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Rt Hon Caroline Nokes MP  
Chair  
Women and Equalities Committee  
House of Commons  
London, SW1A 0AA

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By email

1 June 2020

Dear Caroline,

While the COVID-19 outbreak poses unprecedented challenges for us all, work towards preparing for the end of the transition period also continues. As long-term arrangements for managing policy divergence across the UK following the end of the transition period are now more important than ever, the development of UK common frameworks remains a critical joint workstream.

EU law previously created common practices across the UK in multiple policy areas that would otherwise have been devolved. At the end of the transition period, these powers will flow directly back to Edinburgh, Cardiff and Belfast, creating the possibility for divergence in policy to arise in different parts of the UK. We are therefore working jointly with the devolved administrations to develop a programme of UK common frameworks in areas where this is likely to be necessary to manage potential divergence. The UK Government and devolved administrations agree that these frameworks will be needed in order to protect our economy, and give certainty to businesses, citizens and our international trading partners. While primary legislation is required for a few of these frameworks, the majority will be implemented through non-legislative arrangements such as concordats, and each framework will clearly set out the operational and governance details for the specific policy area.

The development of UK common frameworks is a cross-Whitehall programme of work coordinated centrally by the Cabinet Office. As each framework is policy-specific, it is 'owned' by a UK Government department and as chair of the Women and Equalities select committee, I expect that your committee will take an interest in scrutinising the framework(s) being developed by the Government Equalities Office. With this in mind, I am writing to inform you of a process to enable scrutiny of UK common frameworks by the UK Parliament. I am sharing this with chairs of all relevant UK Parliament select committees to ensure a consistent approach.

The UK common frameworks programme has received increasing interest from legislatures across the UK. I have recently written to Lord McFall, chair of the House of Lords Liaison Committee, to assure him the Government remains committed to transparency in this programme of work, and to acknowledge the importance of and need for scrutiny of individual common frameworks by the UK legislatures.

The UK Government and devolved administrations have developed a process which allows for parliamentary scrutiny of frameworks to be carried out simultaneously across the legislatures. This process aims to allow constructive scrutiny of each framework during its development, while also ensuring timely development and delivery of the framework. Each administration will be required to offer the same information to their respective legislature at the same time. You will find this process set out in detail in Annex A. At UK level, the department responsible for each framework will liaise with their respective select committee and with the House of Lords Liaison Committee in order to coordinate and allow scrutiny of individual frameworks. I will continue to coordinate the frameworks programme across government, and will facilitate any scrutiny of the programme as a whole.

In light of the constraints on policy teams across Whitehall and the devolved administrations arising from the COVID-19 outbreak, it is difficult to confirm timelines for provisional confirmation of frameworks and for when scrutiny will take place. I also recognise the additional pressures being placed on select committees at this challenging time. In sharing this joint process for parliamentary scrutiny with you now, I hope to ensure that there remains a consistency of approach across the UK Government and devolved administrations, and that this puts us in the best possible position to make rapid progress with the frameworks programme once current pressures have eased.

**Yours ever,**

A handwritten signature in black ink, appearing to read 'Chloe', with a horizontal line underneath.

**Chloe Smith MP**

## **Annex A**

### **Process for the parliamentary scrutiny of UK common frameworks by UK Parliament**

The purpose of this process document is to ensure a consistent approach to scrutiny is taken by governments and legislatures across both the UK and devolved administrations.

Legislatures will be aware of previously published documents on UK common frameworks which include:

- [Quarterly Reports](https://www.gov.uk/government/publications/european-union-withdrawal-act-and-common-frameworks-report--4) (most recent was the 6th report published March 2020)  
*<https://www.gov.uk/government/publications/european-union-withdrawal-act-and-common-frameworks-report--4>*
- [Initial Frameworks Analysis](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686991/20180307_FINAL_Frameworks_analysis_for_publication_on_9_March_2018.pdf) and [Revised Frameworks Analysis](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/792738/20190404-FrameworksAnalysis.pdf) (March 2018 and April 2019 respectively)  
*[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/686991/20180307\\_FINAL\\_Frameworks\\_analysis\\_for\\_publication\\_on\\_9\\_March\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686991/20180307_FINAL_Frameworks_analysis_for_publication_on_9_March_2018.pdf);*  
*[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/792738/20190404-FrameworksAnalysis.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/792738/20190404-FrameworksAnalysis.pdf)*
- [Update on Common Frameworks](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814326/Frameworks_Products_Update_.pdf) (July 2019)  
*[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/814326/Frameworks\\_Products\\_Update\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/814326/Frameworks_Products_Update_.pdf)*

A further iteration of the frameworks analysis is currently in development and will be published in the coming months.

### **Summary of parliamentary scrutiny process**

Throughout the scrutiny process the administrations will be sharing the same information at the same time with their own legislatures. At UK level, this requires the minister with responsibility for the framework to share the relevant information with their respective select committee, and the chair of the House of Lords Liaison Committee in line with the guidance set out below. Cabinet Office officials will take on an overarching coordination role, to ensure UK Government departments and their devolved administration counterparts progress through the process consistently. As the owner of the frameworks programme, Minister of State Chloe Smith MP will facilitate any request to scrutinise the programme as a whole.

The process for parliamentary scrutiny is set out below, with the actions required by the department responsible for each framework highlighted in bold.

#### **1. During detailed framework policy development**

After the initial phase of policy development, policy leads in the department responsible for the framework will **prepare a summary of the framework**, to be jointly written by all four administrations. This document will be used to inform stakeholder engagement and to allow the planning of scrutiny by parliamentary committees.

## 2. During further policy development and stakeholder engagement

At the same time as it is sent to stakeholders, the **summary of the framework will be sent by the department responsible for the framework in each administration to their respective legislature** for their information. This will be accompanied by an offer of a technical briefing by the policy team to answer any questions committee members might have at this stage. This will help inform preparation for future parliamentary scrutiny when the policy content of the agreement is more comprehensively developed.

At this point the policy team responsible for the framework will **consult with their respective committees clerks and discuss timings** for the scrutiny process. It will be important to allow sufficient time for committees to conduct their scrutiny whilst ensuring the delivery timeline for the framework is met. The Cabinet Office recommends 21 sitting days as a maximum scrutiny period unless an alternative timeline is negotiated and agreed by both the policy department and the parliamentary committees.

Committee members in each legislature will then decide the approach they wish to take to the scrutiny of the framework, including whether they wish to take evidence from policy ministers, officials or stakeholders. At this point, **policy officials and parliamentarians will agree a deadline**, after provisional framework publication, for recommendations to be received by policy ministers from their respective committee.

Committee members *may* choose to write to policy ministers on the content of these summaries, which policy ministers should be prepared for.

|                                    |                                                                                                                                                                                                                                                                              |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| When within the delivery timeline: | End of detailed framework policy development.                                                                                                                                                                                                                                |
| What departments will share:       | Summary outline of the framework to be shared with committees by the department responsible for the framework.                                                                                                                                                               |
| Purpose of sharing:                | To provide each committee with more information on the content of each policy area.<br>This enables committees to sift each framework on the degree of scrutiny that each might receive and agree a timeline for scrutiny with the department responsible for the framework. |

## 3. During preparation and implementation of the framework

After Joint Ministerial Committee (European Negotiations) (JMC(EN)) ministers agree the provisional framework via correspondence, the policy teams responsible for the framework in each of the administrations will **lay the provisional framework**, together with any related implementation products such as any concordat associated with the framework, in its respective legislature.

If a committee chooses to scrutinise a framework, at the end of the process the committee may set out its views on the provisional framework in writing highlighting any issues, concerns or suggestions it might have. The committee will send its views to its respective policy minister. This must be received by policy ministers within the agreed deadline for recommendations to be considered by the department responsible for the framework in each administration.

Once the scrutiny process for a particular Framework is completed in all legislatures, policy ministers and officials from each administration will **consider the response from their legislature and decide whether any adjustments should be taken forward.**

Any changes to the provisional framework will need to be jointly agreed by each administration. If any administration decides any of their committee recommendations have merit they will need to **represent their committee's views to the other administrations' respective policy portfolio ministers.**

The policy team will then **revise the provisional framework** to take account of any jointly agreed adjustments.

UK Government and devolved administration policy portfolio ministers will then review and approve the revised framework agreement, which will then be referred back to JMC(EN) for endorsement and approval for implementation.

UK Government and devolved administration portfolio ministers will then **provide their respective legislatures with a final version of the framework agreement together with a written response** to their respective committee's views.

|                                    |                                                                                                                                                                                                                                               |
|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| When within the delivery timeline: | Following JMC(EN) approval of provisional framework                                                                                                                                                                                           |
| What will be shared:               | Provisional outline of the framework to be shared with committees by the department responsible for the framework.                                                                                                                            |
| Purpose of sharing:                | Once the framework has been agreed at JMC(EN) the provisional outline of the framework will be published publicly by the departments responsible for the frameworks across each administration. This will allow for formal scrutiny to begin. |

#### **4. Later framework updates**

Any further concordats that had not been finalised by the end of Phase 3 will be shared with committees by the department responsible for each framework with their respective committees as and when they are finished.

**Annex B UKG/DA parliamentary scrutiny process flowchart - mapped against phases of framework development**

