

The Whip's Office

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This Standard Note provides a brief history of the origins and role of the Government and Opposition Whips in the management of parliamentary business, and an overview of their current functions and duties.

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1 History of the Whip's Office

1.1 Origin of the term 'whip'

The expression 'whip' in the parliamentary context has its origins in hunting terminology. The term 'whipper-in' is defined by the Oxford Dictionary as 'a huntsman's assistant who keeps the hounds from straying by driving them back with the whip into the main body of the pack'. According to the Dictionary the first recorded use of the term 'whipper-in' in the parliamentary sense occurs in the annual Register of 1772: 'he was first a whipper-in to the Premier, and then became Premier himself'. However in his *The House of Commons in the Eighteenth Century* P.D.G. Thomas cites two examples of the use of the term that pre-date 1772:

It was within the context of such summonses to members out of town that the first known Parliamentary instance of the use of the term 'whip' occurred. In the debate of 8 May 1769 on a petition from some Middlesex freeholders against the seating of Henry Luttrell instead of John Wilkes, Edmund Burke mentioned that the ministry had sent for their friends to the north and to Paris, 'whipping them in, than which, he said, there could not be a better phrase'. Although Burke's particular emphasis on the expression implied its comparative novelty, the hunting term had been used in this political context for at least a generation: on 18 November 1742 Heneage Finch remarked in a letter to Lord Malton that 'the Whigs for once in their lives have whipped in better than the Tories'.¹

1.2 Formalising the position of the whips

The position of the Government Chief Whip has long associations with the office of Parliamentary Secretary to the Treasury and to this day this is the official title of the Government Chief Whip.² The origin of the office of Parliamentary Secretary to the Treasury is obscure and the first known holders in the sixteenth century were no more than personal servants to the Treasurer who would have acted as his scribe and confidential secretary. By the Restoration, however, the Secretary had acquired 'functions which were essential to the business of the office', and he became an important administrative official. Dora M. Clark, writing in the *American Historical Review*, says:

Closely connected with the personal obligations which the secretaries owed to the first lord of the treasury, or with the administrative work of the treasury office, just described, there was another set of duties which tended to become political in character. If the secretaries were members of the House of Commons, as most of them were, they could render valuable service to the treasury bench because of their expert knowledge of finance. Scrope³, for example, was said to be "perhaps the coolest, the most experienced, faithful, and sagacious friend the ministers had. He was greatly trusted in all matters of revenue, and seldom or never spoke but to facts, and when he was clear on his point." The secretaries became skilled in the technique of parliamentary procedure and used their art to secure the passage of Government bills and to block legislation by the Opposition. Occasionally they introduced financial measures, and they often served on committees appointed to bring in bills. When the House divided, the secretaries were likely to be named as tellers.

¹ Thomas, P D G (1971) The House of Commons in the Eighteenth Century

The Parliamentary Secretary to the Treasury is one of the seven Lords of the Treasury, the first and second Lords being the Prime Minister and Chancellor of the Exchequer; the other five, know as 'junior Lords' are all Government whips. For further info see the Appendix to Brandreth, G (1999) Breaking the code: Westminster diaries May 1990 - May 1997, (Weidenfeld and Nicolson; London) pp503-5

³ John Scrope (c.1662-1752) MP for Ripon 1722 - 1727, Bristol 1727 - 1734, Lyme Regis 1734 - 9 April 1752; Secretary to the Treasury 1724-1752.

The position of teller was politically strategic, for in that position a secretary could readily count the friends and foes of Government. From his observations he drew up the division lists, which indicated the strength of Government and formed a record of individual votes. As the secretary to the treasury had at his disposal information in regard to all the members who had received favors from the Government (such as pensions, places, contracts, or assistance, in elections, either for themselves or their friends), he was advantageously situated to whip in those members when an important vote was to be taken. In other words, the secretary to the treasury had unusual opportunities for managing the House of Commons. John Robinson⁴, more than any of his predecessors, used these opportunities in a thoroughly systematic way. He and Grey Cooper⁵ together, the one by his control of members, the other through his use of legislative tactics, made parliamentary management an art. ⁶

In his work on *Democracy and the Organization of Political Parties* M. Ostrogorski explains that even in the eighteenth century the whips had an important role in distributing political offices. He refers to the Parliamentary Secretary to the Treasury as the Patronage Secretary:

The Patronage Secretary had another name - that of "Secretary for Political Jobs." This was in fact his principal business. "It is rather a roguish office," as Wilberforce remarked in the presence of Steele, just as the latter was about to take up the appointment. Distributing their allowance among the members of the party, the Patronage Secretary brought them up to the vote like a flock of sheep, goaded them on, and had become their "Whipper-in." The opposite party had to adopt a similar mode of discipline, and it also introduced the office of Whip or Whipper-in. ⁷

Ostrogorski's description is also interesting as an early reference to the formation of an Opposition Whip's Office.

Although the first usage of the title 'Chief Whip' cannot be dated exactly, the office appears to have been formalised in the early nineteenth century. Certainly by the end of the nineteenth century their activities were becoming more important to the work of Parliament and were increasingly commented upon. In his work, *The Nineteenth Century Constitution*,_H.J. Hanham comments that:

There was also a growing tendency for members to grow restive about the activities of the party Whips. The 'Whippers-in' as they were called were already hard at work in 1815, but their activities attracted little attention until the 1860s, probably because the late nineteenth-century practice which gave the government nearly 85 per cent of parliamentary time had not yet come to be recognised for what it was, a permanent feature of Commons life. Thereafter, MPs became increasingly aware of the extent to which their own comfort depended on the quality of the government and Opposition Whips. It was they who arranged the timetable of the House, gave members permission to go home or go on holiday, and arranged the order of speakers in debate. Memoirs of parliament in the 1890s are full of comments on the Whips of the day, and by 1910 they had come to be among the best-known parliamentary figures. Critics of parliament were prone to suggest that the Whips exercised a sort of tyranny over private members, and that they had, destroyed the independence of the Commons.

John Robinson (1727-1802) MP for Westmorland 1764 – 1774, Harwich 1774 – 23 December 1802; Joint Secretary to the Treasury 1770 – March 1782.

Grey Cooper (c.1726-1801) MP for Rochester 1765 – 1768, Grampound 1768 – 1774, Saltash 1774 – 1784, Richmond 1786 – 1790; Secretary to the Treasury 1765 – 1782.

Dora M. Clark (1936) 'The Office of Secretary to the Treasury in the Eighteenth Century' American Historical Review

Ostrogorski, M (1902) Democracy and the Organization of Political Parties, Vol. 2, pp139-40

The truth was less picturesque. Before 1832 it had been not uncommon for the government to be very weak in the Commons or for the members on the government benches to be very much divided. 8

By the beginning of the last century many of the current features of the Office of the Chief Whip were already well established i.e. the arrangement of government business in the House, the organisation of Members attendance at important divisions, the gathering of intelligence on Members and the distribution of political offices.

2 Functions and duties of the Government and Opposition Chief Whips

2.1 Securing the Government's majority

The primary role of the Chief Whip is to get the Government's business through Parliament, and in particular to secure the Government's majority in votes on its legislative and policy programs.

The duties of Whips include:

- keeping MPs and peers informed of forthcoming parliamentary business
- maintaining the party's voting strength by ensuring members attend important debates and support their party in parliamentary divisions
- passing on to the party leadership the opinions of backbench members.

The role of the whips has not changed much over time. In a review, *The Whips in History,* Deryck Abel identified six functions of the Government whips in the 1950s.

Government whips, led by the Patronage Secretary, otherwise styled the Parliamentary Secretary to the Treasury, exercise six distinctive but interlocking functions. First, they "make" a House. Secondly, they "keep" a House to vote supply, and usage of a quorum of forty dates from 1640. Thirdly, they "cheer the Minister". Fourthly, they furnish the only regularly constituted party organization within the House of Commons. Fifthly, they facilitate and execute plans, devised by the Leader of the House, in fulfilment of his own specific duty, for the expeditious despatch of Government business. ... Sixthly, it is the Chief Whip who draws up the sessional programme of parliamentary business for the approbation of the Home Affairs Committee of the Cabinet and of the Cabinet itself.⁹

The Government Whips' main tools for achieving this are the management of MPs' attendance in votes and the persuasion of recalcitrant MPs to vote with the government.

An essential mechanism for ensuring that backbenchers attend and go through the correct division lobbies at important votes is a document known as 'the Whip', according to Rogers and Walters:

This is circulated weekly by the whips of each party to their own members and lists the business for the following week, together with the party's expectations as to when its MPs will vote. The importance of the business is reflected by the number of times it is underlined, hence the phrase 'a three line whip' for something seen as an unbreakable commitment.¹⁰

⁸ Hanham, H.J. (1972), *The Nineteenth Century Constitution*, p139

Deryck Abel, "The Whip in History", Parliamentary Affairs, Vol IX, 1955-56, p230

¹⁰ Rogers and Walters (2004) How Parliament Works Fifth Edition, (Longman; London) p89

The techniques used by the whips to persuade backbenchers into supporting the Government are perhaps the most well known aspect of their work and are the subject of a great deal of comment and rumour. Philip Cowley has reported how the Conservative whips were said to have kept a 'black book' recording their backbencher's misdemeanours and he has also described how whips could also revert to 'good old-fashioned physical bullying', and what a Labour whip (referring to the practice on his side of the House) has described as a 'tradition of brutalism'. However Rogers and Walters explain that 'whips also need to be good personnel managers', and Cowley has noted that most academic literature on the whips office tends to

play down the role of the whip as arm-twister, bully and Machiavelli all rolled into one... stressing instead the more prosaic functions of the whip. ¹³

There is certainly an important element of carrot as well as stick in the way whips persuade Members, and the Chief Whip is able to offer positions in government or on popular select committees in return for loyalty in the division lobbies, recalling Ostrogorski's reference to the Whip's eighteenth century title - 'Patronage Secretary' or 'Secretary for Political Jobs'. 14

For a discussion of the role of whips in the appointment of Select Committee membership see Library Standard Notes on SN/PC/01460, *Membership of Select Committees*, and on *Nominations to Select* Committees.¹⁵

In order to minimise the need to persuade backbenchers to support the government, the Chief Whip also advises the Cabinet about the likely acceptability of its legislative proposals to the parliamentary party. The Chief Whip is generally a senior government minister who, if not a member of the Cabinet, would attend Cabinet meetings. The Chief Whip not only operates as an important link between the government and the parliamentary party, they also provide a link between the government and opposition parties and other important figures within Parliament. These relationships, often referred to as the 'Usual Channels', are discussed in more detail in the next section.

2.2 The Chief Whip and the Usual Channels

According to Erskine May, the authoritative guide to Parliamentary procedure, the Chief Whip:

is concerned with mapping out the time of the session; for applying in detail the Government's programme of business; for estimating the time likely to be required for each item, and for arranging the business of the individual sitting. In drawing up the programme he is limited to a certain extent by the standing orders, which allot a modicum of time to private Members; and by statute law or standing orders, which require, or may require, certain business to be completed by specified dates; as well as by certain conventions which make it obligatory upon him to consult the Whips of opposition parties and even to put down items of their selection. In carrying out his duties, he is directly responsible to the Prime Minister and the Leader of the House. It is also part of his duties to advise the Government on parliamentary business and procedure, and to maintain a close liaison with Ministers in regard to parliamentary

Cowley, P (2004) 'Whips: 16 Rebels: 197' http://www.revolts.co.uk

Rogers and Walters (2004) How Parliament Works Fifth Edition, (Longman; London) p87

Cowley, P (2002) Revolts and Rebellions: Parliamentary Voting Under Blair (Politico's) p151

¹⁴ Conversely the withholding of offices can be used as a way of disciplining rebellious MPs.

House of Commons Library Standard Note SN/PC/1460, Membership of Select Committees, 17 July 2001; House of Commons Library Standard Note SN/PC/3719, Nominations to Select Committees, 11 July 2005, http://www.parliament.uk/commons/lib/research/notes/snpc-03719.pdf

business which affects their departments. He and the Chief Whip of the largest opposition party constitute the 'usual channels', through which consultations are held with other parties and Members about business arrangements and other matters of concern to the House. ¹⁶

The reference to the 'usual channels' is important as through these the Government and Opposition Chief Whip play a key role in organising the business of the House. *Opening Up The Usual Channels*, a Hansard Society Publication by Michael Rush and Clare Ettinghausen, provides a useful guide to this largely informal and private network of communication in this they outline that:

The usual channels operate in several ways:

- regular weekly meetings of the key figures to discuss the arrangements of business in each of the Houses;
- daily contact among the key figures to deal with ongoing matters, agenda and timetabling issues;
- during the passage of legislation and other government business, discussions
 between the whips on both sides, the minister in charge of the business and
 his or her opposition 'shadow' may take place to resolve any difficulties that
 may arise with amendments or when a vote will take place and, if possible,
 deals will be done:
- contact between the whips over various matters, such as 'pairing' in the Commons (although because of Labour's huge majority since 1997 there had been no 'pairing'), and filling intermittent vacancies on committees;
- membership of committees, particularly select committees and the distribution between parties of select committee chairs are in practice agreed through the usual channels;
- other matters, such as proposals coming before or emanating from the Modernisation Committee in the Commons or the Procedure Committee and other domestic committees in either House may be discussed through the usual channels;
- discussions about the election of the new Speaker or the appointment of a Deputy Speaker in the Commons, or Chairman or Deputy Chairman of Committees in the Lords also take place through the usual channels.

The Private Secretary to the Government Chief Whip has an important role in facilitating the communication between the Government Chief Whip and the other office holders who make up the usual channels. Rush and Ettinghausen comment that as a Civil Servant the Private Secretary to the Government Chief Whip is 'a unique post within Parliament and government. The holder acts as a non-partisan deal-broker between the government and opposition parties, although officially he works for the Government'. Rush and Ettinghausen also set out the key responsibilities of the post:

- provides support to the Government Chief Whip to enable her [him] to fulfil her [his] role of timetabling and securing the passage of Bills through the House of Commons and successfully completing the government's legislative programme;
- 2. offers support to the Chief Whip as a Government Minister, in her [his] responsibilities to Parliament;

¹⁷ Rush, M and Ettinghausen, C (2002) Opening Up The Usual Channels, Hansard Society, pp7-8

¹⁶ Erskine May, *Parliamentary Practice*, 23rd edition, 2004, p250

Rush, M and Ettinghausen, C (2002) Opening Up The Usual Channels, Hansard Society p10

- 3. acts as a channel between government and opposition parties to arrange parliamentary business;
- 4. co-ordinates and monitors the proceedings in the House of Commons on a daily basis;
- 5. provides advice and guidance to Ministers and Departments on the government's legislative programme and associated parliamentary procedures. 19

Another notable feature of the post of Private Secretary to the Chief Whip is the length of service of previous office holders; since the creation of the post in 1919 there have only been four Private Secretaries.20

In recent years the Chief Whip has also had a special adviser who has been seconded from the House of Commons Clerk's Department. According to Rush and Ettinghausen, the Special Adviser's 'role is to advise generally on dealing with the House of Commons, but since 1997 much of this advice has centred on the work of the Commons' Modernisation Committee'.21

2.3 The Chief Whip's Office

The Chief Whip is supported by a Deputy Chief Whip and a team of junior whips. Within the Government and the main opposition the whips are allocated individual responsibility for regions of the country and for particular departments e.g. a whip who is responsible for a particular region of the country (usually the region to which his own constituency belongs) will be responsible for ensuring that other backbench MPs within his region attend votes. A whip's responsibility for a particular government department may involve them in attending certain ministerial meetings and assisting in the passage of that department's legislation.

In his diaries, Breaking the Code²², Gyles Brandreth (MP for Chester 1992-1997 and Government Whip 1995-1997) provides a first hand account of the role of a government whip in the last years of John Major's government and details of the functions of the Chief Whip's Office in general. In his forward to Opening Up The Usual Channels Peter Riddell comments that 'Chief Whips are virtually alone among members of recent Cabinets not to have written their memoirs... That is why Gyles Brandreth so outraged, and in some cases amused, his former colleagues in the Conservative whips' office by his revelations about their doings and tradecraft...'.23 In his diaries Brandreth includes a description of one of the daily meetings in the Upper Whips' Office (which includes a good example of a junior whip's responsibility for a particular department or region):

The Deputy [Deputy Chief Whip] chairs the first half of the meeting, 'the housekeeping':

- 1. Bench changes. At all times when the House is sitting there has to be a Whip on the Government front bench. There's a rota, but you can swap if you need to.
- 2. Business of the day. Each Whip looks after the business of one or more departments (mine is to be Environment), so if it's your department's 'business' that day you're supposed to know all about it and tell the team what to expect.

Ibid. p11 reproduced from a Cabinet Office internal advertisement, September 2000

Charles Harris, 1919-1958; A.F. (Freddie) Warren, 1958-1978; Murdo Maclean, 1978-2000; Roy Stone, 2000present. Ibid. p27

Ibid. p11

Brandreth, G (1999) Breaking the Code: Westminster diaries May 1990 - May 1997, (Weidenfeld and Nicolson; London)

²³ Rush, M and Ettinghausen, C (2002) *Opening Up The Usual Channels*, Hansard Society p3

- 3. Committees. There are a dozen (and more) backbench committees every day. One of us is supposed to be in attendance at each of them...
- 4. Voting lists. The pairing Whip tells us who failed to vote in yesterday's division without being slipped or registering a pair and, if it's one of ours, we have to seek them out and find out what happened. (Each Whip has a card listing his charges. It's done on a regional basis. I'm looking after the North-West.)²⁴

Three of the Government Whips are officially members of Her Majesty's Household, the Deputy Chief Whip is the Treasurer of the Household, and two other Whips act as the Comptroller and Vice-Chamberlain of the Household. In a tradition which has its origins in the seventeenth century, before the Queen's speech the Treasurer, Comptroller and Vice-Chamberlain travel to Buckingham Palace carrying ceremonial white staves; Susan Child describes how the Whip who holds the post of Vice-Chamberlain is then 'kept prisoner during the State Opening. He or she has to remain at Buckingham Palace as a hostage for the Queen's safe return'. The Whips who are members of Her Majesty's Household perform several other duties; the Vice-Chamberlain presents himself to the House of Commons to report the Queen's answers to addresses from the House²⁶ and produces a daily report of the proceedings in the House of Commons for the Queen.

2.4 Whips in the House of Lords

Party discipline tends to be less strong in the House of Lords, and the Whips are less exclusively concerned with party matters. Defeat for the Government is normally less serious. Nevertheless, for major issues the Whips still strive to ensure a good attendance. There is no pairing system in the Lords.

Government Whips in the House of Lords hold offices in the Royal Household. They also regularly act as government spokesmen, which happens only rarely in the House of Commons.

The Government Whips Office in the House of Lords has its own website, which provides information on the business of the House.²⁷

3 Early Day Motions and Parliamentary Questions

Although there is no rule set down on Ministers and Whips signing or promoting an Early Day Motion (EDM), the convention is that ministers and whips do not sign or promote EDMs or table Parliamentary Questions to other Ministers. Susan Child notes in her *Politico's guide to Parliament* that "By convention, Ministers do not sign or promote EDMs". ²⁸

EDMs are essentially a means of putting pressure on the Government regarding an issue or of raising awareness of an issue so that the Government can consider whether it should take action. An MP who is a minister is already in an influential position for directing Government policy and raising issues of concern with other Ministers.²⁹

The House of Commons factsheet on EDMs states:

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²⁴ Brandreth, G (1999) *Breaking the Code: Westminster diaries May 1990 - May 1997,* (Weidenfeld and Nicolson; London) p355

²⁵ Child, S. (2002) *Politico's Guide to Parliament* (Politico's; London) p109

²⁶ Erskine May *Parliamentary Practice*, Twenty-second Edition p286

²⁷ See: http://www.lordswhips.org.uk/

Susan Child, Politico's guide to Parliament, 2nd ed, Politicos', 2002, p 311

²⁹ 2005/11/127-HCIO

Ministers and whips do not normally sign EDMs. Under the Ministerial Code, Parliamentary Private Secretaries "must not associate themselves with particular groups advocating special policies", and they do not normally sign EDMs. Neither the Speaker nor Deputy Speakers will sign EDMs. Internal party rules may also affect who can sign early day motions.³⁰

The convention that ministers do not table parliamentary questions to other ministers is so well established that it is not set down as a rule even though there *are* strict rules in *Erskine May* on, for example, the form and content of questions that may be asked. Dr Oonagh McDonald, a former MP, wrote in her book on *Parliament at work*:

Not all MPs ask oral questions, just backbenchers and the opposition frontbench team shadowing the department concerned.³¹

Sir Norman Chester has called parliamentary questions the "backbencher's weapon." He wrote:

A hundred years ago backbenchers had a wide variety of procedural opportunities at their free disposal uncontrolled by what have since come to be known as the 'usual channels', that is the Whips acting mainly for their respective front benches...Then, as party discipline became stronger and the Government began to dominate the business and timetable of the House, the opportunities under the complete control of the backbenches became even fewer.

Questions, however, have been an exception. They are not controlled by the Whips nor are they a frontbench device... ³²

House of Commons Information Office, Early day motions, Factsheet P3, January 2005, http://www.parliament.uk/parliamentary_publications_and_archives/factsheets/p03.cfm

³¹ McDonald, Oonagh, *Parliament at work*, Methuen, 1988, p 139

Sir Norman Chester, "Questions in the House" in S.A. Walkland & Michael Ryle, *The Commons today*, Fontana, rev ed, 1981, p191

Appendix: Bibliography of publications relating to the whips

Brandreth, G (1999) Breaking the Code: Westminster diaries May 1990 - May 1997, Weidenfeld and Nicolson; London

Child, S (2002) Politico's Guide to Parliament, Politico's; London

Clark, D M (1936) 'The Office of Secretary to the Treasury in the Eighteenth Century', American Historical Review

Cowley, P (2005) The Rebels – How Blair mislaid his majority, Politico's; London

Cowley, P (2005) "Whips and rebels", Politics Review, 2005, vol 14, no 3, pp2-633

Cowley, P (2004) 'Whips: 16 Rebels: 197' http://www.revolts.co.uk

Cowley, P (2002) Revolts and Rebellions: Parliamentary Voting Under Blair, Politico's, London

Erskine May, Parliamentary Practice, 23rd edition, 2004, p250

Hanham, H J (1972) The Nineteenth Century Constitution

Ostrogorski, M (1902) Democracy and the Organization of Political Parties, Vol. 2

Renton, T (2004) Chief Whip – People, Power and Patronage in Westminster, Politicos; London

Rush, M and Ettinghausen, C (2002) Opening Up The Usual Channels, Hansard Society

Rogers R, and Walters R, (2006) How Parliament Works, 6th edition, (Longman; London)

Thomas, P D G (1971) The House of Commons in the Eighteenth Century

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Politics Review is a journal aimed mainly at A-level students