



Common Frameworks Scrutiny Committee

Corrected oral evidence: Post-Brexit common frameworks

Tuesday 11 January 2022

10.40 am

Watch the meeting

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

Evidence Session No. 19

Virtual Proceeding

Questions 241 - 255

Witnesses

[I](#): Neil O'Brien MP, Parliamentary Under-Secretary of State, Department for Levelling Up, Housing and Communities; Bruno Williams, Deputy Director, UK Frameworks Division, Cabinet Office.

Examination of witnesses

Neil O'Brien MP and Bruno Williams.

Q241 **The Chair:** Good morning. Welcome to the Common Frameworks Committee and our 19th oral evidence session. We are absolutely delighted that this morning we have with us the Minister, Neil O'Brien. We are very grateful to see you. We know that with a busy schedule like yours this is a real gesture of recognising the importance of what we are doing. I am grateful that we were able to talk earlier this week as well. Thank you very much indeed, Minister. Welcome to Bruno Williams from the Cabinet Office, who has been alongside us for the past 18 months and has been extremely helpful and constructive in our work.

We are now coming towards the finishing line, shall we say, of the common frameworks. It has been a slightly rocky road and there have been many challenges along the way in the timetabling process and so on, and some of those you will be aware of. One of the reasons we are particularly grateful for your time this morning is to find out from the point of view of government the degree of commitment there will be to common frameworks, the role that you see common frameworks playing in building a constructive union, of course, and the general political and technical context in which they sit. So our very distinguished committee will be pursuing mainly those sorts of questions with you, as you know.

I want to start off, Minister, with a very basic question, just to allow us to get a feel for why these are such novel and significant phenomena for the whole of the UK. How do you view the current state of the common frameworks programme? How would you characterise the key achievements so far, and how do you see them working in the future?

Neil O'Brien: I would really like to thank the committee for inviting me to speak to you this morning. It is a very important issue. I would also like to thank the committee for all your work on this since your creation.

The common frameworks programme is, in the words of your report, a really important part of our institutional architecture to create a co-operative union. It is about setting up ways of working across all four Governments so that there are no surprises. Of course, there will always be politics, and there will always be people in different places wanting to do different things—that is the nature of devolution—but we can do that in a spirit of openness, transparency and predictability, and avoid unnecessary surprises. That is the heart of what common frameworks are about.

As you know, while the common frameworks programme as a whole is in my portfolio, the individual frameworks are owned by and belong to the individual departments and their experts. I would say that we have made quite a lot of progress on common frameworks over the last couple of months since Chloe Smith spoke to your committee. In November, I had a really constructive quadrilateral with my opposite numbers in the devolved Governments and we agreed a couple of different things. We agreed that we would finalise the remaining frameworks as quickly as

possible. We also agreed a united approach to the cross-cutting issues, which I know this committee had called for—things such as exclusions to the UK Internal Market Act, the Northern Ireland protocol, and so on. We informed Parliament about our approach to those issues in a WMS on 9 December. That is a huge piece of progress.

Looking at where we are in the programme now, we have one framework fully in force, on hazardous substances, and, of the remainder, 29 have been provisionally agreed by all four Governments. The last two are at quite an advanced stage of development. They are on Mutual Recognition of Professional Qualifications and the services directive. Thirteen of the frameworks have been published and shared with legislatures for legislative scrutiny, and, of the other 19, the majority will be published at the end of this month.

In terms of where we are on the achievements of the programme, we have managed to do some of the things that you called for in your very helpful report. We have published a process for considering UKIM exclusions in common framework areas. We have resolved how we are going to deal with matters relating to the Northern Ireland protocol. You asked, quite rightly, for greater clarity about where frameworks were and were not required, and why there were some areas where powers were being returned and not others, and of course we have to agree that across all four Governments. In the most recent analysis report, we produced the justification, on which all four of us agree, about why the 32 areas have been chosen for frameworks, and why in other areas they have not been needed.

In terms of the process, you have provided useful important and challenging feedback on some of the frameworks already, and I know that officials in different departments are working on that feedback and responding to it before we finalise an agreement across all four Governments. There has been quite a lot of progress since my predecessor, Chloe Smith, spoke to you and since your take-note debate with my colleague Lord Greenhalgh. That is roughly how the programme stands at the moment.

The Chair: Thank you very much indeed, Minister. You have touched on many of the issues that I know my colleagues will want to follow up. You are right that we have had close engagement with every department that has submitted a framework. One thing we have found is that there has been enormous variety, not to say inconsistency, frankly, in approach and connection between them as they have learned from each other. I will leave that now and ask Lord Keen to follow up on some of the issues you have already raised.

Q242 **Lord Keen of Elie:** Good morning, Minister.

Neil O'Brien: Good morning.

Lord Keen of Elie: Thank you for joining us. First, could I take up some of the points that you very helpfully outlined with regard to the timetable

for the remainder of the common frameworks? You mentioned that 13 had been published and you anticipate that the majority of the remaining 19 will be published by the end of the month. We know that originally these were due in December. I understand that there have been difficulties, which would explain some element of the delay, but when you say that the majority of the 19 should be available by the end of January do you mean 10, or do you mean more? Can we anticipate that we will see substantially all these drafts by the end of the month, or will we find ourselves waiting another month or two months, or even longer, for some of the key drafts that we require?

Neil O'Brien: That is a very reasonable question. Bruno can correct me if this is wrong, but I think that the four that we anticipate might not make the end of this month are on the Emissions Trading System, Resources and Waste, and on the two dimensions that are yet to be provisionally agreed—on Services and on the Mutual Recognition of Professional Qualifications. All those have in common a high degree of complexity of subject matter. Bruno, please jump in. Is that roughly still our expectation?

Bruno Williams: Thank you, Minister. Yes, that is exactly right.

Lord Keen of Elie: That is very helpful. Are you going to be able to produce an appropriate draft on fisheries if we do not yet have a joint fisheries statement?

Neil O'Brien: I think Bruno is closer to the detail of where we are on that one at the moment and I will leave that one to him.

Lord Keen of Elie: Bruno, do you want to come in on that point?

Bruno Williams: I am afraid I do not have any further updates on when we can expect the fisheries statement, but, as the Minister mentioned, we are very much looking to include that as one of the frameworks that is published by the end of the month, and I think it follows that we would expect that framework to be issued after the fisheries statement. If there are any further developments on timing for the fisheries statement, I am very happy to follow up with the committee on that, but I do not have the details to hand, I am afraid.

Neil O'Brien: One thing I should have said at the outset is that although I have the oversight of the programme as a whole, and cross-cutting issues, individual departments tend to be across the detail of their individual frameworks, as they are the owners. I do not know whether you are due to speak to Defra or not, but quite a lot of the outstanding ones that we expect towards the end of this month are Defra-related frameworks.

Lord Keen of Elie: I think we appreciate that, Minister, because the impression we have had, and this is not an implied criticism, is that at times Defra has been struggling with the production of some of these drafts; indeed, not only their production but in the presentation of them,

because there does seem to be an element of inconsistency as to how some of these drafts are presented, particularly when we see them coming from Defra. You mentioned in this context that you have oversight. It would be helpful if you could elaborate a little on that. Are you exercising a degree of oversight to ensure consistency of presentation of these common frameworks in draft?

Neil O'Brien: That is right. The central Cabinet Office team has been issuing templates and best practice guidance to all departments. It has been helping individual departments to review them to ensure consistency. That is roughly what the central team does. In terms of the content of the process, some of these frameworks, before you even come to the actual policy—obviously the framework is just describing the way of working between the different Governments—are at a very high level of technical detail. The central unit can attempt to make them consistent, particularly through the agreement on cross-cutting issues where that literally agreed set text is dropped into each of them so that they have a consistent approach to the issues that you identified in your report. That is roughly where we fit into the process.

Lord Keen of Elie: But of course, Minister, you are no longer a minister in the Cabinet Office.

Neil O'Brien: I was never actually a minister in the Cabinet Office, funnily enough. I worked out of the Cabinet Office before, but the team reports to me and the continuing team will continue to report to me as a minister.

Lord Keen of Elie: I think Bruno will be able to confirm whether this is accurate. That Cabinet Office team has reduced quite significantly in number, has it not?

Neil O'Brien: I will let Bruno answer in a moment in more detail, but the team will be continuing. Obviously, we are aiming to have done most of this work and most of these frameworks will get through in the very near future, but there will still be a role for a continuing team to identify any emerging cross-cutting issues, to monitor how frameworks are going, and to continue to encourage best practice. It will be a smaller team, but there will be a continuing team.

Our partners in the devolved Governments are also planning, at least for a time, to continue with some kind of equivalent central team as well as departments within those Governments that deal with the policy issues in question. That structure of co-operation, which I have to say has worked really well between the Governments, will still be there, albeit, as you would expect as the bulk of this work is done and things bed in, on a slightly smaller scale. Bruno can talk about the detail of that team.

Lord Keen of Elie: Thank you very much, Minister. I appreciate the input that you have given us.

The Chair: We will probably take up the invitation to come back to that

point with Bruno a little later in the session.

Q243 Lord Thomas of Cwmgiedd: Good morning, Minister. Thank you for the very helpful evidence you have so far given. May I take you back to the communiqué of the Joint Ministerial Committee that set out its view of common frameworks? What does that mean for you today, and how do you see common frameworks from your own personal perspective?

Neil O'Brien: In one sense, they are, as I said at the start of the meeting, about our plan and our way of working between the Governments. That is the core of what they are. They cannot answer every question that will arise in future. They cannot even prevent divergence. What they can do is avoid surprises and establish constructive, co-operative, professional, understood ways of working between the Governments, and—something slightly less tangible, if I can put it this way—cordial relationships and good links between both Ministers and officials, in the way you would hope that, at its best, the relationships between the Governments should operate.

I have to say that my experience of working with partners in the devolved Governments so far has been extremely positive. There has been a genuinely constructive attitude on all sides to come up with something that we are all happy with and to maintain that continuing spirit of trying to work together, despite the fact there will, inevitably, be times in the future when different Governments want to do different things and which will create questions that we will need to resolve together. The spirit of frameworks is about establishing those good practices and good connections between different Governments to help to avoid things suddenly coming out of the blue or people being upset: “Why weren’t we told this?” That is at the heart of what frameworks are about.

Lord Thomas of Cwmgiedd: Thank you very much for that. I would agree with you that they play a central role. There are one or two frameworks, and I do not want to go into the details of them because in your role the detail is not your responsibility, but I think we told you that we were going to ask you about the Rail Technical Standards Framework, which seems not to fit in consistently with those principles. Looking at it from the point of view of public confidence, and this is a mechanism for holding the union together, ought we to review whether some fall really and truly within the spirit of common frameworks?

Neil O'Brien: You are right that the departments are best placed to talk to specific things about particular frameworks, but it is not a bad example that you choose here. On the issues that you have raised, and I think you are referring to the Rail Technical Standards Framework, you have quite rightly pointed out that there was an omission of the language referencing the JMC principles. I suspect that, your having alerted them to that issue, they will want to address that as they revise it. Those are exactly the kinds of consistency issues that both you and we are trying to ensure are addressed.

There were some specific things, and, again, this demonstrates the utility of your committee pointing out the lack of an official level working group and the omission of DfI and Northern Ireland from one of the decision-making structures. These are the things that we have to pick up through frameworks, and we have to make sure that those connections are being made and not dropped. I think the DfT Minister in question has already committed in writing to resolving that completely accidental omission of DfI from the structures.

It is a bad example, and a problem that you highlighted, in the sense that it is also an example of a system working in so far as we can now resolve that and ensure that those connections are made in the right way in the future, such that there are these kinds of good working-level relationships. As we go through it, there is a process across all four Governments of reviewing each of the frameworks, which should, by the time we actually finalise them, lead to a lot of these issues having been ironed out.

Lord Thomas of Cwmgiedd: It is often said that when you are setting something up people are terribly keen to try to make it work properly, but on these principles for the future, surely it is equally important to make certain that no department goes out on a limb and that it is all made to work properly for the future. How is that going to happen?

Neil O'Brien: If I could use a bit of a metaphor, it is a bit like in the EU trying to create these routine working-level relationships. A lot of what the frameworks are doing is establishing those regular contacts such that everyone knows each other, so that there is regularity of contacts. It becomes mainstream, to use a piece of dreadful jargon, or part of the daily life in departments and business as usual, that you have a process of working with your partners in the devolved Governments; everyone knows where they stand, and it is an automatic reflex as part of what each UK government department does by having those relationships with its partners in the devolveds.

Lord Thomas of Cwmgiedd: A very short last question. Sometimes one hears ministers in devolved Governments saying, "It's fine to work with department X, but many departments have gone out on a limb, and any co-operation with them—[Inaudible.]". We have picked that up at this stage. How do you pick it up for the future?

Neil O'Brien: I am so sorry. It is possibly our internet at this end, but there was a bit of interference on the line when you asked me your question. Would you remind repeating it again?

Lord Thomas of Cwmgiedd: I will repeat it very quickly, because I am conscious of the time. You sometimes hear from Ministers in devolved Governments saying, "Department X in Whitehall is wonderful to work with, but department Y just doesn't like devolution and is hopeless". At this stage, everyone is being brought into line. How do you make certain in common frameworks that you do not end up with department X and department Y having different attitudes?

Neil O'Brien: I have got you. Thank you so much for repeating the question.

Yes, sometimes of course these things are perceptual—personalities and so on—but the point of the exercise and the maintenance of a common team is that, by first getting things into the right shape through this process of your scrutiny and our work on the frameworks initially, you establish ongoing relationships, ongoing patterns of meetings and ways of doing things, such that you get all relationships to a decent level, and then you have this watching, continuing team at the centre monitoring how all those relationships are going.

If there is a problem, it is detected and corrected, and then you keep those relationships at a good level. You do not set off with issues that have not been addressed and you do not find that you are sliding off course because things are not being done according to the framework, and those gripes that you describe can be picked up and nipped in the bud really.

Lord Thomas of Cwmgiedd: Thank you very much indeed, Minister, for those very helpful answers.

The Chair: Thank you, Minister. That was a very comprehensive reply.

Q244 **Baroness Crawley:** Good morning, Minister. It is good to have you with us. Thank you for your positive responses so far. We were quite nervous, I have to be honest with you, when we realised that the common frameworks were moving from the Cabinet Office, because we felt that for their future status, their future recognition, and the place they hold within the new UK internal market, it was important for everyone, if possible, to be on the same page. We felt that moving to another department, even as important as the levelling up department, would certainly lead to some fragmentation of quality control, if you like.

Following on from Lord Keen's and Lord Thomas's questioning, if, for instance, there is a transport framework that is not following the template set down in the JMC principles, what do you personally do about that? Do you just say that it is up to the transport department, or do you intervene? Do you say, "We need to have another look at this one"?

I have a second question that will save me coming back. We notice that some of the frameworks have a concordat attached to them and others do not. We are not quite sure of the reasoning behind that. Is that something you would be interested in looking into, or do you leave that to the small Cabinet Office team?

Neil O'Brien: Those are both good questions. On the responsibility to me as a minister, I would say that the frameworks programme is vested in the wider pattern of our relationship between the four Governments, which I also have a wider responsibility for as Minister for the Union and Constitution, reporting to my Secretary of State, who ultimately leads on these issues.

The common frameworks programme, which, as I say, has been an example of really positive working within Governments, will succeed in the longer term if it is part of a wider pattern of co-operative, constructive relationships between the four Governments, which we as a department have a wider oversight of. A lot of the other things that we do here have relevance for those relationships, be it UK-wide funds of different kinds or a wider role on the union, some of which has moved, as you know, from the Cabinet Office to this department. In one sense, everything is brought together here across the frameworks and intergovernmental co-operation across the union—

Baroness Crawley: Sorry, Minister, may I stop you there? Is that seen by other departments, or are you seen as just another department and, “Why are you interfering in our work?”, as it were?

Neil O’Brien: It is a good question. Through the relatively regular contact with my Secretary of State, First Ministers and leading ministers in all four Governments have a strong sense that this is a good port of call, an important port of call—a first point of contact, if you will—to resolve those cross-Whitehall issues if they arise. They will also know from their experience of us what our philosophy and approach to these issues is, which is one of co-operation, and not creating unnecessary frictions, or a combative relationship. Ultimately, that would be a destructive and short-termist approach. The proof is in the pudding, but I think that is recognised by our partners in the devolved Governments.

On your second question about concordats, not every framework ultimately needs a concordat. They tend to be appropriate where you have more technical types of issues. I think the majority of frameworks have a concordat, but not all of them. Bruno will remember the exact number, if I can bring him in, of what proportion do, but not every framework should need a concordat depending on what it is dealing with, and they are all different. Bruno.

Bruno Williams: Thank you, Minister. The number is that 20 frameworks of the 32 have either a concordat or a memorandum of understanding. As you said, Minister, the frameworks are where you need a slightly higher level of operational detail. A decision on whether to have a concordat or not is something the framework-owning department and its counterparts across the devolved Governments would agree on.

Baroness Crawley: May I say, Bruno, that when we interviewed officials from the transport department in November, one of them said that they had never seen another framework, and they did not realise they were off the grid, as it were, on the template? They did not know they were diverging from anything. I think perhaps the level of recognition within departments needs to be looked at.

Neil O’Brien: Shall I take that? In one sense that is concerning, and in another sense that is exactly why we have the process of review in the central team and the work of your committee. By now, of course, they will be aware that there is a wider approach, and it is important to have

consistency and things will be revised to bring that into line. I cut Bruno off there.

Bruno Williams: Not at all. I highlight that, since those frameworks were issued, it is worth pointing out that the light-touch review process, which we carry out prior to publishing the frameworks for scrutiny, I have to say is slightly less light touch than previously, and my counterparts across the devolved Governments and I have been taking a slightly more, let us say, interventionist approach to make sure that there is a consistency across the frameworks, making sure that we can respect the needs of the individual departments to set out the frameworks as they see fit while also ensuring that there is that level of consistency that you have pointed to.

Baroness Crawley: Thank you both very much indeed.

The Chair: Thank you, Lady Crawley. That was a very interesting and very useful exchange, and I am very grateful.

Q245 **Baroness Redfern:** Welcome, Minister, and thank you for attending our meeting today. The first part of my question is this. Where the four Governments had agreed not to develop common frameworks, and attached to those discussions was an explanation for each area as to why a framework was not thought necessary, taking all things in the round would you not agree that there is a case for more clarity on the criteria as to how those assessments were made? I would add before you respond that I was pleased to see in your letter of the 13th that you stress that transparency is so important.

Neil O'Brien: There are several good questions there. First, the decisions on whether a framework is or is not needed is a decision not just for the UK Government but for all four Governments. Whether a framework will be created or will stop being in force is a decision for us all to take unanimously. It is not just for one Government to do so. The table that you will have seen and that you argued for, and which we provided in the analysis document, shows that all four Governments agree on those statements about why something is or is not needed. It is not just the view of the UK Government.

Behind it, the central team created for each a standard questionnaire—you talked about standardisation—to guide the different departments in making those assessments. They are the output of a process that is standardised, in so far as it can be, notwithstanding the fact that all these different policy fields are so different and some are much more technical than others. That framework, that standardised questionnaire, asked them to think about various things, including whether there are risks to those JMC principles, how the co-operation between the Governments was being maintained, what drivers for divergence in the future we could see, or, picking up on a point that your committee has made, whether it might have broader interdependencies with cross-cutting issues that we talked about before that might cause a divergence over time.

It is a living process. All the frameworks are under permanent review, as it were, and if any of the four Governments decides that one of those areas should be moved into "framework needed", or moved out of "framework needed", we will discuss that at any point in the programme. The thing you are seeing in that analysis is the outcome of a process that has a degree of standardisation behind it, to reassure you. I do not know if Bruno wants to add anything to that.

Bruno Williams: I would pick up on your point that this is very much a summary that we are publishing. Clearly, a lot of work has gone on behind the scenes in gathering the rationales for having a framework or not having a framework. In our report we have attempted very much to hide the wiring and to provide the edited highlights. There is of course more raw data that we have processed in drawing that up.

I would also highlight the Minister's point that this is very much an agreed outcome. The UKG team and our colleagues across the devolved Governments have agreed that this is the right approach.

Baroness Redfern: Thank you, Bruno. I would respond to the Minister that we have seen, in light of the response to the HGV driver shortage and the supply chains, how that had changed. The final part of the question is: what importance do you attach to those judgments to be reviewed and new frameworks created, if necessary?

Neil O'Brien: Thank you for the question. Absolutely, if we find that circumstances change, as you just alluded to, or something else changes, there is openness through the ongoing dialogue that we have with our partners in the other Governments to change our judgment about no framework needed and to draw up new frameworks. I think that will be one of the potential tasks for the ongoing central team to monitor.

Baroness Redfern: Timing is of the essence for commercial traffic and trade. Thank you very much, Minister, for responding, and thank you, Bruno.

The Chair: Thank you, Bruno, for the very useful phrase "hiding the wiring", because, as you know, one thing we had an issue with was the rather bland statement that divergence was unlikely. The question was: how do you know that, and what evidence are you using to support such a statement? Knowing that those frameworks are in fact living documents and that there is raw data gives us the confidence that we can go on asking these questions as we go forward. I am very grateful to you for that.

Q246 **Baroness Randerson:** Good morning, Minister. I was relieved to hear that you regard it as a living process, despite the fact that there will be a smaller team in future. Our conclusion in our first report was that common frameworks are weakened by the limited inclusion of external stakeholders. We recommended that they should be reviewed based on a much broader stakeholder consultation so that those affected can make a meaningful contribution. In addition, we noted inconsistency across

government departments in their approach.

My first question, Minister, is: how will you encourage stakeholder engagement in future, and how will you ensure more consistency across departments in that regard?

Neil O'Brien: That is a very fair question. All of them, as you know, have some degree of stakeholder engagement. The frameworks are, as it were, the way of working rather than the policy itself, so there is a varying degree of external interest in them and the external stakeholders are, in different fields, more or less organised, depending on the policy field.

Following your comments, as well as that initial consultation of stakeholders before documents come to you for scrutiny, observations and recommendations on all these things, as they then go round to the four Governments to come to a final post-scrutiny agreement, several of them are, in parallel with that, going through a process of further stakeholder consultation. I will invite Bruno to talk to this point, but I think that, in some of the fields where there has been a bit less of that in the first round, there may be a bit more in the second round. But I will hand over to Bruno on that particular point.

Bruno Williams: Yes, that is absolutely correct. The frameworks that I would draw attention to in that respect are in particular Recognition of Professional Qualifications and Services, which are undergoing stakeholder engagement this month. It is also worth saying that some departments may wish to do a bit of external engagement in the light of the agreement that we have reached with our devolved counterparts on the various cross-cutting issues, and that is likely to take place alongside parliamentary scrutiny.

On the point about what we will be doing in the future, I would very much see the role of the Cabinet Office team as providing guidance for ways in which departments should consider scrutiny, but with the proviso that that is very much a decision for the departments to implement, in line with counterparts in devolved Governments. As we have mentioned in previous sessions, it is very much a four-way process.

Q247 **Baroness Randerson:** Thank you very much to both of you. I am reassured by those replies, because we have heard before on several occasions the reference to common frameworks being about ways of working. It has always struck me that there is an important interaction between ways of working and the policies themselves, because if your ways of working are not good you will not come up with good and sound policies that will withstand pressures.

May I move on to my second question? Obviously there is a need for ongoing scrutiny of how well common frameworks are working; indeed, Minister, you have just referred to the need for potentially new ones and so on. There is a divergence between the approach of the UK Government and that of the Welsh Government in particular. Chloe Smith promised us light-touch guidance to departments on how they should

engage with parliamentary committees, whereas the Welsh Government have promised at least an annual report to the Senedd covering the operation of common frameworks in general, and each of the common frameworks.

Why are the UK Government favouring a light-touch approach, which will inevitably bring more diversity in approach, rather than the rather more prescriptive approach of the Welsh Government, which can be seen as more rigorous?

Neil O'Brien: That is an excellent question. I would say also that your comments at the end of the last observations were very sage—the one about if you do not have good processes you will not have a good outcome.

At the quadrilateral I mentioned between me and partners in the devolved Governments, we discussed this exact point. I know it is something that my colleague in the Welsh Government, Mick Antoniw, has been giving quite a lot of thought to. He very helpfully and kindly suggested that he would go away and do a bit of work on this very point and come back to us, and I am looking forward to seeing his work on this.

More generally, this is the sort of issue that we will be covering off in the Phase 5 guidance about how all this works in steady state. Again, like a lot of these things, quite rightly, that has to be agreed between all four Governments, and we are trying to write that together at the moment. I would be very surprised if we did not have at least an agreement that where there are significant changes, either to circumstances or to ways of working, we have a clear recommendation to departments of the UK Government and departments in devolved Governments that they should regularly update their relevant committee of these things, if they happen.

It is an issue that we are exploring in two different ways at the moment in the process of drafting this kind of steady-state Phase 5 guidance together. There are also the specific suggestions that we are looking forward to seeing from Mick. I do not know if Bruno wants to add anything to that answer.

Bruno Williams: I have nothing of substance to add. You mentioned the Phase 5 guidance. Obviously, that is something the team is working on at the moment, and it will set out issues such as reporting in the longer term. I think the main thrust of that is likely to be, in keeping with the spirit of departmental ownership, that departments ensure that the committees with an interest are made aware of any substantial developments to the common frameworks. I would not want to go into too much detail about how prescriptive or otherwise that guidance is likely to be, but, as the Minister said, we are expecting some proposals shortly from the Welsh Government on that front.

Baroness Randerson: Thank you very much, Minister and Bruno. Those are very useful and hopeful answers, because it is good to hear that there is work across the Governments in the UK. Thank you very much.

The Chair: Thank you, Lady Randerson. I completely agree with that. There is a lot of very interesting stuff there on the concept of the steady state that I would like to explore a bit further.

Q248 **Lord Bruce of Bennachie:** Minister, thank you very much in particular for your very constructive approach to this. We as a committee have seen that the whole common frameworks process has had a dynamic that has changed from the start. We got the impression that at the beginning it was perceived as a finite piece of work that would come to an end. We very quickly realised that the approach could help to inform the way the Governments work together, in perpetuity really, and it is very encouraging, Minister, that you are perhaps echoing that now.

May I address the political dimension a little more sharply, because that is also your responsibility? Mention has been made of Mick Antoniw and the Welsh approach. Obviously Wales under its current Government wants devolution to work and has some concerns about how it is working. Scotland, on the other hand, does not really want devolution to work. It wants to present a case for independence, and the good workings of devolution do not always serve its purpose. When we have evidence from the Scottish Minister, he tells us that they are very happy with the way things are working at official level, but I doubt whether any publicly aware citizen in Scotland would have a clue about that, because that is not conveyed at all. The impression is that it is always difficult and the relationships are spiky.

The point really is that, first, we need to ensure co-ordination between all the Governments. It is not four Governments but almost five, Minister, although one of them is like a two-headed Government where Ministers act for England and the UK. Are you comfortable that this process can become a way of pulling the union back together, to address the concerns that Wales legitimately has, and the tension within Scotland? Is it within your judgment that the UK Government could reach out to the people of Scotland and explain that this really quite constructive relationship is both working and has a future as a way of working? I think we as a committee feel that that is a very important way of pulling the union together, when there are tensions trying to pull it apart.

Neil O'Brien: There are some very high-octane politics in your question. I would say that the common frameworks programme obviously cannot make those big political issues go away, but I think there is a recognition across all four Governments that whatever people's different politics are, and those who want independence will have a different view, it is in our interests—and in the interests of our citizens, more to the point—for us to have sensible working relationships on these issues, many of which are quite technical, and to have ways of working that do not lead to unnecessary frustrations. Angus Robertson has a different view from me on the question of Scottish independence. That is not a secret or a surprise. Nevertheless, it is in nobody's interests to create completely pointless conflicts that could be avoided by better processes.

I think there is value in having a framework in which you can manage divergence. The whole spirit of devolution is that there is sometimes divergence and people want to do things differently, and that will sometimes cause inevitable and unavoidable questions to be put, tensions to be felt and differences of view to be expressed. You might as well have a sensible framework for working through those differences and divergences, and a clearly understood process for putting issues on the table, for processing them, for potentially resolving disputes in the longer term, and to have decent day-to-day relationships, even if ultimately some of the politicians have a different view on the future of the country. I hope that gets to the base of your question.

Lord Bruce of Bennachie: I think that is a very fair reply, and what comes out of that is not just divergence but a recognition, which is in the title, of the common interests across the UK.

I suppose the point I was trying to get to is that I can see that your approach and that of the UK Government—it has changed in a very positive way over the last two or three years—is to try to say, “Let’s work co-operatively across the union. Let’s find ways of doing it”. What flows out of that from a Scottish perspective is that it is in Scotland’s interests to work not only on divergence but on securing what we have in common. The politics of that is, of course, that the Scottish Government are not too keen to advertise that fact, but the people of Scotland need to know that that is happening.

Neil O’Brien: I think that is a fair observation. The point I would make is that in all my experience—indeed, there is polling evidence that suggests the same thing—people like to see Governments getting on in a grown-up way and working together constructively. It is very clear how most normal citizens expect us to behave, and I think we should try to meet those expectations.

Lord Bruce of Bennachie: As I say on your approach, I genuinely think that the process since it started has moved in a much more constructive direction, and your evidence today is really helpful. Thank you very much.

Q249 **Lord Foulkes of Cumnock:** Good morning, Minister. May I follow Malcolm’s question? You mentioned quadrilateral meetings earlier. We have had a lot of reports about meetings at which the representatives of the UK Government have to represent the interests of England, understandably, and hold the ring, as it were, as the United Kingdom Government. How do you reconcile those two perhaps sometimes conflicting roles?

Neil O’Brien: It is a very fair question. I suppose I would preface my answer by saying that the common frameworks process is a genuine four-way partnership. It is not fundamentally combative. It is a co-operative working relationship in the spirit of partnership. The Government publish on GOV.UK a list of all the different ways in which devolution works, and, as you have alluded to, where powers are

devolved symmetrically to all three devolved Governments the UK government department can act in the interests of England, and where there is asymmetric devolution—for example, devolution to Scotland and Northern Ireland but not to Wales—the same department can act for England and Wales.

There is a table that sets out in each case how the thing operates. In one sense, absolutely, yes, you can go round the table and say that in this case this department is acting for England or for England and Wales, but I would preface that by saying that we do not play the role of the English Government. The UK Government and the three devolved Administrations do work together in a spirit of partnership, with the UK Government being the place on the Northern Ireland protocol, for example, where, if all four Governments unanimously agree that there should be an exclusion to the UK, it happens to be the UK Government Minister who will lay the SI.

Lord Foulkes of Cumnock: You are a very intelligent man, Minister. You are also the Minister for the Union and Constitution, and you must realise that there is a problem here and a democratic deficit so far as England is concerned. England is not properly represented when it has to have the United Kingdom Government looking after its interests. Why are you and Michael Gove not doing something more proactive to look at devolution? I would accept as a former Labour Minister that we stopped too soon in devolution. We did it for Wales and Scotland, and it had already been done for Northern Ireland. England is still the problem. What are you doing about it? In your manifesto you said that there was going to be some kind of constitutional convention, a wide-ranging thing. What is actually happening about that now?

Neil O'Brien: The noble Lord is tempting me into very deep political waters that it is probably not sensible for junior Ministers to get too deeply into. I would agree with you that we have quite an asymmetric devolution settlement in the UK. That is not at all a surprise. I am a passionate supporter of, and have worked for a long time on, the devolution agenda in England, such as the beginnings of substantive devolution, which I worked on from 2014 onwards, to our largest city regions. As you know, there is a commitment in the Conservative manifesto to take devolution to the 100% of England that wants it, and to deepen that devolution.

We start from a position where Scotland, Wales and NI have a very large head start in so far as you have very deep devolution there, and for various reasons it did not keep pace in England. Obviously, there was an approach based on regionalism that was rejected in the 2004 North East referendum. Things could have gone a different way. Then there was, in a sense, a long resetting on to a slightly smaller geography based on city regions.

I think your question and the challenge are completely fair: that at the moment we have an asymmetric devolution settlement, but it is probably the subject for a whole other committee. There is quite a lot of active work going on on devolution within—

Lord Foulkes of Cumnock: There is a lot of active work, but one last question. Mark Drakeford has set up a commission to look at development in Wales. As Malcolm mentioned, there is, unfortunately, this continuing very negative debate in Scotland. The Labour Party has set up a commission that Gordon Brown is chairing. It is the UK Government who ought to be doing this. Neil, you could make your name as a junior Minister taking the right approach within a department, and I think Michael Gove would be sympathetic, by coming up with something. The UK Government should say, "Let's grasp this nettle. Let's find a way forward. Good luck if you take it up. We will support you".

Neil O'Brien: Thank you. I will not get too much deeper into it other than to repeat your observation that the Welsh Government want to make the devolution settlement work. So do we, and that gives us lots of potential for positive co-operation.

Lord Foulkes of Cumnock: Anyway, I am wandering too wide, and we had better let Lord Hope come in.

The Chair: I would not dare draw you back, George, but I think we are on safer shores with Lord Hope's question.

Q250 **Lord Hope of Craighead:** Good morning, Minister, and thank you for giving so much time to speak to us. I would like to get back to common frameworks and follow up your interesting discussion with Lord Bruce. The particular point I want to focus on is the Written Ministerial Statement of 9 December, which introduced to us the process that had been developed—I think that was the word you used—with the devolved Administrations for agreeing exclusions from the application of the internal market principles.

You probably do not know, but that statement was issued on a Thursday, and on the Tuesday of that week Angus Robertson gave evidence to us. He touched on the agreement that had not yet been announced, but, without breaching confidences, he made it clear that he was present at the meeting at which the process was developed. The significant point, and I hope you would agree, is that it was agreed at ministerial level across all devolved Administrations. Of course, a lot of the work has been done by officials with whom relationships are extremely good, but is it not a good example of the co-operation at ministerial level that this process was developed and agreed?

Neil O'Brien: I completely agree. Let me take this opportunity to pay tribute to UK Government team, and indeed their counterparties in the devolved Governments, who did a lot of work behind the scenes to get us to the point of ministerial agreement. That is no small feat, so let me recognise that work behind the scenes that does not always get recognised.

It is also the subject of a political and ministerial agreement. I think it is extremely encouraging for the process as a whole to have set off with that clear agreement and framework for making these decisions, which you would know more about than pretty much anybody. It is a good start

to a process that we have managed to achieve that agreement at the political level, as you say.

Lord Hope of Craighead: With that background, Minister, could you talk us through how the process will work from the point of view of the UK Government? Of course I take the point that you have a representation for England, but this is the UK Government's input into this. Can you just explain how it will work, given the various stages that are set out in the process?

Neil O'Brien: That is a good point. The detail is likely to be quite different depending on the different areas, because these frameworks and policy areas are so diverse, if that is the right word.

The first stage is that the exclusion-seeking party sets out the rationale and the scope for the proposed exclusion to all the other partners. As a result, that leads to a structured discussion under that framework which the framework sets out, and all the other parties offer their views on the proposal. I expect there would be a degree of back and forth and refinement of the proposal. You would expect each individual government department that is leading in each of the four Governments to consult other departments as relevant, assuming there are other departments that are relevant, that would have an interest in it.

Each of the four Governments will have a slightly different process for doing that. If unanimous agreement were reached, a Minister from the relevant UK government department would lay an SI in Parliament to alter the relevant schedule to the Act. That requires the approval of both Houses, as you know, and it is an affirmative resolution.

You are quite right to draw attention to the fact that they would be acting as the UK Government there, and it is a completely symmetrical process where all the partners have to agree; one does not have a greater say than the others. That is roughly how the process works.

Lord Hope of Craighead: I follow that, Minister, and that was a very helpful summary of what is in the document, but I am interested in the leadership from the centre to make this process work. Obviously, minds have to be brought to bear on the issue, and without some kind of central leadership there may be considerable delay and the whole process may not take off. Does the central team, which you mentioned earlier, have any part to play in this, or any of the departments with oversight—your own department or the Department for Business, Energy and Industrial Strategy? Do they have roles?

Neil O'Brien: One thing we are trying to get at through frameworks, one thing we are trying to achieve, and I alluded to this at the start, is this whole point about avoiding surprises, mistakes or errors. A potential problem that we need to address through the frameworks programme is where, in a fit of absence of mind, a department that is taking a lead in any of the four Governments does not think that X other department has an interest in this and will want to express its views. As you know, one of

the most common things in Whitehall is departments behaving in a siloed way. It is a permanent problem of all Governments to try to get them to work in that collegiate way.

One thing the ongoing central team will do is encourage best practice among departments and make sure that they are thinking through and that they have consulted with others who might be relevant. To be really blunt about it, the situation we are trying to avoid is that department X thinks, "This is our thing. We can make a decision on this, yea or nay", and they do that, and a bunch of other departments then come out of the woodwork and say, "Hang on a minute. What about X, Y or Z?" That is the situation we are trying to avoid by creating good process. It is the point of the exercise, really.

I would invite Bruno to add anything he wants to add to that.

Lord Hope of Craighead: You have put your finger on a point that was of concern to us in a passage in earlier evidence when we understood that things were 95% agreed, and then there was a 5% hiatus because other departments were beginning to pitch in and produce objections and one thing after another. That is why leadership from the centre is so crucial. Does the central team have enough muscle power to bring minds together to enable progress to be made in this very important area of trying to achieve an exclusion from the very powerful internal market principles, which otherwise will completely override the common frameworks process?

Neil O'Brien: Having invited Bruno to come in on this point, let me see if he wants to talk to that particular point.

Bruno Williams: Just to reiterate a point you made earlier, you would very much expect, from the perspective of UKG, there to be a cross-Whitehall view as to the merits of a particular exclusion. Without having tested the process from end to end in a real-life example as yet, I think you would expect there to be a process of making sure that all departments with an interest were in agreement on a particular course of action.

Lord Hope of Craighead: Bruno, that just highlights the problem, does it not? It is achieving agreement across all departments. Of course, the DAs have to do it themselves, as the process makes clear. They have to ensure that they have covered all the departments that might be relevant in saying that they have agreed with the process. I think we are concerned about the muscle power from the centre to get this process to work and bring heads together. Will you be relying on the central team to do this, Minister, or is there some other department? Of course, the Cabinet Office would be the ideal situation, but we understand that does not have much of a future here because of the reduction in strength devoted to this particular process. Can you elaborate on that very important point for us?

Neil O'Brien: It is a fair point to keep pushing on. If your fear, as is our fear, is about things being dropped because a department just pushes along in its own silo, not thinking to consult others until it is too late in the process—that is one of the most obvious ways in which we can see things going wrong in any of the four Governments—one thing that the central team can do is ensure that departments have consulted with others, which then activates one of the strongest political forces within Whitehall, which is the desire for departments not to be cut out of anything.

As long as the central team can ensure that processes are being followed correctly and other departments are being alerted to the fact that they should be taking a view on something, you will find, given their opportunity to take a view on it, that they will take a keen interest in it and will not be shut out of it. As long as there is a function to make sure that everyone is asking each other the right questions, I am not too worried about it being an underpowered process.

To your wider question at the end, this department has a wider union responsibility, and if we detect anything within frameworks, or indeed outside, that is causing a problem for wider intergovernmental relationships and causing unnecessary friction or another problem, I hope we will be quick to act and to nip any of those problems in the bud.

Lord Hope of Craighead: Thank you very much, Minister, for that very encouraging answer. May I express thanks to Bruno also, since you are leaving us, for all you have done to spread understanding of what the common frameworks are all about, and for the evidence you have given to us both today and on previous occasions? We are extremely grateful for all the effort you have put into this process.

Bruno Williams: Thank you very much, Lord Hope.

The Chair: Thank you very much, Lord Hope, not least for what you have just said to Bruno. Thank you, Minister for those exchanges, which are really important and play into a fundamental concern we have about the guarantees of predictability and effect going forward.

Q251 **Lord Murphy of Torfaen:** Good morning still, I think, Minister, and thank you very much for your very useful evidence. I have two very short questions.

One follows on what Lord Hope has been rightly talking about, and that is the issue of exclusions and exemptions to the market access principles. Is it your intention, or the Government's intention, for departments to consult the Office for the Internal Market for advice on this issue?

The second, wider, question, which results from your evidence this morning, and in your own role as Minister for the constitution and the union, is how you work with the territorial departments.

Neil O'Brien: Thank you for the questions. Let me take those in order. I would say the answer is that departments will choose on a case-by-case

basis whether they want to consult the OIM. I can see that might be extremely useful in some cases, but it is not mandatory.

You will naturally have clocked that the OIM is itself independent and will want to take a view of its own, and not just on its own resources; in avoiding conflicts it will want to opine on internal market issues, and of course there is a degree of tension between advising and opining that it will have to manage independently. I would highlight that kind of wrinkle. Broadly speaking, it could be very useful for departments to consult it, but it is not mandatory for them to do so.

The territorial offices have had a key role in this process so far and will continue to do so. They will also be sensitive whiskers alerting us to any incoming problems about the way the frameworks are operating.

Lord Murphy of Torfaen: Many thanks indeed.

Q252 **Baroness Ritchie of Downpatrick:** Minister, you are very welcome. I would like to ask you a question concerning Northern Ireland and the intersection between the frameworks and the Northern Ireland protocol. Why have frameworks been inconsistent on whether to consult the Irish Government where they have a relevant role? We were told by the Department of Transport when it gave evidence to us on 9 November that whether the Irish Government were consulted was a matter for the Northern Ireland Executive and their particular contacts in government in Dublin. However, the Department of Health and Social Care told our committee on 29 January 2021 in a letter that, "We continue to work with the Irish Government operationally on issues of cross-border health protection, taking account of the shared land border, and regularly have bilateral conversations on how we can strengthen our collaboration".

In view of that, why have frameworks been inconsistent on whether to consult the Irish Government where they have a relevant role.

Secondly, how do you see the relationship with the EU, and particularly the Irish Government, given the importance of the protocol on Ireland/Northern Ireland to many frameworks? You mentioned in your introduction, Minister, that some frameworks will be outstanding in publication by the end of the month. Do many of those that will not be published by the end the month have an intersection with the protocol?

Neil O'Brien: Thank you. Those are all very fair and important questions.

On relationships with the Irish Government, some of these issues are naturally covered by the agreement that we have across all four Governments on the Northern Ireland protocol. As you know, about 25 of the frameworks intersect with the Northern Ireland protocol with regard to Annex 2 of the protocol, which is about the free movement of goods. The agreement that we have secured between all partners helps to ensure consistency and, as I mentioned before, it has the same text for them all about that particular issue.

But you are quite right that in some cases the frameworks will have a slightly more nuanced relationship when it comes to the role of the Irish Government, and with transport frameworks such as the Commercial Transport and Operator Licensing and the Rail Technical Standards frameworks, there are wider implications for North-South co-operation beyond just the free movement of goods.

In each of these areas, they are all different, and it is for the department and the individual framework to address in the right way the right role for other partners, including the Irish Government. So far, we have not identified a need for common guidance on relations with the Irish Government, but if there are issues that you, or anyone else, think are causing specific issues, we would be very interested to hear feedback on that. A lot of the same issues that you have alluded to, putting the questions together, engage with relations with the EU. A lot of the same things would apply there, too. Before I go any further, could I bring in Bruno on these different questions?

Bruno Williams: On the question about how many of the frameworks that we have yet to publish intersect with the protocol, the answer is most of them. You will not be surprised to know that many, if not all, of the Defra-owned frameworks have an intersect with the protocol—the Minister has already referred to the DfT frameworks that have particular North-South co-operation issues—that goes beyond just talking about movement of goods. I have no other observations apart from that.

Baroness Ritchie of Downpatrick: More by point of observation, the British and Irish Governments, through the Good Friday agreement, are joint custodians and impartial arbitrators, as required by the agreement on the Northern Ireland Act 1998, so I would imagine that there are things to explore there in order to ensure that there is that level of intensified North-South co-operation on the island, that there is a good working relationship, that there are no particular wrinkles, and that there is a consistency in the frameworks' operation with all departments. Thank you, Minister and Bruno.

Q253 The Chair: We have come to the last question, and I will hog that for myself, if that is all right, Minister. Since we still have Bruno for five minutes, I have a couple of specific questions that are more in his patch than yours, and a couple of more general questions.

Very quickly, Bruno, can we be absolutely clear about the timetable for the delivery of the remaining frameworks? As you know, we have limited time to scrutinise the remainder of the frameworks, because we have to stop work at the beginning of a Northern Ireland election process. We now have simply a matter of weeks at our disposal, not for writing a report but for scrutiny. You have said that we should be able to expect all the frameworks, with the exception of the ETS, resources and waste, and services and mutual recognition. Can you guarantee that, because in effect that means that, although we were expecting them at the beginning of the month, we will have all the Defra frameworks at the end?

Bruno Williams: Unfortunately, I am not able to guarantee that, simply because the clearance for these frameworks depends on the individual departments and the individual elements within the devolved Governments who own the frameworks. I can give you an assurance that from the central team perspective we are doing everything we can to make that happen as swiftly as possible, but unfortunately I cannot credibly guarantee that.

The Chair: I completely understand that. We have always anticipated that the ones on services and mutual recognition will be very complex, but is there a chance that we will get them in the next four to six weeks?

Bruno Williams: I think there is a possibility. If it is helpful, I am very happy to revert back to you with a more accurate delivery timeline for those two frameworks.

Q254 **The Chair:** It will help, because we have to make some very difficult choices as a committee about how and what we can scrutinise in the next few weeks, so anything that you can do for clarity would help.

The second question comes back to the very vexed and quite complex question about capacity in the Cabinet Office with the core team. The Minister made it very clear that the department of the union and constitution holds the steady state as far as devolution is concerned and that devolution is part of the frameworks, and it was very encouraging to hear him say what he said about watching out for discontinuities, difficulties and so on.

You have referred to the Cabinet Office as doing overall scrutiny. There are issues with the resolution, which Lord Hope picked up, of the actual operations and driving creativity around the notion of exclusion. With five people, will you realistically have the capacity to do that and to manage all those write-arounds around Whitehall? As a committee, we would want to help you and the Cabinet Office, and help the process to be as robust as possible. So if we are picking up that this is not going to be sufficient—I know it is very difficult for you to say that—it would be quite useful to know what you thought.

Bruno Williams: Of course. In recapping what I would expect the central Cabinet Office team to be doing, perhaps it would be helpful to locate that within the wider architecture. The frameworks team would fit into the wider UK Governance division. That is the division that looks after intergovernmental relations more broadly. I think that is a good place for it to sit within the overall structure, to help make those links more concrete.

I see three broad topics that I think we have already touched on, but just to recap, there is the point about monitoring the effectiveness of frameworks over the longer term—making sure that they are being used as intended. There is looking at wider divergence across the UK where that is emerging and how the frameworks are dealing with that, and of course the intersect with the internal market. Then there is the role for

ongoing guidance and assessing where anything might change if, for instance, a department or one of our devolved government oppos makes the case for moving between frameworks and no framework required.

It is worth saying that there are many parts of government that have a direct interest in the function of the UK internal market. You mentioned the Department for Business, Enterprise and Industrial Strategy, and indeed other parts of the centre. We are currently working through with other interested parties across government, across the centre, what exactly the relevant bits of government will be doing in that space. As things stand, I feel that we will have the right resources to do the things that I have referred to, and I think this will depend to an extent on how stable the picture remains, particularly with the number of frameworks moving on now to no framework required.

The analysis report that we published recently sets out a fairly stable picture, but that may change. I feel that we have arrived at 32 active frameworks, and that number has remained stable for a while. I would be fairly confident in predicting that that will be the case over the longer term, but of course that remains open to review.

Q255 The Chair: That is so helpful of you. It leads me on to two broader questions of the Minister. First, is there a plan to conduct an overarching review of the common frameworks programme as a whole to learn the lessons from the intergovernmental relations work that is going on in a broader context?

Secondly, how do you think the legislatures can maintain a role of scrutiny as the programme goes forward, not least because technically our committee will come to an end in the summer, and everything we hear from the DAs is about the essential requirement for the legislatures involved to keep a grip, and particularly the UK Parliament to act as a sort of fulcrum to maintain what has turned out to be a really useful—indeed, unique—dialogue across the UK.

Neil O'Brien: Both of those are excellent questions. At the moment I would say that our focus is very much on getting the remaining frameworks through the processes of scrutiny and final agreement, and doing that in equality with all the stakeholder engagement that we are keen to see.

There are no plans currently to do a wider review of the lessons learned from the process, but I am happy to look at the case for doing that piece of work, particularly once we have all 32 frameworks in place and reach the kind of stable and lower workload place that we hope to arrive at.

I suppose the one thing I would say is that the actual process of going through the creation of frameworks itself has been quite reflective. We have learned a lot from doing that, which feeds into the wider intergovernmental review into our relations more generally. The very process of doing it has revealed quite a lot about the way we work best together. That is not to say that we should not do a wider lessons learned

thing at some point. As I say, at the moment we have quite a lot of huge technical agreements to lock down before we get into that steady state, which we hope to arrive at fairly soon.

The Chair: And on the second question?

Neil O'Brien: Just remind me of your second question.

The Chair: It is about ongoing legislation.

Neil O'Brien: I should be careful in what I say. Obviously, it is for the Lords to decide how long they want your committee to go on for. I think it is fair for me to observe that it has been an extremely useful committee that in lots of different ways definitely had an impact. I mentioned your report at the start and some of the different ways in which we have acted on it. The same is true of individual frameworks. It has been an extremely constructive and useful process from our point of view to have your committee in place. I think that others in other Parliaments are mulling over how they continue to keep across these issues, whether that is situated in a wider context or whether it remains focused on frameworks. I do not know what each of them will do over the longer term, but it is fair for me to observe that from our point of view, and I hope from your point of view, this has been a very useful process.

The Chair: That is very kind of you. I was not fishing for compliments.

Neil O'Brien: I will put it this way. We have done everything we can, including the name "common frameworks", to make it sound like a very dry process, even though it is very important constitutionally. I have to say that your high level of engagement on this is genuinely—and I am not just saying this—very useful.

The Chair: Our fundamental concern is that Parliament should have oversight in some way at some point over what actually happens when the frameworks are in place, because this steady state will be steady but, paradoxically, also be quite dynamic as they go forward.

Thank you on behalf of us all for the way you have approached our discussion this morning. You have responded very positively and very comprehensively to the questions. You have given us a sense of optimism that has been picked up across the committee about the commitment of the department as a whole to common frameworks within the dynamics of devolution and a very positive outlook. You have given us some really helpful insights and detail and language, which has been really tremendous, so I am very grateful indeed.

I echo what Lord Hope has said to Bruno. Bruno has been an exemplary official. In a process where we were all groping through a fairly dense bank of fog, it was extremely reassuring to have the clarity and the obvious commitment that he has shown, and the way he has responded to persistent and awkward, and even sometimes, according to our Scots colleagues, daft laddie questions—from me anyway, not the rest of the Committee. He has been fabulous to work with, and a large part of where

we are now, with all its difficulties and problems, has been because of the persistence that his team, led by him, has shown. We are extremely grateful, Bruno. We wish you the very best of luck at the Treasury. We will be watching your progress.

I look forward to picking up the dialogue with you, Minister, as and when we go through. If we should need some help, we will come to you, obviously.