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Thank you for inviting me to give evidence to the committee on 22 March, and for your letter dated 29 March. At the Committee, I offered to follow up on a number of points raised and I will address each of these in turn. I will also respond to the recommendations set out in your letter.

Public Procurement Common Framework and the Procurement Bill

The Public Procurement Common Framework Working Group (CFWG) meets monthly and the Procurement Bill is a standing agenda item. This is not, however, the only meeting with the Devolved Administrations (DAs) where plans for the Bill are discussed. Leading up to the Government Response to the Green Paper, and as part of the development of policy all administrations took part in ten detailed workshops. This gave those not involved in the Bill an opportunity to understand the policies being developed and is a practical example of the 'no surprises' basis set out in the common framework. In addition, senior officials from each of the administrations meet monthly with senior officials in the Cabinet Office to discuss aspects of the developing procurement policy that will be included in the Bill.

With regard to the question on the Ministerial powers to investigate breaches of new procurement policy. The scope of the powers will be to investigate and address systemic or institutional non-compliance with procurement law. The Welsh Government has requested that their Ministers have powers of investigation and we await the Northern Ireland Minister's decision.

Cross-cutting recommendations

I will now turn to the cross-cutting recommendations you provide in your letter.

Firstly, the recommendation that a document is drafted that sets out the policy landscape. I agree that the JMC(EN) Frameworks principles of 2017 state "A Framework will set out a common UK, or GB, approach and how it will be operated and governed." I note, however, that given the reasons identified for why a Framework may be necessary (e.g. ensuring compliance with international obligations - the specifics of which may vary over time), it would seem sensible that any approach would be relatively high level, to avoid Frameworks needing to be renegotiated every time there was a major policy change. The common understanding has been that Common Frameworks are Ways of Working, governance arrangements agreed among the devolved governments and UK Government which enable us to work jointly with the devolved governments to achieve a common approach in policy areas previously governed by EU law that fall within devolved competence. I do want to reassure you, however, that I certainly expect Common Frameworks to support a consistent approach to policy development.

Secondly, the recommendation that all Common Frameworks set out the established process where exclusions from the UK Internal Market Act are taken forward. Public procurement is not within the scope of the UK Internal Market Act so it would not be relevant to explicitly include the process for seeking an exclusion from the Act in the Public Procurement Common Framework. The framework features commitments from all four administrations not to discriminate against each others' suppliers in line with UK Internal Market principles. For the programme more widely, as you know, there are differences of views between the UK Government and the devolved governments on the desirability of the UK Internal Market Act and the nature of the Act's relationship with Common Frameworks. In light of this, and recognising the necessity of a collaborative approach to Common Frameworks, all governments have agreed that it is preferable for Frameworks to be referred to in the process for agreeing exclusions, rather than for the process to be embedded in the Frameworks themselves.

When the outcome of scrutiny from all the legislatures is known, officials will discuss and agree the necessary amendments to the procurement common framework document, and resubmit for scrutiny.

With every good wish,

*Yours sincerely,
Janet Lee G.*