

JB/7/7

**FROM: MRS DOREEN BROWN  
CENTRAL SECRETARIAT  
2 JULY 1998**

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**PS/SECRETARY OF STATE (B&L) - O**

**GUIDANCE FOR DEPARTMENTS DURING THE SHADOW PERIOD**

**Summary**

**Issue: Revision of draft guidance to Departments on the dealing with contacts from Assembly members; consideration of options; consideration of draft note for issue to Assembly members.**

**Timescale: For urgent consideration, and discussion on 3 July.**

**Recommendation: That the attached drafts should be considered and agreed for issue.**

**Detail**

1. My submission of 26 June put forward draft guidance on handling relations between HMG and the shadow Executive in the period following the Assembly elections.
2. The draft guidance was discussed on 27 June, and the note of 29 June from PS/Secretary of State asked that an options paper should be prepared to discuss:
  - when it would be appropriate for Assembly members to approach Ministers and when it would be appropriate for issues to be dealt with by civil servants;

- the pros and cons of having a single channel in each Department, eg, the Permanent Secretary, to deal with approaches, or whether approaches should be made to Private Offices;
  - when it would be appropriate for Ministers to meet party delegations or a delegation of members from an individual constituency;
  - whether Ministers should automatically meet all the members from an individual constituency, even if the matter was raised by one or two members;
  - what the position should be about meetings with those parties which did not gain representation in the Assembly, eg, the UDP or Labour.
3. The Secretary of State wanted the sections of the draft guidance dealing with contacts with Assembly members made more precise; she also asked that a note should be drafted for issue to Assembly members to explain the contact arrangements to them.
  4. A brief options paper is attached (Annex A), covering the points listed at para 2 above.
  5. Also attached is a redraft of the guidance for Departments on contacts with Assembly members (Annex B) and a draft note to explain those arrangements to the Assembly members themselves.

*[Signed DAB]*

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**☎ 28153**

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## ANNEX A

### OPTIONS PAPER

- (i) **When would it be appropriate for Assembly members to approach Ministers and when would it be appropriate for issues to be dealt with by civil servants?**

It is likely that, regardless of what Ministers or Departments might wish, Assembly members will choose to make contact with the relevant Minister rather than the Department's officials.

Once that contact is made, Ministers can decide, on the basis of advice from officials, which of the meetings requested merit a Ministerial presence and which should be delegated to officials.

Each request will have to be judged individually, although there are a number of factors which could be used as the basis of a decision, eg, the magnitude of the issue, ie, whether it is of general interest rather than an isolated constituency matter; the level of public interest in the issue; the degree of political controversy attaching to it; the extent to which other channels which existed to address the issue had been explored; the extent to which the meeting was likely to be used by the Assembly member for personal, or party, political gain.

- (ii) **Should there be single channel in each Department, eg, the Permanent Secretary, to deal with approaches, or should approaches be made to Private Offices?**

A single channel for approaches to departments would be desirable to ensure that a proper overview could be taken of the range of issues being raised by Assembly members, whether on a party basis, a geographical basis, or a personal basis.

As indicated above, Assembly members themselves are likely to want that point of

contact to be the Minister's Private Office rather than the office of an official, even if that was at Permanent Secretary level.

It would, in any case, be undesirable to encourage Assembly members to establish direct relationships with civil servants. Such relationships would by-pass the Minister, and might set a pattern which would continue even when Northern Ireland Ministers assumed power early next year.

These points all suggest that Assembly members should be advised that Ministers' Private Offices are to be their point of contact with HMG.

**(iii) When would it be appropriate for Ministers to meet party delegations or a delegation of members from an individual constituency?**

The considerations which would come into play in making that decision are those set out in relation to (I) above.

**(iv) Should Ministers automatically meet all the members from an individual constituency, even if the matter was raised by one or two members?**

A requirement to meet all members from a constituency if a matter was raised by one of them would be an unnecessary burden. If a Council member requests a meeting - whether with a Minister or officials - a decision is made about that meeting; if the decision is to grant a meeting, there is no expectation, or requirement, to invite the other members of the Council in question.

Some approaches from Assembly members will be about local matters raised with them by their constituents. A constituent who has opted to raise a matter with the Assembly member of his/her choice would not wish other Assembly members to be involved in dealing with the issue, given that he is likely to be strongly opposed to at least some of the parties of those other Assembly members.

1) **What position should be taken about meetings with those parties which did not gain representation in the Assembly, eg, the UDP or Labour.**

Requests for meetings should be judged according to the importance of the issues involved. There would be no automatic bar on these parties meeting a Minister if serious subject matter pointed in that direction. On the other hand, there would have to be a recognition that members of these parties do not have the status of Assembly members, and could not expect such ready access to Ministers. This would apply particularly if they were raising matters which could be classed as constituency matters, unless they were District Councillors.

## ACCESS TO GOVERNMENT BY ASSEMBLY MEMBERS

1. This note sets out guidance on how representations from, and communications with, Assembly members should be handled during the shadow period. It does not purport to lay down hard and fast rules covering every eventuality arising from relationships between Government and Assembly members.
2. This note deals only with access to Government by Assembly members. Procedures for dealing with other elected representatives remains unchanged. Departments should bear in mind that MPs will be watchful of the relationship between Government and Assembly members, if only to ensure that their position and responsibilities are not undermined.

### Correspondence

3. Correspondence from Assembly members should be treated as Ministerial cases and should receive a reply from an NIO Minister, unless existing Departmental procedures provide for correspondence on certain subject matter to be referred to others for reply, eg, the Chief Executive of an Agency.
4. The constituency MP should **not** receive a side copy of the correspondence, but care must be taken to ensure that nothing of a policy nature should be communicated to an Assembly member of which MPs are not already aware.

### Telephone Enquiries

5. Telephone enquiries from Assembly members should be handled in a similar way to written enquiries - so that, if an Assembly member requests a written reply to his telephone enquiry, he will receive a letter signed by the appropriate Minister or Chief Executive. Where a telephone enquiry deals with a complicated matter, officials may

request the caller to confirm his enquiry in writing: but this should not be made a condition for providing a reply.

### **Meetings with Ministers on Constituency Matters**

6. Assembly members will be encouraged to put their case in writing, but requests for meetings can be expected, and Ministers should judge each request on its merits. Assembly members will not be led to believe that meetings will be agreed to automatically, but that the request will be brought to the attention of the Minister involved for decision.
6. Officials should co-operate with requests from Assembly members for meetings to discuss constituency business, although bearing in mind that policy responsibility rests with NIO Ministers during the shadow period. At all such meetings, care must be taken that nothing is said to an Assembly member on policy matters of which MPs are unaware.

### **Issue of Policy papers to Assembly members**

7. Consultative documents, Green and White Papers, and other major policy papers should be made available to Assembly members in the same way as they are made available to MPs and MEPs.
8. The issue of some documents will from time to time be announced by means of a Ministerial statement or an answer to a Written Parliamentary Question. In these cases, it will be essential to ensure that no breach of Parliamentary privilege occurs through Assembly members having access to information before it is announced to Parliament. It will be for Central Secretariat to arrange with the Parliamentary Clerk and CPL Division for the **verified** text of such a statement or written answer to be available in Belfast to be conveyed to the Clerk to the Assembly as soon as possible **after** it has been delivered to Parliament.



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## CONTACT WITH DEPARTMENTS AND NIO MINISTERS

1. This note sets out broad guidance on contact between Assembly members and Government Departments and NIO Ministers in the months up to the new administration's assumption of power at the end of the shadow period. It does not, however, purport to lay down hard and fast rules covering every eventuality arising from relationships between Government and Assembly members.

### Correspondence

2. Assembly members are encouraged to raise issue with Ministers via correspondence.
3. Correspondence from Assembly members will receive a reply from an NIO Minister, unless existing Departmental procedures provide for correspondence on certain subject matter to be referred to others for reply, eg, the Chief Executive of an Agency.

### Telephone Enquiries

4. Telephone enquiries from Assembly members will be handled in a similar way to written enquiries - so that, if an Assembly member requests a written reply to his telephone enquiry, he will receive a letter signed by the appropriate Minister or Chief Executive. Where a telephone enquiry deals with a complicated matter, officials may request the caller to confirm his enquiry in writing: but this will not be made a condition for providing a reply.

### **Meetings with Ministers on Constituency Matters**

5. Any request from an Assembly member for a meeting will be fully considered by the relevant Minister. Where a meeting is agreed, this will be with the Minister or with his officials, depending on the nature and content of the proposed discussion.

### **Issue of Policy papers to Assembly members**

6. Consultative documents, Green and White Papers, and other major policy papers will be made available to Assembly members in the same way as they are made available to MPs and MEPs.