

MEMORANDUM FOR THE BSE INQUIRY

Briefing for Incoming Ministers and Submissions

Introduction

1. The BSE Inquiry has asked the Department of Health to submit a memorandum addressing the following:
 - a) 'The practice concerning the retention of briefings for incoming Ministers; and
 - b) The practice as to what happens to the original submission to the Minister, and on which the Minister makes annotations.'
- a) Briefing for Incoming Ministers
2. Briefings prepared for incoming Ministers are put together from contributions made by various sections of the Department. In recent years, once a General Election has been called, these contributions have been co-ordinated and marshalled by a specially formed general election briefing unit. The briefings usually concentrate first on election manifesto pledges and information on specific policy areas about which Ministers needed to be aware immediately on taking up office. Similar, usually shorter, briefings have been prepared in anticipation of or following Cabinet reshuffles.
3. Briefings throughout the period of interest to the Inquiry have not generally retained by the Department because they were essentially considered ephemeral in nature. They are prepared at short notice and quickly become out of date, being of use to the new Minister only during the first few days or weeks in office. The arrival of a new Government in 1997 led to the spring cleaning of Ministers' offices and consequent disposal of the previous administration's papers. But some documents between 1992 to 1995 have recently been located.
4. In November 1998 the Department sent the Inquiry the following:
 - i. details of briefing prepared as a result of the 1992 General Election. None of the briefing referred to BSE;
 - ii. briefing prepared on BSE for new Ministers in July 1994; and
 - iii. briefing prepared on BSE in 1995 when a major reshuffle was anticipated.

b) Submissions to Ministers

5. The Department of Health practice in relation to submission is described below.

Communication with the Minister

6. When a submission is received in the Minister's Private Office, the Private Secretary passes it to the Minister with any comments he or she thinks it suitable to add. Examples might be *"Minister no action -for information only"* or *"Minister, you are being asked to agree the action recommended by officials at paragraph x.i and x.ii. Please advise if you are content."*
7. The Minister will either agree the action (possibly by "ticking it through"), disagree or specify what further information is required before making a decision. Often this involves writing on the submission itself, for example *"OK, go ahead with the recommendation at paragraph x.i but not x.ii until I have seen the other bids."*
8. Any Ministerial decisions or other comments on the submission are recorded and relayed by a note from the Private Secretary to the originator, often quoting verbatim the Ministers own words, for example *"The Minister has seen your submission on [subject] of [date] and has agreed the action you recommend at paragraph x.i. The Minister has not agreed your recommendation at paragraph x.ii and has commented 'I will consider these when I have seen the other bids.'"*
9. Where no specific decision is required, a typical note from the Minister's Private Secretary might read: *"The Minister has seen your submission on [subject] of [date] and has noted its contents."* It is therefore the notification from the Private Secretary which in practice grants (or withholds) authority to officials to proceed.
10. It is the normal practice in the Department of Health for Ministers to see all submissions sent to them. It would be exceptional for a Private Secretary not to pass a submission to the Minister. But this could occur if, for example, a meeting or conversation with the officials had taken place which had 'overtaken' the submission. If this were to happen, the submission would be returned to the originator with advice on how to take the matter forward and this should be kept on file by the originating section.

Handling Minister's Papers

11. The submission received in the Ministers Private office is the 'original'. During the period covered by the Inquiry there were no specific instructions to Private Office staff about which papers should have been kept for the permanent record and it has become clear that many of the original papers seen by Ministers have been destroyed. In practice, once the Minister's decision/comment had been communicated to the relevant officials, these papers were usually retained by the Private Office, in case they needed to refer to them again. Private Office papers were 'weeded' periodically, often during the Parliamentary recess, and it was at this stage that a decision would have been made about the need to return papers to the originating section.

12. It is not possible to confirm that original papers were returned to officials for retention. This would not, however, have any significance for normal department operation since the Minister's wishes would have already been conveyed to the originating section via the Private Secretary.
13. Searching for the original submissions seen by former Ministers has raised a number of questions about the Department of Health's handling of the original papers seen by Ministers. The Department is looking at the arrangements for review, retention and archiving of these documents and associated working practices within Private Office.

Department of Health
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