

→ Dougie

**The Office of the First Minister
and Deputy First Minister**

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**From: Linda Devlin
19 October 2001**

To: Copy distribution attached

GUIDANCE

1. Please find attached guidance for departments following the resignation of Unionist Ministers.
2. It is possible that there may be issues that arise that have not been covered in the guidance. Officials who want any clarification on matters covered in the guidance or other issues should contact either the Machinery of Government Section or the Executive Committee Secretariat in the Office of the First Minister and Deputy First Minister.
3. Contact numbers are listed below:

a. Tom Watson	28301	Machinery Of Government
b. Geoff Beattie	22713	Machinery Of Government
c. Deirdre Griffith	22080	Machinery Of Government
d. Anne O'Boyle	28424	Machinery Of Government

e. Gail McKibbin 22514 ECS

f. Anne Birch 22343 ECS

Linda Devlin

28158

• memoranda for consideration by the Executive cannot be agreed
• memoranda cannot be circulated for agreement by written procedure

The advice of the Executive Secretariat should be sought about business which would normally come to the Executive.

Departments with Ministerial Vacancies

Correspondence

- No correspondence to issue under Ministerial signature.
- Correspondence already agreed for issue by Minister can issue under PS reply.
- Where the reply to correspondence has not been agreed but requires a purely factual response, replies should be prepared and issued as official Departmental responses, normally at Grade 5 level.
- Where policy or political issues are raised, Departments should consider issuing a holding reply.
- Departments should exercise caution in the progressing of correspondence which deals with issues which would normally be put to Ministers or are cross cutting in nature or which would be brought to the Executive.

Decisions

- Decisions taken by Ministers before a vacancy arises should be progressed in the appropriate manner.

Executive Business

The Executive cannot operate on the sole authority of the 'Acting' Deputy First Minister. Therefore

- the Executive cannot meet
- memoranda for consideration by the Executive cannot be agreed
- memoranda cannot be circulated for agreement by written procedure

The advice of the Executive Secretariat should be sought about business which would normally come to the Executive.

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Decisions

- Decisions taken by Ministers before a vacancy arises should be progressed in the appropriate manner.

- Decisions not yet put to Ministers should be held over.
- Decisions for Ministers which have cross cutting implications should also be held over.
- As with correspondence, Departments should exercise caution in the making of decisions which would normally be put to Ministers.

Events/functions

- Upon a vacancy in Ministerial office occurring, all events/functions involving that Minister should be immediately reviewed and organisers offered an explanation/apology for non attendance. This practice should be reviewed on a 24/48 hour basis. In the case of long standing commitments, departments consideration may be given to attendance by senior officials.
- Where longer term invitations are received, an early holding reply should issue from the Private Office explaining the present situation and suggesting that further contact should be made nearer the event. No firm commitments should be given.
- Where invitations are of a personal nature, these details should be passed on for the attention of the ex-Minister.

Contacts etc with ex Ministers

- During the period of any vacancy, Ministers will have no access to their former Departments, civil servants or papers.
- Ex Ministers should not be present in their departmental accommodation during the period of any vacancy.
- Ex Ministers will be unable to use official transport during the period of any vacancy.
- Departmental press releases must not carry any reference to remarks made by an ex-Minister. Factual information and policy positions agreed

during the Minister's period in office may still be deployed in appropriate circumstances

Special advisors

- Under the term of their contracts, Special Advisors become redundant when their Ministers leave office.
- Departments should therefore ensure that official papers in their possession, together with any other items provided by the administration, are returned as quickly as possible.

Assembly Questions

- Subject to decisions to be taken by the Assembly it is expected that Oral questions due for answer by a department at a point when no Minister is in post will fall to written answer unless withdrawn by the MLA. Oral questions will continue to be tabled.
- Written questions will continue to be tabled to all departments. New questions and those currently tabled but not cleared by a Minister prior to resignation cannot be answered.

Assembly Committees

- Departments should continue to respond to requests for officials to attend evidence sessions and for information from committees as normal. Usual departmental clearance procedures should be followed. Officials should exercise particular caution in relation to the evidence they give to committees. Factual information and policy positions agreed during the Minister's period in office may still be deployed in appropriate circumstances

Assembly Business

- Executive Business will not be scheduled in the Assembly for those departments with no Minister in post. It will be a matter for the Assembly to determine what non-Executive business is scheduled.

Statutory Rules

- A member of the Senior Civil Service can sign statutory rules, but this should only be done where the Minister has previously signified his/her approval.

Other Departments

- All other Departments not affected by Ministerial resignations remain under the direction and control of their Ministers.
- Departments not affected by Ministerial resignations should exercise particular caution with regard to the handling of decisions or correspondence which deal with cross cutting issues or which may, in normal circumstances, have been brought before the Executive.