

Select Committee on Common Frameworks Scrutiny

Corrected oral evidence: Post-Brexit common frameworks

Tuesday 23 February 2021

10.30 am

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Members present: Baroness Andrews (The Chair); Lord Bruce of Bennachie; Lord Caine; Baroness Crawley; Lord Foulkes of Cumnock; Lord Garnier; Lord Hope of Craighead; Lord McInnes of Kilwinning; Lord Murphy of Torfaen; Baroness Randerson; Baroness Redfern; Baroness Ritchie of Downpatrick; Lord Thomas of Cwmgiedd.

Evidence Session No. 8

Virtual Proceeding

Questions 90 - 102

Witnesses

I: Rt Hon Chloe Smith MP, Minister of State for the Constitution and Devolution, Cabinet Office; Bruno Williams, Deputy Director, UK Frameworks Division, Cabinet Office.

Examination of Witnesses

Chloe Smith and Bruno Williams.

Q90 The Chair: Good morning, everyone, and welcome again to the Common Frameworks Scrutiny committee. I am really delighted that we have another chance to talk this morning to Chloe Smith, the Minister for the Constitution and Devolution, and Bruno Williams, the Deputy Director of the UK frameworks division. Welcome to you both. It is very good to see you looking so well.

We have no apologies for absence this morning. There is a broadcast version of the public evidence. We will provide a full transcript as we normally do. We are very conscious that these are running engagements with you. We have, at intervals, been able to talk very frankly about the various stages that our process of scrutiny, the political process and the wider parliamentary process have reached. Since we last saw you, Chloe, the IMB has become the internal market Act, which is of course a big

threshold for the devolved Administrations and the UK Government.

We have taken a lot more evidence. Some of the evidence that we got from the devolved Administrations the week before last, for example, raised serious concerns with us about the ability of the devolved Administrations to come to terms with the frameworks and to do their jobs, because of a lack of detail and transparency, delays and so on. There are questions this morning that will touch on that, as well as other aspects of the interrelationship between the Act and the frameworks, at the point which the frameworks have now reached. We are particularly grateful for your letter, which arrived with us yesterday. Our questions will also bear on some of the issues that you have raised yourself.

Can I kick off with the obvious question for both of you? Since we last met, what are your general reflections on progress? Are you satisfied with where we have got to with the frameworks? Are you optimistic that your original targets, although maybe not reached, will be reached in appropriate time? What is keeping you awake at night, if anything, about the frameworks? What would you want us as a committee to look out for?

Chloe Smith: Thank you very much indeed for inviting me and my officials to continue to work with you and give evidence. It is very good to do that and be with you again this morning. Regrettably, there are quite a few things keeping me awake at night. I am very happy this morning to get stuck into the ones that relate to the frameworks programme.

If it is okay, I might start by making a few points about the progress, and then our conversation can open up from there. In short, I am pleased with the progress that has been made. You will be aware from our past correspondence that there have been a few pressures on that progress, not least the fact that all the Executives and legislatures involved had to give resources to the management of the Covid pandemic. I will just say at the outset that you will recall that that has been a feature of the way we have worked in the last year.

As you know, in 2020 we provisionally confirmed three frameworks across all four Administrations. Those have been submitted for scrutiny, so thank you all for your consideration of those and your recommendations, which have also been received from all legislatures on the hazardous substances planning framework. The respective Administrations are now considering their responses so as to be able to finalise that before the pre-election period for the Scottish and Welsh elections.

As you may know, the UK, Scottish, and Welsh Governments have provisionally agreed a further 20 frameworks. We also have a further six that apply only to Northern Ireland. Therefore, the UK Government and the Northern Ireland Executive are working through the approval process for those six. Indeed, 20 plus six means that we are working to get the provisional approval, as expected, for 26 frameworks. Therefore, those 26 are operating on an interim basis across the UK. That is true at official level, which reflects the point of common frameworks. They are a marker of good working between the Administrations. You can see the

established ways of working in operation there on those 26. That will take us through to the moment when the Northern Ireland Executive are able to complete the JMC (EN) confirmation process on those.

Committees have been keen to see the interim frameworks that are currently in place. We will, of course, have a good conversation this morning about scrutiny and the publication of relevant documents. We are very keen to do that, but we need to work with our colleagues in the devolved Administrations because this is a jointly owned process. We are very keen to move forward to that point as soon as we can. Indeed, my fellow Ministers, my counterparts on this, have been saying very similar things to their respective scrutiny committees. This is a common process between us, but we are keen to make frameworks as widely available and as quickly as we all can.

Across our Administrations, and indeed within and across the UK Government, we are working very hard to resolve some of the remaining issues that cut across all frameworks. In most cases, that supplements the current provisional frameworks. I know that departments will also want to conduct more scrutiny and work with relevant stakeholders wherever possible; I am very keen to see as much of that done as possible. It is important to note that we hope to be able to present the majority of frameworks for scrutiny by the summer. Obviously, that will be of great interest to your committee as you consider your next steps into the next Parliament.

In terms of progress made since we last met, the United Kingdom Internal Market Act, the Northern Ireland protocol and the UK-EU trade and co-operation agreement have all come into force. There has been a great deal of progress in that sense. What that means for the programme is that my officials and other officials across Whitehall are working with the devolved Administrations to establish our understanding of all those things. In particular, you will be very interested in the next steps on the amendments that were made to the United Kingdom Internal Market Act. I see Lord Hope on the line; I look forward to reprising those conversations this morning.

We are confident that the mechanisms inside frameworks are sufficient. They will assist in the governance of any divergence that arises more generally, and specifically in relation to the Northern Ireland protocol. On the TCA—the trade and co-operation agreement—which I just mentioned, work is ongoing to ensure that, where relevant, any agreements made under a common framework would be compliant with that, as would be the case for any international obligation.

I will just touch on intergovernmental relations, knowing that this is also a subject of interest to the committee. We have made positive progress there. Again, this is a joint endeavour. We are very keen to conclude this and move forward. Obviously, while you know from our correspondence that we had hoped to be in a position to publish the results of the intergovernmental relations review by the end of last year, I am afraid this has not proved to be possible. We remain absolutely resolute in

wanting to do that as soon as we can. I hope that will be the case. Likewise, we are very keen to formally publish Lord Dunlop's review as soon as possible. I look forward to consideration and scrutiny of both of those pieces of work.

We know that elections are coming up in both the Scottish and Welsh legislatures. Naturally, that has an impact on the work that committees there will be able to do on the scrutiny of frameworks. We are all working together to try to make that process as smooth and functional as possible. Scrutiny will, to an extent, move at different paces across all the nations. I am confident that we have the systems in place to ensure that we can do this in a sensible way that will work not only for legislatures but for the public, who are the very important ultimate customer of this. That is as it should be.

I hope that is helpful as a starting point this morning. I look forward to getting into questions.

The Chair: Thank you very much indeed, Minister. If I can just press on one point, the business of speed as well as clarity has been exercising the DAs. As you say, the elections are not going to make that any easier. What you have said about your hope to present us with all the frameworks by the summer is a rather elastic statement. Presumably, we are looking at well into the next parliamentary Session.

Chloe Smith: I am afraid it is a little more elastic even than you might have thought. I said the majority would be presented by the summer.

The Chair: Thank you very much indeed for clarifying that. Clearly, we have a duty to scrutinise all frameworks as they come through. It is helpful to know that. We can be a little more realistic in our expectations as well. Bernard Jenkin wrote you a letter from the Commons, asking mainly the same questions about timetables. Presumably, that message will go to his committee as well.

Chloe Smith: Yes, of course.

The Chair: Bruno, do you have anything to add to what the Minister has said from the official perspective? How is the process going? Where are you finding particular difficulties or issues that you think the committee ought to be alert to?

Bruno Williams: From an official perspective, the picture of co-operation across Whitehall departments and the devolved Administrations is as I set out last time we met. This continues to be a positive process. It continues to be one where the devolved Administrations and UKG are engaging on a collaborative basis. Clearly, there is a lot of work ahead of us in resolving the cross-cutting issues, such as the impact of the United Kingdom Internal Market Act and the Northern Ireland protocol. So far, we continue to have regular meetings at both working level and senior official level. I continue to meet monthly with my opposite numbers

through the frameworks project board. We have a sense of common endeavour.

I would be very happy to elaborate on the picture that the Minister set out that, if it is helpful, in terms of how we see the delivery of the various groups of frameworks.

The Chair: Yes, please.

Bruno Williams: Since we last met, the overall numbers of active frameworks have changed slightly. In December, we said there were 33 active frameworks. In the meantime, two of the Department for Transport frameworks have merged such that there are now 32 active frameworks. We are in the process of discussing with the devolved Administrations whether the equal treatment framework can be moved to "no further action". That has not yet been confirmed by all the parties to the framework, but it feels fairly likely. It would mean, therefore, that we were talking about 31 active frameworks. As ever, this is a snapshot of a moment in time. It may change further. The Minister set out the headline numbers there.

In terms of the way we would see these frameworks fitting into groups, we have a series of faster-moving frameworks where, in the best-case scenario, we would expect scrutiny to begin or conclude across all legislatures before the Scottish and Welsh elections. That is a total of nine frameworks, including nutrition, food and feed safety and hygiene, or FFSH, hazardous substances, the Northern Ireland-only frameworks owned by the Department for Transport, specified quantities and company law. That gives a total of six Northern Ireland-only frameworks. That would mean that the target for full implementation would be April to May of this year. That is subject to the Northern Ireland Executive giving their go-ahead to those frameworks.

In the second group, where scrutiny would begin in the Scottish and Welsh legislatures after the elections, are the remaining 23 frameworks: all the Defra frameworks, all the remaining days frameworks, the ones owned by the Department of Health and Social Care, and the public procurement framework owned by the Cabinet Office. The target for full implementation of those frameworks in group 2 is the end of 2021.

The Chair: Thank you very much, Bruno. That is extremely helpful for us. My colleagues may want to follow up on some of the specific frameworks. We are very conscious, for example, about Defra and that great block of frameworks that it is responsible for.

Q91 **Lord McInnes of Kilwinning:** Good morning, Minister and Mr Williams. I just wanted to explore further this issue of timing. It is very helpful to hear that, by the looks of my numbers, we will have 38 all done by the end of this year. This will follow the 15 to be done in April and May and a further 23 later this year.

This is a collaborative process. That means a culture of respect for the DAs and the UK Government. Does it create a tension with transparency

that, in effect, frameworks are being applied on an interim basis without publication, and therefore without scrutiny? How long is that sustainable before it becomes a bigger issue? Thank you.

Chloe Smith: I recognise the tension involved there; of course I do. As you noticed in my last answer, I hope we would all recognise that the end goal of this is that the public can understand the material here, and rightly so. That is the nature of being a democratic Government. Indeed, four democratic Governments are involved here.

It is important to recognise what a framework is. A framework really only refers to the links between Governments applying existing regulation, law or policy decisions, all of which are already open to scrutiny. Let us not forget that the individual componentry of frameworks is already subject to democratic accountability, rightly so, and may well already be transparent in other ways. What a framework adds to that is merely the links between Administrations as they seek to manage those things together, particularly where there might be divergence that needs to be discussed between the Administrations. We can already be confident that the right bits of accountability and transparency are inbuilt to the policy that frameworks govern.

That said, Lord McInnes, I am as keen as you are to move as quickly as we can to publishing frameworks, so that those who are governed by them have the fullest picture. At this point, I am not in a position to be any more specific about when we will be able to do that, but I am certainly very keen to get to that point.

Lord McInnes of Kilwinning: That is very helpful. Thank you.

Q92 **Lord Thomas of Cwmgiedd:** To help us with our future thinking, are there any frameworks or cross-cutting areas within the bank of frameworks that are causing difficulties? It is obviously a very complicated exercise. Has anything emerged yet as to what the problems are?

Chloe Smith: I recognise the picture just as you do. There is complexity here. The point of this programme, and my overriding goal, is to work through that complexity and get this right for citizens in a way that ultimately will not be overly complicated in their everyday lives.

If you have followed the numbers here, there are three frameworks that are still being worked upon. To give you those examples, one of them is in the agriculture area. Two others are for mutual recognition of professional qualifications and for services. Those latter two, for example, have particularly had to interact with the subject matter of the United Kingdom Internal Market Act. I am sure it would be no surprise to any of us in this discussion to acknowledge that there is complexity there. I would not call that a problem; whether you would is up to you. I certainly acknowledge that there is complexity there that we are working through. Indeed, we are trying to be as open as we can about that. Those three are still coming through development.

In terms of the other issues that cut across things, I have mentioned the United Kingdom Internal Market Act already, and I have mentioned the Northern Ireland protocol and made some reference to the trade and co-operation agreement. Those are some of the obvious ones. Would it be helpful if I turned to Bruno to describe how the project is managing its way through those areas?

Lord Thomas of Cwmgiedd: That would be very helpful.

Bruno Williams: The Minister rightly said that there are those three frameworks, which are not yet ready to move on to provisional confirmation. It is right to say that, on the services and MRPQ side, further policy work is ongoing. The reason for the organic farming framework delay was simply that, when we undertook a series of review and assessment panels, which is an MOT process for frameworks before they can go to Ministers for approval, that framework was felt to need some further kicking of the tyres. It has since undergone that work. It is now more or less ready to go for ministerial approval.

In terms of the process that we are undertaking for resolving the cross-cutting issues, we are working very closely with the departments involved, and indeed with the devolved Administrations, through the project board and other fora, to set out how we think these various issues will intersect with frameworks. I can provide a breakdown of the analysis we have done on which frameworks intersect with which issues. It may be helpful if we provide that information by a follow-up once we have had a chance to fully validate it with the relevant departments.

In a nutshell, around half of the active frameworks intersect with the UK internal market. Many more of them intersect with the Northern Ireland protocol. This is about three-quarters of the active frameworks, around 20 of which will intersect with the EU-UK TCA. The process for making sure that we have fully captured all those intersects is ongoing. We are expecting to have got to the bottom of that and come to an agreed position with our colleagues in the devolved Administrations by the end of April.

Lord Thomas of Cwmgiedd: Could I just ask you one technical question? Quite often, when you are drafting a whole series of agreements, in the process of drafting one, you think, "That was a very good idea. Should we not have applied it to the other ones?" Is there a process in which you are beginning to get a body of experience so you can make these frameworks more homogenous? Applying 31 different types of agreement is much easier if they are much nearer standard form. Is that a process that will continue to try to make them better?

Bruno Williams: Absolutely, it is. To take one example, we are looking to develop some text that will reflect the impact of trade and international relations issues on the common frameworks programme. In that case, we are looking to develop a standard set of texts that can be lifted and shifted to all the frameworks. On the Northern Ireland protocol, we are looking to get as much consistency as possible between the

language that is used in the individual frameworks, while recognising that, in that case, there will be specific impacts from one framework to another. To your question, we are looking for maximum consistency and economy of scale.

Lord Thomas of Cwmgiedd: Presumably this process will continue over the next few months into autumn or winter of next year, while you try to get them all into shipshape condition.

Bruno Williams: Our expectation is that we will be able to come to an agreement on how we reflect the various cost-cutting issues in the common frameworks by the end of April. We are working to prioritise that at the moment. We will keep the committee updated on how we end up in that respect.

Lord Thomas of Cwmgiedd: While these frameworks are being finalised, it is presumably possible for us to see summaries as soon as they become available.

Chloe Smith: We are very keen to do that, acknowledging the various points that the committee and I have discussed by correspondence about what kind of products will aid your scrutiny. We are keen to work with you to do that. We are seeking to complete all the frameworks within 2021. You mentioned autumn and winter; that is, of this year, 2021.

Lord Thomas of Cwmgiedd: Yes, I had assumed it was this year. Sometimes one asks, "Which Christmas?" but I certainly did not mean that. I am sorry. Thank you both.

The Chair: Bruno, you are going to provide us, very helpfully, with details of how you will capture common text and common language, and import them into various frameworks. While you are doing that, could we have a note of who is on your project board? We have never explored the overall governance across Whitehall of who is actually doing what, as it were. That would be helpful as well.

Bruno Williams: Yes, absolutely. To add to the commitment I provided earlier, we will have to do some further work validating the precise nature of those intersects with departments and the devolved Administrations. I cannot provide it immediately, but we will provide it as soon as it is available.

The Chair: That is very good news and quite reassuring.

Q93 **Baroness Randerson:** Good morning, Minister and Mr Williams. It is good to be able to speak to you again. In your letter, Minister, you emphasised the importance of transparency, but you did so in relation to Parliaments rather than stakeholders. You did not mention stakeholders in this regard. We have received a number of criticisms that there has been insufficient transparency. Specifically, we have received criticisms that there has been a lack of stakeholder consultation.

There are two aspects I want to ask you about. Why was the decision

taken to privately send framework summaries to a small number of stakeholders rather than holding an open consultation process? When one looks at the list of stakeholders, it is extremely patchy. There is apparently no absolute logic as to who has been consulted and who has not within each field.

We have received criticism that compares the process on common frameworks rather badly with the process within the European Union on EU regulations. The point has been made that there is more transparency in the EU process than there has been in common frameworks so far. One phrase that rings in my ear came from someone who said that the Governments were talking to each other, but they were not talking to the Parliaments sufficiently soon or in enough detail. I would like your comments on that, please.

Chloe Smith: Thank you, Lady Randerson, for a very important set of points. You are quite right to premise that upon the point that it is not enough for Parliaments, Executives and legislatures to talk to each other. This must go to those who are governed. I hope you acknowledge that I made the point at the outset that this is one of my core aims.

Throughout this year, I want to do increasingly more of that and make sure that we get to a point where there can be full transparency over the regulations and agreements that may apply to any given sector or any citizen. They are the basics of accountable government. That said, as I have also made clear, we have to do this on up to a four-way basis. It can be a little cumbersome to get to that point, but that is certainly the intention.

Turning to the specifics of how we have done that so far, and what we have been able to do, we have a dedicated page on the GOV.UK site with information gathering there about common frameworks. I hope it has been helpful to the committee, but naturally it is publicly accessible. That includes the statutory reports that are relevant under the European Union (Withdrawal) Act, further analysis and updates. I expect more to be able to be put there.

Turning then to specific work with stakeholders, the level of technicality entailed by frameworks is often different, for example, from the level entailed by a piece of primary legislation, to draw an obvious comparison. At this level of detail, it is quite normal to do a targeted stakeholder approach. I am sure even the European Union would admit that you operate at different levels with different levels of detail.

The lists of those who have been consulted, however, speak quite well for themselves. In relation to the FFSH framework, for example, you have seen involvement from the Food and Drink Federation, the Provision Trade Federation, Greggs in England, the FDF in Wales, Food Centre Wales, the Food Technology Centre in Wales, the British Veterinary Association and the Veterinary Public Health Association from Northern Ireland, the Food and Drink Federation Scotland, the NFU in Scotland and the Agricultural Industries Confederation in Scotland.

I could also give an example of how we have changed our working practices due to Covid and done a written version. That would be an example from the public procurement framework. You can see where we have been able to make use of correspondence from stakeholders. That includes the LGA in England, the CBI, the Federation of Small Businesses from England, the Welsh LGA, the Welsh Council for Voluntary Action, the NILGA, Scotland Excel, the Scottish Council for Development and Industry and Social Enterprise Scotland.

I would just like to make those examples clear on the record. They allow for broad engagement in different methods that have been possible during the pandemic period, but they also uphold the point that it is acceptable to use targeted engagement because of the detailed nature of frameworks.

Baroness Randerson: Can I ask you exactly how the organisations you decide to consult are chosen? Do the Scottish Government, the Welsh Government and the Northern Ireland Executive come up with their own lists and do it separately? Is it done as a balanced group? I am simply interested in probing some interesting omissions, knowing about one or two of the areas that these frameworks cover. There were interesting omissions rather than surprising organisations that were included, if you see what I mean.

Chloe Smith: If you have examples of omissions where a particular group or individuals would like to be involved, please get them in touch with us. We want to hear from them as well. We are keen to do that. I am sure, if there has been any oversight, we can easily resolve it in terms of the project.

I will ask Bruno to give a little more detail from an official point of view as to precisely how the meetings and the work have been organised. By way of a general point, it relates to the way the regulations in question will very often be in quite a low level of detail. Each of the Administrations will already very often have existing stakeholders that they work with.

You will have realised from the examples I just gave that these are often at a trade body level or a professional association level. Those very often already work with any of the Governments to provide input on the particular area of regulation. That is a good thing; we want that. We are all committed to the point that those who are expert in an area of regulation and those who are governed by an area of regulation ought to be involved. That is the goal we are working to here. Perhaps Bruno will be able to explain more precisely how that converts into a meeting list or a correspondence list.

Bruno Williams: I am very happy to do that. Before I do, can I issue a slight correction to the numbers I gave earlier? I had been double counting, for which I apologise. The total number of frameworks that we provided last time already took account of the likely reclassification of equal treatment. We are talking about 32, not 31. I apologise for that oversight.

All the engagement takes place on a four-nations basis, assuming that all four parts of the UK are party to the framework. It is a joint endeavour. The responsible arms of government take forward the engagement for that particular framework. All the parts of the UK would be responsible for choosing the most appropriate stakeholders to attend those engagements and ensure that the right people are at the table. As the Minister has said, there was a very targeted approach to engaging on a framework-by-framework basis. Just to reiterate the point, this is very much a joint endeavour with the devolved Administrations.

Q94 **Baroness Redfern:** Good morning, Minister and Mr Williams. During our evidence sessions, the overwhelming response has been that a successful common framework programme must have no blurring of boundaries of responsibility or accountability, and that transparency is paramount. I note, Minister, that you have said the Government are committed to transparency; you mentioned that in your letter of 22 February. During this process, would it be helpful in the true sense of openness, or for justification purposes, to publish reasons why frameworks, summaries or decisions are marked "no further action is required"?

Chloe Smith: Yes, we anticipate providing more detail on that. The vehicle for that has been the annual frameworks analysis document. The most recent was in the autumn; we expect that the next will be in September. Those are all available on the GOV.UK webpage that I referred to earlier. That is where we have been able to set out the process for categorising policy areas as "no further action".

To give the broad answer to the justification question, we are using that definition to cover cases where divergence between Administrations was not planned or expected, or where pre-existing arrangements for providing regulatory coherence were already likely to be sufficient. I hope that will allow you to look at that analysis document and see that common thread running through those areas.

Furthermore, we will look afresh at policy areas this year to provide a double-check on that decision. Indeed, it remains open to Administrations to keep looking at that if they wish to. The definition I have given there can itself accommodate change. There may be areas where Administrations decide to change course in themselves. It is my hope that the overall process and governance that we are providing here through common frameworks can itself accommodate the idea that Administrations may want to look at any given policy area and decide how to handle it in the future.

Baroness Redfern: When Lord Dunlop spoke to our committee two weeks ago, he also stressed the importance, for a co-operative union, of common frameworks having clarity and transparency.

Mr Williams, in the pursuit of maintaining quality and fullness of the summaries to departmental colleagues and the devolved Administrations, if framework summaries are to be marked with nothing more than "no further action", why would that not erode confidence in the process and

deem it lacking in transparency?

Bruno Williams: We are very keen to take a fresh look at this, as the Minister has said, in the forthcoming analysis publication, which is likely to be in September this year. A lot of work has gone on since the start of the programme. We started off with 154 policy areas and have now moved to 32 active frameworks. A large number of frameworks have been reclassified as "no further action". We have been working very hard with departments in the devolved Administrations behind the scenes to make sure that robust rationales are provided for that reclassification.

You are correct that those rationales have not always been set out as fully as possible in the public domain; I hear what you are saying in that respect. We can probably commit to putting more information about those rationales into the public domain when we publish our report in September.

I would like to reiterate the point that the Minister made. This is a dynamic process. As time passes and circumstances change, some framework areas may well move out of "no further action" to become active frameworks, just as the opposite can happen. But we are very happy to provide a greater sense for what those rationales for moving to "no further action" look like.

Baroness Redfern: Thank you for that clarity. I am pleased with that.

Chloe Smith: We should all be committed to the idea that any area of law, regulation or public affairs is open to scrutiny and transparency. If an issue is not going to qualify to be dealt with under the common frameworks process, it should, just as a matter of course, be subject to transparency and scrutiny anyway. It is a matter of government to which taxpayers contribute and deserve to be involved.

We should hold very firm to that principle. Therefore, as a parliamentary committee, you will look to the other more regular parliamentary committees, I am sure, to take that up and to ensure that they are looking at any area, whether it is in a common framework, just outside it or separate to it, because it matters none the less.

The Chair: Those are exceptionally helpful answers. Bruno, I hate to ask you to do more homework, but you mentioned that the equal treatment framework is now being moved into "no further action". I wonder whether you could give us a note, in the compendious letter you are now writing about that particular framework, on what journey it has made and why. That would be a useful case study that would allow us to understand the negotiation that is going on behind the scenes to make that judgment. It would be exceptionally helpful if you would be comfortable doing that rather than us asking you to say it, because we are running a bit short of time.

Bruno Williams: Subject to looking into it, in principle that is absolutely fine. It is yet to be confirmed by the Northern Ireland Executive as

moving to “no further action”. Once we have clarity on that, I am very happy to do so.

The Chair: I hear what you say on that point.

Q95 **Lord Hope of Craighead:** Good morning to both of you. It is a real pleasure to see you again in the rather calmer atmosphere of this committee, compared with our last meeting in December, when we were trying to find our way through the amendments. Can I say, on behalf of all of us, how grateful we are to you for the work you did to make it possible for these amendments to be made? We have received a number of expressions of gratitude in evidence we have seen. It has completely changed the atmosphere. It means that people working on these frameworks can see the way forward, so that is a real step forward and we are extremely grateful.

My question is how you intend to use the powers you now have under Section 10 and Section 18. Perhaps I can give you a little background, without taking up too much time, as to where we think the evidence we have already is. First there was your letter of 23 December, Chloe, in which you said that the process for excluding divergence agreed under the common frameworks that would be given effect will be the subject of discussion and agreement with the devolved Administrations, which of course we fully understand.

Then, the BEIS Minister, Paul Scully, told the House of Commons that he expected the power to be used in “the small number of cases in which the market access principles apply to divergence agreed under a common framework”. That raised the question in our mind as to whether the phrase “small number of cases” was simply a forecast, or an indication of policy, in other words to keep the numbers small.

Then we have your letter, which we have just received, in which you said that your officials are working to find the best approach to the use of these powers. Then, this morning in evidence, I think it was Bruno who said that he expected that about half the total number would interact between the internal market principles and the common frameworks, so we have that kind of number—that about half of them would raise this kind of issue. However, the question is whether there was a forecast in what Paul Scully was saying or whether it was policy. That is rather a lengthy background, but I hope that gives you a start as to where we might go in the answer to this question.

Chloe Smith: Can I echo my gratitude to you and colleagues, who were part of finding the way forward? That reflected what I think was always our shared intention with the UKIM Bill and now Act. It worked with the common frameworks programme to deliver the right outcome. I am grateful to you for the work that was done there and to the committee for its scrutiny of it. I will let Bruno come back in specifically on his point about the number that have an intersect with the UKIM principles.

To answer your principal question, Lord Hope, we are not operating a policy that says that that number ought to be small. We are instead

expecting it to be small for the reasons that we discussed quite comprehensively at the time of the passage of the legislation. We think that the common frameworks principles already cover a deal of ground here, but of course they are not comprehensive in terms of the internal market. That is why the additional principles that are contained in that legislation were needed. They work together.

We expect the common frameworks programme still to come into its own as a way for Administrations to sensibly manage any divergence. The frameworks already provide that mechanism and will continue to do so. Therefore, we expect there to be ample opportunity within that process for understanding to be reached, for any disputes or disagreements to be resolved, should that be necessary, and for any more heavy-duty tools not to be needed.

We have, quite rightly, the provisions made by Sections 10 and 18 of the Act as it now is. Officials are working through that in some detail, which I am overseeing. I look forward to it being something I can share with this committee and others. Quite rightly, it is the next step in a legislative process that had a great deal of attention. We need to be able to do that with the devolved Administrations, as Paul Scully set out and as is obvious in the nature of things. We will look forward to bringing that forward to this committee when we are in a position to do so. Bruno, would you like to take up the point of the numbers at that intersection?

Bruno Williams: Part of the information that we provide in due course will be about the intersect between frameworks and the cross-cutting issues. It seems that, on the face of it, around half of the common frameworks are likely to intersect with UK internal market legislation. When we were doing preliminary work on this during the passage of the Act, there were no immediately obvious areas where we felt that it would be necessary to operate the exclusion. The reference to a small number probably refers to the fact that, so far, we do not have a huge amount of evidence that there will be a need to operate this exclusion in practice. As the Minister has said, that is not an indication of policy.

To the point about process, we are working with officials from the Department for Business, Energy and Industrial Strategy and across Government at the moment to determine some preliminary work on how the specific provisions of the Act can operate in relation to a common framework and agreed divergence under a framework. We will then be undertaking discussions with the devolved Administrations in due course. We hope to progress the discussions soon with a view to making good progress on the issue. We are looking at a range of considerations, such as how the role of the Secretary of State dovetails with the common frameworks programme and what sort of evidence might be considered when assessing the case for granting an exclusion.

Lord Hope of Craighead: Can I give you a practical example that has come to our attention in the course of the evidence? It comes from Gillian Martin MSP, the convenor of the Scottish Parliament's environmental committee. She was drawing our attention to a real problem that she

thinks is common to remote areas across the UK: the transportation of livestock between Shetland and Orkney and the mainland of Scotland for onward transportation.

Doing that is a highly specialised business and it has been very well put together, with appropriate vehicles and so forth. There are problems about weather, as you can imagine. Sometimes, delays occur where the winds reach a level at which it is not safe to transport the livestock by sea until the weather has cleared. It is that kind of individual problem in the remote areas that she feels uneasy about and whether that could be accommodated within the policies you are working up. Could you take that kind of problem on board with you?

Chloe Smith: I am sure we can. In the interests of time here, I will not endeavour to respond on that. I am not familiar with the policy area, but we will take that away and look at it. As a general point, we are talking here about areas where powers are rightly and legitimately devolved. Naturally, there will be parts of this example, I am sure, that can simply be done because they are, rightly, the subject of devolved authority. That may be true, times four, around the country. It is only where they need to come together and there needs to be interaction between the territories of the United Kingdom that we would start to consider this as a framework issue. I will limit my general points there. Beyond that, I am afraid I am not familiar with that specific policy area, but I will be happy to take a look at the example.

Lord Hope of Craighead: I am very happy with that. Thank you both very much indeed.

Q96 **Baroness Crawley:** Good morning, Minister and Mr Williams. It is very good that you are with us this morning. I think we all agree that a lot has happened since the common frameworks were first developed, the major change being the UK-EU trade and co-operation agreement. I am thinking of it a bit like the Covid vaccine's efficacy before the variants emerged. Given that the frameworks cover areas that were previously governed by EU law, they will need to be updated in the light of the trade agreement.

Minister, I wonder whether there is a timetable now for that updating and whether you can share that with us. Bruno has said this morning that there are possibly 20 common frameworks that will interact with the UK-EU trade agreement. We on the committee believe that the public health, protection and security, operator licensing and commercial road transport frameworks will be among those 20. Can you tell us, Bruno, about any of the others, or, as time is of the essence at the moment, could you send us information about the other 18?

Bruno Williams: In terms of the need to update documents following the intersect, as the Minister pointed out in her opening remarks the frameworks are about high-level ways of working between the Administrations, which set out governance mechanisms. We do not necessarily consider that the frameworks will need regular updating to

reflect the international obligations from the TCA. However, this is something we are currently looking into. I would be very happy to share the details of the intersects as we see them once they have been validated by departments and agreed with the devolved Administrations. That is the main process point. As I mentioned earlier, our current estimation is now that there are 20. Perhaps I could follow up on the cross-cutting issues en masse when we have those all validated and confirmed.

Baroness Crawley: Have you any idea when that might be? Can you tell us which 20 you think will be most affected by the agreement? Are we talking about months or weeks?

Bruno Williams: Our expectation is that we will be able to fully flesh out the intersects with the cross-cutting issues by the end of April. By that point, we will have an agreed view with the department and with the devolved Administrations. If you do not mind, I would rather not provide information that I may then have to update or change, given that the intersects have not been validated by all the relevant actors at this point. We can send you those details as soon as we are able to.

Baroness Crawley: I understand and appreciate your openness, and look forward to receiving them.

Q97 **Baroness Ritchie of Downpatrick:** Good morning, Minister and Mr Williams. I am very pleased to renew our acquaintance. I will concentrate first on parliamentary scrutiny and then move on to the Northern Ireland protocol.

You say that there are 26 frameworks yet to be agreed by the Northern Ireland Executive. I understand that the Scottish and Welsh Administrations have agreed frameworks. What is holding up the Northern Ireland Executive in such a process? Is it the Northern Ireland protocol?

How will the Government be reporting on divergence that has occurred as a result of the protocol and the effects of that divergence? Minister, in your letter yesterday, under the Northern Ireland protocol you referred to the issue of stress testing, because we had asked a particular question about that. That seems to be centred on the whole area of divergence. How long does that stress testing take? Does it hold up the implementation of the protocol and of the actual framework itself? In your evidence today, you said that the Northern Ireland Executive were looking at the JMC (EN) process. When are the Northern Ireland Executive expected to complete that process? I realise that there are a couple of questions there, but those are just areas of bewilderment for me that I would like to tease out.

Chloe Smith: It is good to see you again, Lady Ritchie. I will take this in two parts: when all the Administrations will be able to move through the ministerial process, and why the Northern Ireland Executive may be the last in this case. Could I ask Bruno to take up the point about stress testing and provide you with that answer? I hope that will be helpful. As a

general point, I am very happy to have this conversation this morning about the frameworks, but there is, naturally, quite a lot of wider detail here with regard to the Northern Ireland protocol or other issues that might arise from that which I am not in a position to answer fully on for the committee.

The committee will have noted that Lord Frost will be joining the Cabinet Office, and indeed the Cabinet, as a Minister with responsibility for those issues. I have no doubt that you would like to have him in front of your committee in due course, which may help with other issues. There will be quite a demand on his time, I am sure, because naturally these are very important questions that go wider than merely the common frameworks programme.

Turning back to the scrutiny process, I cannot answer precisely for the Northern Ireland Executive or Ministers here, and you would not expect me to. We are all accountable to our own legislatures. What I can say is what other Ministers involved here have said. I believe that Jeremy Miles, for example, was in front of his scrutiny committee yesterday and made the similar point that the Northern Ireland Executive are simply working through their ministerial process here. That involves the portfolio-level Ministers, who I believe have performed their part on each of the frameworks in hand. Then, naturally, it has to move through their full process and onwards to JMC (EN). It is not going to be appropriate to try to mark all the stages in that, because each group of Ministers has its own internal process to go through.

There are two things, however. First, as I am sure you will be aware, Baroness Ritchie, there are some concerns in Northern Ireland that relate to the protocol and that have been made very public. Ministers there may wish to make comment on that. The second point is about the nature of coming through the JMC (EN) process itself. I wanted at this stage to extend a little more widely into intergovernmental relations. We are running the JMC (EN) process as the culmination of frameworks at present. As part of our intergovernmental relations review, we are also looking to evolve all the committees and the relations in that sense. We will be looking forward to doing that.

Bruno Williams: To set out what we mean when we say “stress testing”, as far as we are concerned the common frameworks do not have a direct role in implementing the protocol. This is an exercise that we are carrying out to understand how the protocol will intersect with common frameworks in practical terms. The first part of this is understanding what the forthcoming EU legislative programme looks like. This is also, within each framework, about considering how soon it is likely or plausible that divergence occasioned by the protocol might manifest itself and how that might be managed through the framework.

This is work that we are undertaking at official level, talking to colleagues in the Northern Ireland Civil Service in particular. It is ongoing. I cannot provide a huge amount more of information about it at this stage because, as I mentioned, we are undertaking a great deal of work on the

cross-cutting issues affecting frameworks. This is part of that ongoing work. Perhaps the term “stress testing” makes it sound more dramatic than it actually is in practice.

- Q98 **Lord Caine:** Could you say a bit more about how any new rules introduced in Northern Ireland will be addressed by the common frameworks process? More specifically, in circumstances where the Northern Ireland protocol brings about divergence between Northern Ireland and Great Britain, what is the potential for common frameworks to propose alignment between Great Britain and Northern Ireland, and therefore between the United Kingdom and the European Union, in order to preserve the integrity of the UK internal market?

Chloe Smith: Thank you for those two questions. In a way, they relate to a general point that I have been emphasising throughout this morning. Frameworks are only a subset of government and regulation. Naturally, there is a lot in your question that may well occur outside of frameworks, so is not only the subject of our narrow focus here.

How any new rules introduced through the protocol could be addressed by common frameworks is a matter for the Governments involved. To be clear, by that I mean the Northern Ireland Executive and the UK Government. Frameworks are agreements between the Administrations inside the UK about how divergence might be managed. I expect that the parties to frameworks—namely, the Northern Ireland Executive and the UK Government in these instances—would want to be aware of where change may come, through legislation being amended or through the protocol, or indeed change other than the protocol. That is another point to throw in there: they will want to make decisions about how they manage that appropriately.

The protocol processes and frameworks processes will need to operate together. Bruno and I referred this morning to how that is being bottomed out. We will be able to come back to the committee with a bit more detail to illustrate that in due course. I expect that all the work that will be undertaken through the protocol processes will be assessed for where it is relevant to frameworks processes. The relevant Administrations will then act as the frameworks set out. Obviously frameworks contain in themselves methods for working together and resolving things, should that be needed.

I should point here again to the wider intergovernmental relations situation. In due course, I expect frameworks to become the subject matter of normal departmental business, whether that is agriculture and business and so on. That will then be subject to the way Governments and Administrations will work together, using those IGR processes in future.

I am so sorry. I have taken so long to answer your first question. Could I ask you to point up your second question again?

Lord Caine: Where there are circumstances in which the protocol leads

to Northern Ireland diverging from the rest of the UK, is it open to the rest of the UK simply to align with Northern Ireland to preserve the integrity of the UK single market, even if that means that the UK stays aligned with the EU? That would upset some of our colleagues, no doubt.

Chloe Smith: I went into such detail on your first question that I wanted to be able to be specific on your second question, which goes so much broader than frameworks that it is not valuable for me to try to nail it down here. Of course, what you have asked is theoretically possible through the frameworks process, as is, frankly, any question of either harmony or divergence. As you well know, you are asking a much broader question that is subject to much broader forces than merely the common frameworks programme.

The Chair: The questions raised by Lady Ritchie and Lord Caine are significant. I think the committee would want to reserve the right to come back to you with a letter on this point to follow these questions up.

Q99 **Lord Bruce of Bennachie:** Good morning, Minister and Mr Williams. Thank you for your answers to date. I want to ask about parliamentary scrutiny, which seems to fall into two parts now. When this process started, the hope was that it would all be done and dusted by the end of last year. Our committee was set up to oversee that and then it was a finite objective. There has been a lot of slippage for all kinds of reasons to do with Covid, the lateness of the agreement with the EU, and the internal market Act.

At what point do you think we should expect to have finished the process of doing that all? Would you agree that it will clearly be beyond the May elections? There are a lot of reasons not to defend an unelected Chamber, but continuity is perhaps one of the advantages that we have. From your point of view, would there be value in this committee making sure that it can finish the job that it set out to do? Will that be ongoing until well into the year?

In your letter, you say that the committee is mandated for the remainder of the Session. We have discussed that point. You also say two other things, which I wonder may be contradictory and need to be reconciled. You say, "I'm mindful of the need to take a consistent approach across all nations". Then you say, as you said just previously, that the relevant policy departments will wish to agree with their committees on how common frameworks should be updated.

Should there not be a process to continue to ensure that there is a common approach across departments and across the devolved Administrations? That is surely a reason for publishing a review of frameworks to ascertain that they are working effectively, that they are consistent, and that best practice applies.

So there are two parts to my question. First, when will the first process realistically need to continue until? Secondly, do you not agree that just leaving it to departments and their existing Select Committees may not achieve that consistency across the piece when frameworks are being

updated?

Chloe Smith: On the first point, as I mentioned earlier today we are aiming essentially to complete the programme within 2021. That will probably take all year to do, rather than it being something that could be done before the May elections. To be clear, as you will know as experienced parliamentarians, when we say, “before the May elections”, there is obviously a dissolution period involved in the other Administrations’ cases. That is a rapidly approaching deadline and we would not be able to complete the programme before then. I think that would be well understood.

However, as Bruno and I have set out this morning and undertaken to come back to the committee on, we hope to have waves of progress through the year, which we hope will be helpful to your committee in this session and to later committees through the year. You tried to tempt me to comment on the value of your committee. I have hugely enjoyed being before your committee, but I do not think it is for me to say whether your committee should continue.

Lord Bruce of Bennachie: It may have been more valuable if you had not enjoyed it.

Chloe Smith: Suffice it to say that if you continue and call me again, I will gambol and skip my way to your committee and look forward to it enormously.

Your second question goes to what is a very interesting question for the remainder of the time with the programme. How should we strike the balance between a centralised process and departments owning the subject matter? On top of that, as your question rightly puts its finger on, how do you manage the balance between divergence and harmony? I am sure it should be taken as read between all of us here that devolution exists for a very good reason and should be maintained. The subject matter of the regulations that we are talking about here across all frameworks is a legitimate matter of devolution. Therefore, it could not be thought of as a fully centralised process. We have to admit that we are talking about several dimensions of the question of how to manage things together or separately.

How do I expect this scrutiny to be done? In terms of the UK Government and the UK Parliament, it is right for UK government departments to take on these subject matters because they are rightly part of their work. As I am sure even you, Lord Bruce, and Liberal Democrats generally would agree, having now left the European Union it is right that the subject matters in question goes to the UK Government and the UK Parliament to oversee the work. That means that the work is best done through the department that is specialised in it, whether that is agriculture, business or any of the others in the list. The same is true in mirror image across our counterpart Administrations.

In the early part of this year, we are hammering out the things to which a common approach across common frameworks is helpful. We discussed several products that support scrutiny and which I hope have been helpful in that sense. There is probably a natural time limit on the ways you would endeavour to do all these things together, compared to the point where you have to accept that departments own these subject matters. It will be for the good of citizens and those who are regulated by the law in question for that to be done in a consistent way with the rest of that department's subject matter.

Lord Bruce of Bennachie: Thanks for the clarity on the current process. That is very helpful for the committee. There is an open mind on the second question. We agree that there has to be the ownership of the departments and their departmental committees, but there is still a case for overview and consistency, which you acknowledged even in your letter. Your answers were very helpful. Thank you very much.

Q100 **Lord Garnier:** Minister, thank you very much for your letter of the 22nd, which we got overnight. You have just been discussing the subject of balance. In your letter, you say, "There is clearly a balance to be struck between committees receiving fully developed frameworks and reviewing frameworks as soon as possible". Is there just one fulcrum, or are there several? Who is in charge of moving it about?

Then, if I could go back to the letter of 20 December that you kindly wrote to us, in response to the committee's request for reviews of frameworks to be published you said that, "Any requests for further scrutiny will need to be discussed with policy departments and the devolved Administrations. Whilst the specifics may differ for each framework, we are continuing to give thought to how departments might facilitate robust scrutiny of their frameworks by relevant parliamentary committees". How is that robust thinking coming along?

We have received evidence that suggests that the devolved Administrations' Parliaments, Assemblies or legislatures are not happy with the way in which disagreements or concerns are being dealt with by London. How are you going to ensure that recommendations of their committees are not ignored and that those legislatures are not sidelined?

Chloe Smith: That was such a dense set of questions that I took a few notes in order to try to answer all of them.

I will start with the last question while it is fresh in my mind: how to deal with recommendations that come from the committees across all the legislatures. This is a very interesting question, but ultimately we have to recognise that each Executive are responsible to their own legislature, or each legislature can make recommendations only to its own Executive. That is a two-way duty.

That said, the whole nature of the common frameworks process is that it is joint. Therefore, we will want, as much as possible, to have a shared understanding of any issues that committees may raise. They might be the subject of something that could be commonly resolved. I think that

our Administrations are able to work well enough together to absorb such recommendations or scenarios and do that together. You will also recognise that, constitutionally speaking, it would not be right for me to say that any one Executive could be beholden to the recommendation of any one other legislature. That will not necessarily be correct.

I will again refer to the intergovernmental relations processes more generally. We are updating them, as I have said. We are keen that those processes can accommodate really good ways of working and a culture of being able to co-operate where that is needed and helpful.

Turning to your second point about how requests for further scrutiny could be handled as departments begin to take up this subject matter, you have reminded me that I missed responding to something from Lord Bruce about the notion of future reviews of frameworks. I think this is also in your question, Lord Garnier. I would expect departments to be able to assess that and to respond properly to their own scrutiny committees. I could see that being ahead of us and I hope that departments will be open to ensuring that these subject matters are as well scrutinised as any subject matter ought to be within their department.

You also give me an opportunity to reiterate that we, the Cabinet Office, are looking to provide some guidance to help departments to do this. We are looking to do that in the second quarter or so of this year. I will want to provide more information on that to your committee, Lady Andrews.

Finally, Lord Garnier, I am afraid that I did not understand your point about fulcrums. I wonder if you could explain it more.

Lord Garnier: In your letter, which you sent to us overnight, you said: "I understand the Common Framework Scrutiny committee's mandate is for the remainder of the parliamentary Session and, as such, you will want to review frameworks at the earliest possible opportunity. There is clearly a balance to be struck between committees receiving fully developed frameworks and reviewing frameworks as soon as possible". "Balance" implies a fulcrum. I was wondering whether that is in a fixed place, or whether you or somebody else is moving it about. What do you mean by that paragraph?

Chloe Smith: There are a couple of factors here. As we have already discussed this morning, we are doing work here that crosses up to four Administrations. Naturally, then, there is some moving at different speeds, which we have already covered. We can sensibly provide you with the best possible product only once it has gone through the ministerial processes of all the relevant Administrations. I am sure you will understand that that determines how quickly we can bring things to you.

Another fulcrum, as you say, is that we can endeavour to give you early indications rather than a finished product. Frankly, this has been a matter of discussion between the committee and us. We have explored it

somewhat and each moved a little. I am keen to be as helpful as I can to the committee so that you can get stuck in as soon as possible, but that entails the possibility that things change afterwards. This is something that Bruno has acknowledged in his answers in the official zone of this. We still have work ahead of us. We would like to come to you as early as we can, but equally you will understand that that would mean that some work still has to be done afterwards. I hope that is helpful as an answer.

Lord Garnier: Thank you. That is helpful, but I would not want the Government to think that expressions such as “in the near future”, “sometime soon” and “this year” are acceptable every time. There has to be finality and some sort of organised schedule and timetable that we can all work to.

Q101 **Lord Foulkes of Cumnock:** Can I join in the welcome to both of you? Thank you for sticking with it for so long. I have a couple of very quick questions. As you know, we are all very keen to get a copy of the Dunlop report and your response to it. You have had it since November 2019. So far, you have linked it with the publication of the IGR review. That has been delayed. With the elections coming up, it might be further delayed. Would you consider publishing the Lord Dunlop report separately from the IGR review so that we could all have a look at it and discuss it?

Chloe Smith: Lord Foulkes, you give me cause to apologise that I have not given you the Christmas present that I said I would at a previous committee. If anybody wants to lobby criticism of phrases such as “in due course”, “in the fullness of time” or whatever else the best tradition of the Civil Service can provide, I have to say that I owe you an apology for not giving you the things I had referred to.

In all seriousness, I am afraid that I need to reiterate that this is a joint process. Ideally, we would like to be in a position to conclude the intergovernmental relations review together. Self-evidently, that is the nature of that work. It will be positive to be able to do it in that way. As to whether that could be separated from the publication of the Dunlop report, that is possible, but it is our ambition still to do the two together because they are common in subject matter.

Lord Foulkes of Cumnock: I hope you will look at it with your colleagues to see if it could be, especially if there is going to be a delay with the IGR review. Incidentally, my wife gave me Ian Rankin’s latest novel, so I had something to read over Christmas, you will be pleased to hear.

I wonder if the delay is anything to do with the problems you are having in the union unit, with Luke Graham going, Oliver Lewis coming and going, and the conflict over whether to love-bomb Scotland, as some people seem to want, or to take a hard line with the Scottish Government.

Chloe Smith: You are tempting me to give you all sorts of juicy material. Is my love-bombing of this one committee not enough that we need to do

so much more work this morning? You will understand, Baroness Andrews, that I am not going to go there in the ways Lord Foulkes is trying to tempt me to go, except to say that we all, I am sure, have a huge interest in the future of our country being together as one United Kingdom. That is what I and all my colleagues are dedicated to.

The Chair: I think you and Lord Faulks are very well matched, Minister.

Chloe Smith: In that case he can give me a Christmas present. I will give him a reading list that I would like for next year.

Q102 **Lord Murphy of Torfaen:** Welcome, at the end of a very interesting session, to the Minister and Mr Williams.

I have a question on dispute settlement processes. How could any dispute settlement process be made more independent? What role should independent mediation and evidence have in supporting intergovernmental relations? Part of it goes back to George's question about the IGR. In general, is there a role for independent mediation, dealing with the disputes that inevitably will come between the devolved Administrations and the United Kingdom Government?

Chloe Smith: There can be a role for that. I am grateful to you for bringing the question in here. We have been considering this in the intergovernmental relations review. I would point out that there is a spectrum in how to use independent material, from the simple provision of material all the way through to advice, mediation or something that might be binding on Governments. That is a progression. Those things are different and are not all the end goal constitutionally in terms of what each Government wish to use as input and could then agree to be bound by.

We are keen to ensure that there is good independent input to dispute resolution. In a way, this goes with the points that we made at the beginning of this session about the role of technical stakeholders, which is very important. It is right and proper that you have the right expertise in a process, because that will contribute to good government on behalf of those who have to live with the regulations for which we are responsible.

You see some mechanisms for dispute resolution within frameworks, and your committee will have looked at those very carefully. You will then see those fitting into the broader dispute resolution processes that are relevant or set out at the intergovernmental level. That is a perfectly good expression of how frameworks are a subset of other things, which, again, is something we have already discussed this morning and I am sure is well understood.

We are looking to maintain the way in which frameworks and broader intergovernmental relations interlock, even while we do the refresh of intergovernmental relations that is entailed in the review that we hope to conclude soon. Within that, we see an important role for independent input.

The Chair: Thank you very much, Minister and Mr Williams. It has been a really important session as far as the committee is concerned. It has brought us up to date with your thinking, for which we are extremely grateful, and with the process as it is evolving. You have been very frank and generous with us in your answers. It will give us a lot to think about as we go forward now. Can I thank you for all that? I am sorry that we have asked you for more work, Mr Williams, but it would be really helpful to have what we have agreed you will send. In the meantime, Chloe, you go with our very best wishes as a committee and our very grateful thanks for the energy, commitment and engagement you have shown with our work, for which we are extremely grateful. Thank you very much indeed.