped that this guidance will help colleagues support ministerial accountability to the Parliament and the need for members to receive prompt responses to their questions.

Further Information

6. Further information and advice can be obtained from the Parliamentary Clerk's Office, contact details for which are on page 1 of this note.

TYPES OF PARLIAMENTARY QUESTION

7. There are 4 types of Parliamentary Question:

- **Written;**
- **Oral;** (topical, portfolio, general & FMQs)
- **Government Initiated;**
- **Urgent;** (oral).

8. The Written Question is by far the most common type, with Oral Questions being answered at one of the 4 Question Time sessions held each week in the Parliament Chamber.

Written Questions

9. There is no limit to the number of questions for written answer which may be lodged by an MSP. Such questions should normally be answered within 10 counting days (i.e. days when the Parliament's Chamber Desk is open, usually equivalent to working days) of the question being lodged. If an answer has not been approved by the 10th counting day, then a holding reply will automatically be issued by Parliamentary Clerk's Office and the substantive answer issued as soon as it has been cleared by Ministers. When a member requests an answer in a shorter timescale, this request will be relayed by the Parliamentary Clerk's Office to the ET programme Hub) and Ministerial Private Office.

10. Where questions are tabled while the Parliament is in Recess for more than 4 days, questions lodged during the 2 weeks before the start of Recess and during the period of Recess are allowed 20 counting days for answer. (*10 days for officials to draft a reply and 10 days for Ministers to consider the draft answers*).

11. All Written Questions (with the exception of those addressed to the Presiding Officer) will be addressed to the Scottish Government, including those questions which fall within the responsibility of the Lord Advocate or the Solicitor General for Scotland. The First Minister may answer a Written Question concerning a matter for which the First Minister is solely responsible¹. Only the Lord Advocate or the Solicitor General for Scotland may answer a Written Question concerning the operation of the systems of criminal prosecution and investigation of deaths in Scotland. Scottish Government Cabinet Secretaries and Ministers will answer other Written Questions. (See also paragraph 31 on allocation of questions to Ministers)

12. Written answers are published daily by the Parliament and can be found at:-

<http://www.parliament.scot/parliamentarybusiness/business-bulletin.aspx>

¹ Examples of this are uncommon, but include giving advice to The Queen, or involvement in the appointment of senior judges under the terms of the Scotland Act 1998.

13. The Parliament also publishes the answers in the weekly Written Answers Report (available at the site above).

Oral Questions

Topical Questions

14. Topical Question sessions take place each Tuesday when Parliament is sitting at around 2.05pm. Members are allowed to submit only one topical question and whether any topical questions are selected in any given week is entirely at the discretion of the Presiding Officer. The Topical Question session will last no longer than 15 minutes although the timing of Topicals is also at the discretion of the Presiding Officer.

15. The question/questions if any will be allocated to the ET Programme Hub around 3pm on the Monday (day before). This offers little time for officials to prepare and submit draft answers, but such timescales are inherent to this form of question which normally seeks to hold Ministers to account for high profile or fast moving issues.

16. The criteria used by the PO when considering a selection is:

- whether the subject has arisen since the Parliament last sat or there have been significant developments to a subject that has already been discussed;
- whether a question is, in fact, topical;
- duplication of oral questions answered in the last 7 days
- whether questions on the same issue have been lodged by a number of members.

17. To be Topical, questions should:

- clearly deal with a specific issue in relation to which there has been a recent development;
- address an issue of national relevance for which the Scottish Government has general responsibility;
- address a local issue, have a wider than local significance, e.g. relate to national policy, have an impact on the Scottish economy and have the potential to generate supplementary questions from other members;
- be accompanied by a note from the member providing background information on the question and its topicality.

18. To be topical, questions should not address an issue that has not yet been reported but which a member believes may become topical.

Portfolio Questions

19. Portfolio Questions take place each Wednesday when Parliament is sitting at around 2pm. There are 20 questions every week for a session covering a single portfolio and 10 when the session is covering 2 portfolios, e.g:

Week 1	Rural Economy and Connectivity 10 ; Environment, Climate Change and Land Reform 10
Week 2	Culture, Tourism and External Affairs 10; Justice and the Law Officers 10
Week 3	Education and Skills 20
Week 4	Health and Sport 20
Week 5	Communities, Social Security and Equalities 20
Week 6	Finance and the Constitution 10 ; Economy, Jobs and Fair Work 10

General Questions

20. General Question sessions take place each Thursday when Parliament is sitting and runs from 11.40am to 12.00 noon.

21. The format of this session enables any Member to lodge a question for answer by any portfolio minister.

First Minister's Questions

22. First Minister's Questions take place each Thursday when Parliament is sitting between 12 noon and 12.45pm where up to 9 questions are taken over the 45 minute period.

Oral Questions: Selection and process overview

23. The Parliament agreed new arrangements for oral questions in April 2005. MSPs' names, rather than questions, will be randomly selected. (*selection is carried out by computer*) Randomized selections of names will be made for general questions and for each portfolio. Members will be able to enter more than one of these selections, but a member's name, once selected, will be disregarded in the subsequent selections for the same week. Names for General Question Time will be selected first, followed by selections for each portfolio.

24. The list of questions selected for General and Portfolio Questions is circulated by the Parliamentary Clerks Office on the preceding Wednesday evening. The list for First Minister and Topical Questions is circulated on the preceding Monday. The questions are also published in the Business Bulletin (the daily list of Parliamentary business) on the Parliament's website at <http://www.parliament.scot/> both on the day after they are selected and then on the day the relevant question is to be answered.

25. An oral question concerning a matter for which the First Minister (FMQs) is alone responsible will normally be answered by the First Minister but may in exceptional circumstances, be answered by any other Scottish Government Minister.

26. An oral question concerning the operation of the systems of criminal prosecution and investigation of deaths in Scotland will normally be answered by the Lord Advocate or the Solicitor General for Scotland but also maybe answered by SG Minister. Other oral questions may be answered by any Cabinet Secretary or Minister.

27. On 13 January 2001, the then Presiding Officer ruled that-

“any question relating to a matter for which the First Minister is alone responsible, including questions relating to meetings held by the First Minister or visits undertaken by him, should be most appropriately directed to First Minister’s Question Time rather than Question Time. If Members seek to lodge such a question, they will be advised accordingly by the clerks.”

Answers and briefing for supplementaries (Q&A) for First Minister’s Questions should be with the relevant ET Programme Hub for forwarding to First Minister’s Office and Parliamentary Clerk by 2pm on Tuesday (or, if applicable, any alternative deadline set by DG offices).

Answers and briefing for supplementaries for Topical Questions should be with the ET Programme Hub by 9.30am on Tuesday.

Answers and briefing for supplementaries for General and Portfolio Questions should be with the ET Programme Hub for forwarding to the portfolio Minister’s Office by 2pm on Tuesday (or alternative deadline set by the Hub).

28. After General, Portfolio or First Minister Question Times, any questions which have not been answered orally (whether because of time or the absence of the relevant member from the Chamber will be treated as a written question by Parliamentary Clerk’s Office. The written answer will be issued on the same day and will appear in the Official Report (Written Answers Report) the following day.

29. Please note that Parly Clerks Office send copies of all Oral answers to the Official Report 5 minutes prior to the start of the relevant question time to check against delivery.

Government Initiated Questions (GIQs)

30. There are occasions when the most effective mechanism for the Government to bring a matter to the attention of the Parliament is by means of a Government Initiated Question (GIQ), which is always in the form of a written PQ. GIQs can be used for announcing new policy initiatives, new/additional funding, the outcome of a consultation exercise, the publication of a report etc. However, the alternatives (Ministerial statement or Ministerial speech in the Chamber, an existing PQ on the same subject) should be considered carefully before deciding on this mechanism.

GIQs can be used during Parliamentary recesses.

31. **Where a question on the same subject already exists**, consideration should be given to using that question to make the announcement, whether or not it is an Opposition question, instead of arranging a GIQ. Failing that, it is, of course, important to ensure that any other existing question on the same subject is answered on the same day as the GIQ. A full answer must be given - referring the member to the GIQ is not acceptable.

32. Where officials wish to propose the use of this mechanism, they should allow sufficient time for the preparation of the submission, approval by Cabinet Secretaries/Ministers, and co-ordination of the GIQ. Normally not less than 5 working days should be allowed between the date the submission is put to Ministers and the date on which the question is to be answered. Where a question is linked to a debate or statement, the question **MUST** be lodged in sufficient time to ensure that the answer is published in advance of the debate/statement. **Allow at least 20 to 30 minutes after the answer is issued before issuing any press release or interview.**

33. The submission should set out:

- the reasons for recommending the GIQ route
- the text of the proposed question and answer
- the timescale for Ministers to clear the draft question and answer (allowing Parliamentary Clerk at least 2 days to arrange for the GIQ to be tabled and answered)
- the draft text of any associated press release
- the preferred date and time for the GIQ to be answered (especially if linked to a launch event or press release)
- Details of any existing PQs on the same subject, including Opposition PQs, which should be answered on the same day as the GIQ.

34. The submission should be issued to-

The Minister* who has responsibility for the subject matter and the relevant Cabinet Secretary/Minister* - Required to clear the submission.

Copy for information to:

- First Minister
- Minister for Parliamentary Business
- Permanent Secretary
- PS/DG (and other Directorate General with an interest)
- ET Programme Hub
- Parliamentary Clerk
- Comms desk for relevant subject-matter
- Special advisers

35. Please note that * against the Cabinet Secretary/Minister, indicate that action is required by them to clear the GIQ submission before any GIQ can be progressed to the stage of being lodged. **Please ensure that the “for action” column on the copy list on the GIQ submission reflects which ministerial offices require to action the GIQ. Failure to do so may result in a delay to the GIQ issuing.**

36. The Parliamentary Clerk will arrange for the question to be lodged once it has been cleared by the Minister answering the question. The process for tabling a GIQ involves the Parliamentary Clerk obtaining email authorisation from an MSP to have the question tabled in their name. Suggestions from Ministers for a particular MSP to approach as a result of their known interest in the issue will be welcomed.

37. Friday is a “constituency day” for most MSPs and on Monday there is no parliamentary business, so MSPs tend not to be available. This means that it can be difficult to find an available MSP to sign the GIQ for lodging on these days. However, GIQs can be answered Monday to Friday but **they cannot be lodged and answered on the same day except in special circumstances**, e.g. if the announcement may have an effect on money markets. In these instances, permission to lodge and answer the GIQ on the same day must be sought from the Parliamentary Clerk, **[Redacted]**. GIQs are normally answered between 09:00 and 16:00 and can be answered outwith these times only if agreed, well in advance, with the Parliamentary Clerk. During recess periods the time period for answer is between 10am and 3pm.

38. Once authorisation has been given by an MSP and the GIQ is signed accordingly, the Parliamentary Clerk will lodge the GIQ with the Chamber Desk (which will circulate the GIQ to opposition party Business Managers) who then have to create the PQ template which is e-mailed to the ParlyClerk Scotland mailbox. The template is allocated to the appropriate Directorate General. The template should be allocated to the official by the ET Hub, as a matter of priority, for completion with the approved answer and then sent back to the Hub. (The ET Programme hub should check the answer before sending it to the Ministerial Private Office).

39. Once cleared by the Minister, a copy of the answered GIQ is automatically sent to the MSP asking the question, all other MSPs and other relevant parties (Private Office, Press Office and lead official) and press conferences/news releases/publication on website etc can then proceed.

40. Where a question is used to announce publication of a document, a Bib Number should be obtained from **[Redacted]** or by email (CollectionsTeam@parliament.scot), for the document, and this number quoted in the GIQ answer and 1 copy of the document must be forwarded to Parliamentary Clerk’s Office (Room T4.01, Scottish Parliament) to arrive in plenty of time before the GIQ is due to be answered. Once answered, the documents will be forwarded by Parliamentary Clerk’s Office to SPICe. However, **where a question is used to announce the laying of a document before Parliament**, in addition to liaising with the Parliamentary Clerk’s office, **[Redacted]** should be contacted for a laying number which should be quoted in the answer and to agree the arrangements for forwarding copies to SPICe.

(N.B. Van times between SG buildings and Holyrood should be checked and time allowed for the screening of all mail received in the Parliament building when planning sending copies of documents to Parliamentary Clerk's Office.)

Urgent Questions

41. Urgent Questions are oral questions which may be answered only on days when a full meeting of the Parliament is taking place. If a question is lodged before 10:00am on Tuesday, Wednesday or Thursday, members may request that it be answered that same day, whether or not Question Time has been scheduled for that day. If this is the case, the Parliament's Chamber Desk will forward a copy of the proposed urgent question to Minister for Parliamentary Business's office by 10.00am at the latest. They will then forward it to the First Minister, DFM and relevant Cabinet Secretary/Minister and DG to arrange briefing.

Procedure

42. The **procedure for urgent questions would be as follows:**

- A 10.00am deadline for urgent questions which, on lodging, must be accompanied by background information and a reason why a Member considers the question relevant for urgent answer.
- The PO will consider each question using the selection criteria (see below). If selected, the Parly Clerks will inform Private Offices and the PQ would be allocated in the usual way, with a clear indication of the deadline for reply.
- The Member whose question is selected will have an opportunity to ask the first supplementary question and any Member may, at the discretion of the PO, ask further supplementary questions.

43. Where an urgent question is selected, time allocated for the question would be at the PO's discretion and, wherever possible, this would be allocated from within the time available in that day's business programme. This will be discussed with office of the Minister for Parliamentary Business.

Selection criteria

44. **In making selection of an Urgent Question, the Presiding Officer will consider—**

- whether the subject has arisen since the Parliament last sat or there have been significant developments to a subject that has already been discussed;
- whether a question is, in fact, sufficiently urgent;
- duplication of questions already lodged or business to be debated in the chamber in the same week;
- duplication of oral questions answered in the last seven days;
- whether questions on the same issue have been lodged by a number of Members; and
- any other factors that the Presiding Officer considers appropriate.

45. **To be urgent, questions should—**

- clearly deal with a specific issue in relation to which there has been a recent development;
- address an issue of national relevance for which the Scottish Government has general responsibility;
- if addressing a local issue, have wider than local significance, e.g. relate to national policy or have an impact on the Scottish economy and have the potential to generate supplementary questions from other Members;
- be accompanied by a note from the Member providing background information on the question and its urgency to assist the Presiding Officer in making a selection; and
- not address an issue that has not yet been reported but which a Member believes may become urgent or an event that is scheduled but has not yet taken place.

46. **If the question is not accepted as an urgent question**, it may be accepted as an urgent constituency supplementary at First Minister's Questions. If neither of these options is agreed to, then no further action is required unless the member lodges the question as a normal written question in which case it will require to be answered within the usual timescale.

47. **Where the Presiding Officer decides to allow the question** then he will specify at what time the member will ask the question and the relevant DG office will be required to prepare full briefing for the portfolio Minister. After the question has been answered, the member may ask one supplementary question and any other member may, at the discretion of the Presiding Officer, ask further supplementary questions. (If the member who asked the question chooses not to ask the first supplementary question, any other member may do so, at the discretion of the Presiding Officer.) Supplementary questions must be on the same subject matter as the original question.

48. Unlike any other type of PQ, urgent questions are not allocated a unique PQ number or a unique template. However, once the question has been answered the answer will appear in the Official Report.

ADMINISTRATIVE HANDLING OF PQS

Admissibility

49. **Rules 13.3 and 13.4 of the Parliament's Standing Orders govern the admissibility of questions.** It is the responsibility of the Clerks in the Parliament's Chamber Desk to assess all proposed questions submitted by members against the admissibility criteria. Among other things, **questions must-**

- be brief, clearly worded, and address specific points;
- relate to a matter for which the First Minister, the Scottish Ministers or the Scottish Law Officers have general responsibility;
- be in English
- not contain offensive language;

- not express a point of view;
- not breach any enactment or rule of law or be contrary to the public interest;
- and
- not contravene the sub judice rule (Rule 7.5.1)

50. Questions will be inadmissible under Rule 13.4.1(b) if the information sought has been provided in response to a question lodged and answered in the previous six months (even if some, or all, of the previous six month period falls within an earlier Parliamentary session). A database is maintained by the Chamber Desk Clerks to enable checks to be undertaken under this 'six month' rule, but it is nevertheless possible that questions which should have been ruled inadmissible will get through. If so, the Parliamentary Clerk's Office should be contacted immediately on **[Redacted]**.

51. Questions are also inadmissible if they are not matters for which the Scottish Government has "general responsibility". Therefore, questions about matters that are clearly reserved, or which are the responsibility of private individuals or bodies or non-governmental organisations, will be inadmissible. Questions about the general policy relating to nationalised industries are admissible, but questions about privatised industries are admissible only to the extent that they deal with aspects over which the Government retain some degree of control – either financial control or rights conferred by a special shareholding or through a regulatory mechanism. Questions about local government or other public sector bodies are likely to be admissible, and guidance on handling of such questions is set out on page 13.

52. "General" responsibility does not exclude questions about detailed matters such as specific cases. So questions about an individual constituent's application for an agricultural subsidy are admissible as well as questions about the departmental policy by reference to which such applications are decided. However members seeking to lodge questions about detailed matters will be advised by the Chamber Desk Clerks to address the matter in other ways, such as by writing to the Scottish Government or by raising the issue in the context of a Member's Business Debate, but it is ultimately for the member to decide.

53. The wording of a question must not disclose any information which is protected by an interdict or court order (e.g. the identities of children in custody disputes) or which is commercially sensitive, confidential or the publication of which may cause personal distress or loss.

Handling of PQs in the Government

54. All questions assessed admissible by the Chamber Desk Clerks are sent to Parliamentary Clerk's Office who allocate the questions to the ET Programme Hub who are then responsible for allocating the question to the appropriate official. Draft answers should be returned to the Hub (within 5 counting days and 10 days during recess). The ET Programme Hub determine arrangements for drafting PQs, but answers will normally be prepared by officials in Bands B or C and cleared for forwarding by a member of the Senior Civil Service.

Allocation of Written Questions to Ministers

55. Apart from those questions which are specifically for the First Minister or the Law Officers, **it is for the Government to determine which Minister answers on behalf of the Scottish Government.** The official drafting the answer should suggest which Minister should answer and complete the appropriate field on the main page of the PQ tracker. Private Offices regularly circulate guidance on the split of portfolios between Cabinet Secretaries and Ministers.

Finding PQs

56. The Scottish Parliament website is a useful resource for researching replies to previous PQs.. Use the search facility at

<http://www.parliament.scot/parliamentarybusiness/28877.aspx>

57. You can find questions by searching for the question number or for particular words in the question or reply. There is also a more detailed search facility and a quick search on the Government's PQ Tracker.

PREPARATION OF ANSWERS

Introduction

58. The key statement of Ministers' obligations to the Parliament is set out in the Scottish Ministerial Code, which states-

"Ministers have a duty to the Parliament to account, and be held to account, for the policies, decisions and actions taken within their field of responsibility;"

"It is of paramount importance that Ministers give accurate and truthful information to the Parliament, correcting any inadvertent error at the earliest opportunity.

"Ministers should be as open as possible with the Parliament and the public, reflecting the aspirations set out in the Report of the Consultative Steering Group on the Scottish Parliament. They should refuse to provide information only in accordance with the Freedom of Information (Scotland) Act 2002 and other relevant statutes."

59. It is a civil servant's responsibility to help Ministers to fulfil their obligations but ultimately it is the Minister's right and responsibility to decide how to do so. Care should be taken to avoid replies which are literally true but are likely to give rise to misleading inferences.

60. Replies should be kept brief and to the point. This is particularly the case for Oral replies. Answers should be no more than half a page.

61. Where information is withheld and the PQ cannot be answered fully, this should be made clear in the reply. Information should not be omitted simply because disclosure could lead to political embarrassment or administrative inconvenience.

62. Where there is a particularly fine balance between the aim of openness and the need for non-disclosure and where the draft answer gives precedence to the latter - this should be explicitly drawn to the Minister's attention. Similarly, when the draft answer provides information of a sort which is not normally disclosed, this should be drawn to the Minister's attention.

Information already in the public domain

63. Members have a right to ask questions of the Government and to receive a response where the responsibility for the subject matter lies with the Government. However, they should be encouraged to use the Parliament's Reference Centre (SPICe) as the first point of reference when seeking information already in the public domain.

64. If the Question is seeking information which is contained in a Scottish Government publication, 1 copy of the document should already have been forwarded to the Parliamentary Clerk's Office (T4.01, Scottish Parliament) by the relevant policy team or the link given in the answer (see also guidance on Contacts with SPICe which can be found at:

<http://intranet/InExec/AboutUs/PermSec/GovernmentPublicAdmin/DevolvedAdministrations/Contacts-SPICe>).

65. Where the information is available on the Internet, the question can be answered by reference to the website address.

66. Where information is in the public domain, but is not in the exact form requested or is incomplete, the question should be answered by reference to the available information. The member concerned can then determine whether that is sufficient for his or her purposes.

Questions on Reserved Matters

67. Most Questions relating directly to reserved matters, for instance asking for a statement of the policy, or for information relating to reserved policy areas, should be ruled inadmissible by the Parliament's Chamber Desk Clerks. However some may slip through. If a Question seems to ask for information on an area which is wholly reserved, contact the Parliamentary Clerk's Office immediately and they will approach the Chamber Desk Clerks. The Clerks *may* then ask the member to withdraw the Question.

68. If the Question is not withdrawn, the reply should generally be drafted along the following lines, bringing to the attention of the Chamber Desk Clerks and the MSPs that future questions on this issue should not be accepted:

e.g. *"The Scottish Government has no functions in relation to [X]"*.

69. The general rule is that data is given only where this is held by the Government or Scottish Government agencies directly responsible to it, and issues of policy are discussed only where these fall within the responsibilities of the Scottish Ministers.

70. Particular cases which may cause difficulty are where functions are subject to executive devolution, agency arrangements or some other sort of interaction with the UK Government.

- **Where functions in reserved areas are subject to executive devolution to the Scottish Ministers**, the Scottish Ministers can answer about the exercise of these functions. Questions about primary legislation would still be a matter for the UK Government.
- **Where functions are exercisable concurrently by UK Ministers and the Scottish Ministers**, the Scottish Ministers can only answer for their exercise of the function.
- **In areas where the function is exercisable by one set of Ministers after consultation or agreement with the others**, the Scottish Ministers can only answer for their involvement in the exercise of the function.
- In some areas **agency arrangements** have been made between the UK Government and the Scottish Ministers. Such arrangements do not affect the primary responsibility for the exercise of the functions, so if a function of the Scottish Ministers is exercised on an agency basis by UK Ministers the Scottish Ministers should still answer questions about it.

Questions about Local Authorities, NHS bodies, and Non-Departmental Public Bodies or other information not held centrally

71. Rule 13.3.3 of the Standing Orders states that a Question must, among other things,

“relate to a matter for which the First Minister, the Scottish Ministers or the Scottish Law Officers have general responsibility”.

72. While subjects such as health or education fall within the general responsibility of the Scottish Ministers, “day-to-day” responsibility often lies with bodies such as local authorities or health boards². In general, preparation of answers should be based on the assumption that it is not appropriate for Ministers to answer for these bodies, unless the Government has a role (eg in setting policy or in collecting statistics centrally). Where the Government collects information centrally (e.g. number of hospital patients) it would be appropriate for the information to be provided in the answer. In many cases, such information will be in published form

² This may be the case, for example, where the body has functions conferred directly on it by statute or where health boards exercise functions on behalf of the Scottish Ministers.

and will already be in the public domain or available on the Internet, in which case the guidance at paragraphs 50 and 51 should be followed.

73. The Government should not be expected to undertake research on behalf of members or to seek information specifically from third parties simply to allow a PQ to be answered. Answers should be along the lines of:-

“This is a matter for [body or bodies]. The information requested is not held centrally.”

Questions Expressing a Point of View

74. Although the Standing Orders are intended to prevent questions which express a point of view, some questions may appear to argue for a particular course of action or imply criticism. Answers to such questions should be restricted to the provision of appropriate factual information, and should not attempt to enter into an argument or justification of the Government’s position.

Questions about Scottish Government Agencies

75. Where a question relates to operational matters, it should be referred to the relevant Chief Executive to prepare the substance of the response. The question should then be answered as set out below

I have asked [Name], [Chief Executive] of [Agency] to respond. His/her response is as follows:-

“Text of response”

Questions Already Answered or Multiple Questions

76. There have been a number of cases where Questions have been asked which are very similar or identical, to previous Questions and which should not have been allowed under the 6-month rule. The Parliamentary Clerk’s office will try to have such Questions withdrawn (and will make representation if the ET Programme Hub draw such Questions to its attention) but where such Questions are not withdrawn, the previously answered question (which will be available in the Written Answers Report) should be referred to as set out below:-

“I refer the member to the answer to question S5W-(reference number) on (date). All answers to written parliamentary questions are available on the Parliament’s website, the search facility for which can be found at <http://www.parliament.scot/parliamentarybusiness/28877.aspx>”

77. All questions answered in the Chamber during Question Time and First Minister’s Questions are published in the Official Report of the Meeting of the Parliament and should be referred to as follows:

“I refer the member to the answer to question S5[O/F/T]-[reference number] on [date] which is available on the Parliament’s website, the

search facility for which can be found at
<http://www.parliament.scot/parliamentarybusiness/ormain.aspx>

78. Members who have oral questions and First Minister's questions which are not reached during Question Time and First Minister's Questions are issued with a written answer, which is published in the Written Answers Report. These answers should be referred to as follows:

"I refer the member to the question S5[O/F]-[reference number] answered on [date] which is available on the Parliament's website, the search facility for which can be found at
<http://www.parliament.scot/parliamentarybusiness/28877.aspx>

79. Where several questions relate to the same matter, a full answer should be prepared to one of them and the answers to the others should simply refer to that answer using the formula above.

Disproportionate Cost

80. Some questions can be answered only by incurring very high costs in terms of official and Ministerial resources. The average cost of answering questions is £98.51. The disproportionate cost threshold remains at £600. The £600 guide should only be used to justify not providing information where the Minister concerned considers that provision of the information is not appropriate in all the circumstances (details of which should be included in the background note). In such cases, the answer should be along the lines: "The information requested could only be obtained at disproportionate cost."

81. Where information is available in the Government, but is not in the exact form requested or is incomplete, the question should be answered using the available information. The member concerned can then determine whether that is sufficient for his or her purposes.

Voluminous Answers

82. Where the answer to a question would be very long, e.g. if it contains a number of tables of statistics running to several pages, it may be more appropriate to respond briefly to the question and to place the detailed material in SPICe. Where this is done, the answer should indicate that the material is available in SPICe and provide a reference.

i.e. "Copies of the action plan are available from the Scottish Parliament Information Centre (Bib. number 42595)"

83. However, it should be noted that one disadvantage of this method is that the material is not readily available to those outwith the Parliament.

Bib numbers can be obtained from the Parliaments Information Centre/SPICE ext 85448 or by email CollectionsTeam@parliament.scot

Data Protection

84. The disclosure of personal data relating to an identifiable living individual in an answer to a parliamentary question may be inconsistent with the provisions of the Data Protection Act 1998. The Act came into force on 1 March 2000 and covers computerised and a limited range of manual records. The Act contains provisions which prohibit the disclosure of personal data to third parties except in certain circumstances. The advice of Solicitor's Office should be taken before personal information is disclosed in any answer. Guidance on the Data Protection Act 1998 is available on the Intranet at:

<http://intranet/content/corporate/guidance/information/openness/dataprotection/dpr-00.asp> .

References to Timescales

85. Questions regularly ask when a particular document will be published or in the answer to a question, reference is made to the pending publication of a document. Wherever possible, the publication date should be provided or if that has still to be approved, an indication of the timing e.g. later this month, by Easter, instead of "soon" as this may prompt further questions on exact timing.

Information not available by deadline

86. In the event that the information requested will not be available by the answer date, perhaps as a result of a policy decision still to be made or the collation of the relevant information, consideration should be given to providing a substantive answer to the question advising of the reason for delay in responding and that the Minister will write once the information is available. A Bib no. for the Minister's letter should be obtained from SPICe and inserted in the PQ answer and a copy of the Minister's letter should be placed in SPICe as soon as the information becomes available.

Bib numbers can be obtained from the Parliaments Information Centre/SPICE ext 85448 or by email CollectionsTeam@parliament.scot.

Example answer:

"The detailed information requested is currently being collated and I will write to the member as soon as the information is available and a copy will be placed in the Parliament's Reference Centre (Bib number xxxxx)."

CORRECTIONS

87. In the event that an error is discovered in a written answer (in response to a written or unreached oral question) after the answer has been cleared by the Minister and forwarded to the relevant member, the Parliamentary Clerk should be contacted immediately on **[Redacted]**. However, as incorrect answers create additional work and may cause embarrassment to the Government, extreme care should be taken when drafting answers and the answer checked before being forwarded to the ET Programme Hub for onward circulation.

88. When there is a need for a PQ answer to be corrected the following steps should be followed:

- The official should draft a letter, in the Minister's name, to the MSP explaining the change to the original PQ answer, attaching a copy of the revised PQ, checked by someone in their branch for accuracy, for the Minister's information.
- The official should then forward the new version of the PQ answer to the Party Clerks Office. The Minister will clear the letter and revised PQ and send to the MSP the Private Office will then send scanned copy to the Party Clerk who will then forward a copy to the Written Answer Report, which is the Parliament's Official record on their website, to correct the previously published PQ.

89. If an amendment is to be made to an Oral Question that has been taken in the Chamber the following steps must be made to make the correction widely known:-

- Relevant minister writes to the Presiding Officer and, where relevant, the member to whom the inaccurate information was originally given (for example, in answer to a question or a debate intervention) or the member who drew attention to the need for a correction;
Presiding.officer@parliament.scot
- place a copy of the correction in the SPICe library;
[\(collections.team@parliament.scot\)](mailto:collections.team@parliament.scot)
- Copy in the official.report@parliament.scot
- copy any correspondence to all business managers

James.Kelly.msp@parliament.scot
John.Lamont.msp@parliament.scot
mike.rumbles.msp@parliament.scot
patrick.harvie.msp@parliament.scot

CONTACTS

PARLIAMENTARY CLERK'S OFFICE

Room T4.01
The Scottish Parliament
Edinburgh

[Redacted]	Name	Ext

STYLE GUIDE FOR TABLES

Here is an example of a written answer containing a table with all the main points to look for when formatting answers.

SCOTTISH PARLIAMENT**WRITTEN ANSWER**

4 March 2008

Index Heading: Health and Wellbeing

Willie Coffey (Kilmarnock and Loudoun) (SNP): To ask the Scottish Government, further to the answer to question S3W-8840 by Nicola Sturgeon on 31 January 2008, what provisions and contingencies have been set aside by the NHS for meeting claims of clinical negligence, including through NHS boards, special health boards and the Clinical Negligence and Other Risks Indemnity Scheme, in each year since 1 April 2000.

(S3W-10245)

Ms Nicola Sturgeon:

Details are as follows:

	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07
	£000	£000	£000	£000	£000	£000	£000
Contingent Liabilities	44,992	61,186	64,497	65,229	52,315	68,715	80,457
Provisions	52,120	52,644	59,842	60,481	81,689	106,126	127,735
Total	97,112	113,830	124,339	125,710	134,004	174,841	208,192

SCOTTISH GOVERNMENT**Guide to formatting tables in answers**

1. Titles of tables are to be in lower case if heading is longer than five words
2. Left hand margin (column) should be left justified, including any headings
3. Column headings to be centred and in initial capitals
4. Rows containing information/figures etc should be right justified
5. Source information should be directly under the tables and aligned with left edge of table.
6. Notes are numbers and are directly after each other. (if the is only one note under a table, it should continue on the same line, e.g. *Note: the following figures
7. Line width should be no more than ½ point

8. Headings and titles should not be in bold.
9. When referring to the table below you must use the wording - In the following table *and not in the table below*.
10. No shading should be used.
11. Cut and Paste should never be used. (Parly Clerk's Office and Chamber Desk aren't able to make changes to the PQ should they be required)

Punctuation

Check for missing full stops at the end of sentences and at ends of lists, for example:

Other interests:

Worldwide Fund for Nature;
European Anglers Alliance; and
European Fishing Tackle Trade Association.

Use single, not double spacing between full stop at the end of a sentence and start of next sentence.

Text

For Written Questions Ariel 12 font and size should be used and Ariel 14 for all Oral Questions.

It is recommended that a spell check always be carried out on each answer after formatting. Check that the style of the answer is consistent with the style of question.

The text of all answers should be justified by highlighting the text and clicking the button on your toolbar.

TECHNICAL POINTS

The template for both written and oral PQs gives the question in Ariel font and size 12. The answer added to the template should also be in Ariel font. **For Written PQs the type should be size 12 and for Orals the size should be 14**, which is easier for the Ministers to read from.

When referring to years in a PQ answer, a dash should be used instead of an oblique (e.g. 1998-1999 **not** 1998/1999).

References to "the Scottish Government" should be in the singular e.g. "the Scottish Government is considering..." The Government at Westminster should always be referred to as "the UK Government" and should also be in the singular.

Do not use long sentences, jargon, technical terms or acronyms. If acronyms have to be used, these should be set out in full where they first appear.

Titles of documents referred to in PQ answers should be in italics e.g. *Our National Health*

The purpose of a **background note** is to provide the Minister with any information which might be necessary to assist when clearing the draft answer but to form part of the answer, e.g. if the answer refers back to a previous question, the text of that question and answer. Ministers have indicated that additional background should be included only where essential, rather than as a matter of course. The background note with a contact name and number must, however, be included with the draft answer, in case there are queries.

With all Oral Questions, **officials named as the point of contact in a background note should ensure that they are contactable until at least the start of Question Time in case the Minister has any queries.**

Oral PQs should be completed in the same way as Written PQs. However, when referring to a previously answered PQ in an oral answer, the text of the previous answer should be repeated in full, instead of "I refer the member to the question ...". The background note and supplementaries (Q&A) should also be on the template provided, but divided from the question by a 'Next Page' page break.

Tables within PQs must:

- a) Be on the PQ Template provided, in Word format, **not embedded which is that case when cut and paste is used**, in Arial font but no smaller than font size 8, and set within the margins of the template;
- b) Be in Portrait format (no landscape tables will be accepted by the Chamber Office);
- c) Have one cell for each piece of information.

For all PQs reached during Question Time and FM's Questions, the relevant officials should check that the answers given, especially to supplementary questions, are factually correct. This can be done by watching Question Time from the Visitors' Gallery in the Chamber (tickets can be arranged via the Parliament's Visitors' Services on ext 85200); or via the Parliament's live link which are received by monitors set up in the offices of Ministers or Directorate Heads; or via the SCOTS video streaming project where available; or checking the Official Report the following day.

The Official Report for all Question Times is finalised on the evening of the day the Questions were asked. If an official is aware that an error has been made in an answer given by a Minister, they should contact Parliamentary Clerk's Office immediately. They will be able to advise whether or not the Official Report may be changed following liaison with the Official Reporters – this will depend on the nature of the error.