



Chloe Smith MP
Minister of State for the Constitution and Devolution
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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.

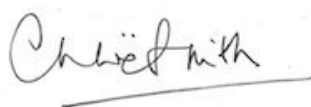
The Government submits regular updates to Parliament on progress with Common Frameworks, and has recently published the eighth EU(W)A and Common Frameworks report covering the period 26 March - 25 June 2020 (<https://www.gov.uk/government/publications/european-union-withdrawal-act-and-common-frameworks-report--6>). 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', with a horizontal line underneath it.

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