



Chloe Smith MP
Minister of State for the Constitution and Devolution
Cabinet Office 70 Whitehall London SW1A 2AS

Our reference: MC2020/14683

12 November 2020

Dear colleagues,

Thank you for your letter of 19 October 2020, regarding parliamentary scrutiny of UK Common Frameworks. I am pleased to see the Chairs of Select Committees across the House of Commons are keen to actively engage with the UK Common Frameworks programme. I would like to reiterate my commitment to transparency during the development of Common Frameworks.

You set out that you would like framework summaries to be shared a month prior to JMC(EN) in order for committees to feed into this process. As I outlined in my letter of 1 June, scrutiny takes place in advance of the second round of JMC (EN) approval and therefore we do not expect that there will be a specific role for committees to play in advance of Frameworks receiving provisional confirmation from JMC (EN) Ministers. This initial JMC(EN) ministerial approval triggers the process whereby each provisional framework is shared with committees, where departments continue to aim to provide the framework summary one month in advance of scrutiny commencing. I also refer to my letter of 6th October to William Wragg MP, on this point.

I also highlighted in my recent letter to Baroness Andrews, Chair of the Common Frameworks Scrutiny Committee in the House of Lords that framework summaries are shared with committees to enable preparations for scrutiny and not intended as a mechanism for early scrutiny. Policy departments have been advised to share their framework summaries one month prior to the expected scrutiny start date to give committees sufficient time to prepare. At this stage of development, the framework may be subject to amendments and will not have been cleared by either portfolio or JMC(EN) Ministers. Whilst I note your observation that the Senedd's Climate Change, Environment and Rural Affairs Committee published the Emissions Trading Scheme Framework framework summary, I would not expect this to be the norm going forward and committees across all legislatures have been asked not to publish summaries. This approach has been agreed across the devolved administrations.

It is worth recalling that the Cabinet Office is responsible for the overall programme within UKG, and that policy departments are responsible for individual frameworks. I agree with you that it would be helpful for summaries and/or accompanying cover notes to highlight any legislation on which a given Framework depends, and will work with departments to ensure that both of these points are clarified in future framework summaries. While I agree in principle that it would be helpful for the relevant UKG policy departments to notify Parliament when legislation underpinning a UK Common Framework is introduced to Parliament, I would defer to my Ministerial colleagues on this matter, and have copied the relevant Ministers into this reply.

Parliament should expect to review the majority of Common Frameworks early in 2021. I appreciate that this could be demanding for committees, and my officials have therefore encouraged departments to liaise with committees in good time to help manage timings and enable committees to plan ahead. If there are particular challenges around timings, I would encourage committee clerks to discuss with the relevant departmental parliamentary clerk as soon as possible, and we will always endeavour to provide a workable solution. Given that this is part of a process that also operates across the devolved administrations and legislatures, I am sure you will appreciate the challenging choreography.

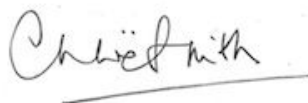
The Government submits regular updates to Parliament on progress with Common Frameworks, and has recently published the eighth EU(W)A and Common Frameworks report covering the period 26 March - 25 June 2020 (<https://www.gov.uk/government/publications/european-union-withdrawal-act-and-common-frameworks-report--6>). This report was published alongside the Frameworks Analysis 2020 which sets out the status and expected implementing measures of each UK Common Framework (<https://www.gov.uk/government/publications/frameworks-analysis>). Work is currently underway on the ninth EU(W)A and Common Frameworks report detailing work conducted over the 26 June - 25 September 2020 period, which we expect to publish in December. We have no plans to build any further web based resources at this time.

The Government has also just committed to further transparency measures in relation to Government's participation in formal intergovernmental meetings, which I wrote to many of you regarding earlier in the week. The details of these were announced by by Written Ministerial Statement in both Houses of Parliament on 10 November, and include the creation of a new GOV.UK page to improve public accessibility of key documents, including records of formal intergovernmental meetings, the Memorandum of Understanding on Devolution, and quarterly reports on all IGR activity. This will be complemented by statements in Parliament by Government Ministers on IGR, appearances before select committees, and a report on IGR activity laid annually by Command Paper in both Houses. These measures form an important step in improving accountability and parliamentary scrutiny of IGR.

The Government and devolved administrations remain committed to delivering UK Common Frameworks as soon as possible and provisional frameworks will be operational in 2021. I expect that by the end of the transition period, parliamentary scrutiny is likely to either have commenced, or be due to start shortly, across the majority of frameworks, and that all legislatures will be updated on each agreed framework. This is not intended to create a two tiered approach, but will simply reflect the point of the delivery process in which each individual framework is currently at.

Thank you for your continued interest in the UK Common Frameworks programme.

Yours ever,

A handwritten signature in black ink, appearing to read 'Chloe Smith', written over a horizontal line.

Chloe Smith MP
Minister of State for the Constitution and Devolution

Copylist:

Rt Hon Hilary Benn MP
Chair, Committee on the Future Relationship with the EU

Rt Hon Stephen Crabb MP
Chair, Welsh Affairs Committee

Clive Betts MP
Chair, Housing, Communities and Local Government Committee

Simon Hoare MP
Chair, Northern Ireland Affairs Committee

Rt Hon Jeremy Hunt MP
Chair, Health and Social Care Committee

Darren Jones MP
Chair, Business, Energy and Industrial Strategy Committee

Huw Merriman MP
Chair, Transport Committee

Neil Parish MP
Chair, Environment, Food and Rural Affairs Committee

William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee

Rt Hon Caroline Noakes MP
Chair, Women and Equalities Committee

Pete Wishart MP
Chair, Scottish Affairs Committee



House of Commons

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Chloe Smith MP
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19 October 2020

Dear Chloe,

In June you sent correspondence¹ outlining proposed arrangements for the parliamentary scrutiny of UK common frameworks. As the Chairs of Select Committees with an interest in scrutinising these frameworks, we wish to comment on the Government's proposals and how they could be strengthened to ensure Parliament has sufficient time to analyse frameworks and conduct scrutiny with maximum transparency.

We are encouraged by the Government's commitment to share framework summaries with committees ahead of a provisional framework. This will allow Committee Members and officials to become acquainted with the issues and determine how they will approach the provisional framework. While we appreciate the commitment made to the Public Administration and Constitutional Affairs Committee (PACAC) to share these a month before scrutiny begins, it is important that the summary framework is shared a month before the JMC (EN) meets so that Committees can feed into the JMC (EN) process.² This will make it more likely that frameworks can receive swift scrutiny once the provisional frameworks are laid.

We are also disappointed that some departments have instructed committees not to publish summaries. While we appreciate these documents are intended to inform future parliamentary scrutiny when the policy content of a framework is more comprehensively developed, publishing them would allow committees to engage with external stakeholders in advance and identify topics to focus on upon receiving the provisional framework. This approach has been taken by the Welsh Government for the Emissions Trading Scheme Framework, allowing the Senedd's Climate Change, Environment and Rural Affairs Committee to conduct important preliminary work. Moving forward we hope the UK Government match this commitment to ensure there is a uniform approach to framework scrutiny across the UK.

Additionally, according to the Government's revised analysis³, several frameworks will be implemented via primary or secondary legislation to create a unified body of UK law. It is important all framework summaries specify in detail the extent to which the full framework will rely on legislation that is already in place and whether new legislation will be required. In order for committees to conduct effective framework scrutiny, new legislation relating to a framework policy area must be clearly identified; one way to address this would be for the Government to notify Parliament when legislation related to a UK-wide common framework is introduced. Such a commitment has already been made by the Welsh Government in relation to legislation in the Senedd.

¹ [Letter from Chloe Smith MP on UK Common Frameworks](#), June 2020

² [Letter from Chloe Smith MP, Minister of State on Common Frameworks](#), October 2020

³ [Common Frameworks Analysis 2020](#), September 2020



House of Commons

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In total your analysis states that committees will be responsible for scrutinising frameworks from seven departments in approximately 40 policy areas. It will be challenging to monitor this many frameworks, especially as it is expected that the vast majority will be laid in quick succession before the end of the transition period. As the Cabinet Office is responsible for coordinating the framework programme, it would be helpful if your department could create a single web-based resource that lists all the frameworks, with links to legislation and any non-legislative documents associated with them. This would improve the transparency of the programme, with committees and stakeholders able to quickly locate all the necessary information on a framework and thus able to report views back to Government in a timely fashion.

Finally, the Government's most recent report on common frameworks⁴ states that as a result of the Covid-19 outbreak, "it will no longer be possible to deliver all frameworks fully by the end of the transition period, and as a result the programme will be extended into 2021". This delay is understandable, but when pushed for more information by the PACAC, you stated that provisional frameworks would be in place for the end of 2020.⁵ Will these provisional frameworks be operational in 2021 having not completed parliamentary scrutiny? If the case, this will create two tiers of frameworks, those which have completed parliamentary scrutiny and those which have not. Will you therefore commit that no framework will become operational in 2021 without the relevant committees being given an opportunity to report on its contents?

We hope you agree that the actions above will help build public and parliamentary confidence in the common frameworks programme. With the first batch of frameworks expected imminently, we would be most grateful if you could respond to this letter by the time the House returns from the November recess. We are also copying this letter to the Chair of the Commons Liaison Committee, Sir Bernard Jenkin MP.

Hillary Benn MP
Chair, Committee on the Future Relationship
with the European Union

Clive Betts MP
Chair, Housing, Communities and Local
Government Committee

Rt Hon Stephen Crabb MP
Chair, Welsh Affairs Committee

Simon Hoare MP
Chair, Northern Ireland Affairs Committee

Rt Hon Jeremy Hunt MP
Chair, Health and Social Care Committee

Darren Jones MP
Chair, Business, Energy and Industrial
Strategy Committee

⁴ [Eighth European Union \(Withdrawal\) Act and Common Frameworks Report](#), September 2020

⁵ [Letter from Chloe Smith MP, Minister of State on Common Frameworks](#), October 2020



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A handwritten signature in black ink that reads "Huw Merriman".

Huw Merriman MP
Chair, Transport Committee

A handwritten signature in blue ink that reads "Caroline".

Rt Hon Caroline Nokes MP
Chair, Women and Equalities Committee

A handwritten signature in purple ink that reads "Neil Parish".

Neil Parish MP
Chair, Environment, Food and Rural Affairs
Committee

A handwritten signature in grey ink that reads "Pete Wishart".

Pete Wishart MP
Chair, Scottish Affairs Committee

A handwritten signature in black ink that reads "William Wragg".

William Wragg MP
Chair, Public Administration and
Constitutional Affairs Committee