



Department for Levelling Up, Housing & Communities

Rt Hon Michael Gove MP

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Minister for Intergovernmental Relations

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Baroness Andrews
Chair, Common Frameworks Scrutiny
Committee

8 November 2023

Dear Baroness Andrews,

I am grateful to you and the Committee for your consistent and helpful scrutiny of the Common Frameworks programme, as well as the reflections in your letter. I welcome your observations on officials' commitment and the progress we have made in ensuring that 30 of 32 Frameworks are operational, despite there being no Northern Ireland Executive to agree formally the Frameworks post-scrutiny.

Whilst I agree with the Committee that ideally more Frameworks would be fully implemented at this juncture, I am pleased to say that the operational Common Frameworks are being used as the basis for intergovernmental policy design and implementation. I will address the remaining points you have raised.

Despite our expressed concerns, some departments have failed to include the Irish government in discussions on those cross-border frameworks of equal significance to Ireland and Northern Ireland.

The inclusion of the Irish Government in relevant Framework discussions is a case-by-case matter for relevant departments. Northern Ireland Civil Service officials also engage with the Irish Government on matters of interest – including policy areas covered by a Common Framework – where appropriate.

There are therefore many positive outcomes to report. However, the Committee feels that, after three years, the absence of finalised frameworks is evidence that the Government has continually underestimated the effort, collaboration, and coordination required to successfully implement the programme. While some of this reflects the pace, preoccupations and processes of different departments, it also reflects a failure of leadership, drive and focus, at the top of Government, in recognising and optimising the contribution Common Frameworks can make to the resilience of the Union.

I have to disagree with the Committee on this point, though I accept the pace of full implementation has been slower than originally envisaged. Whilst full implementation has not been possible due to the collapse of the Northern Ireland Executive, 30 of 32 Frameworks are operational. The development has also been complicated by the fact that Frameworks development has proceeded in parallel with substantive policy design. My officials are carrying out an evaluation of the programme which I believe will support our assessment that Frameworks have already been beneficial to policy design. This evaluation should be published next year. Furthermore, the implementation of the Intergovernmental Relations Review reforms (including the new structures) have created a better overall context in which Frameworks operate.

We regret, for example, the fact that, despite writing to you personally in your capacity as Secretary of State and Minister for Intergovernmental Relations on several occasions, responses were invariably received from junior ministers. These responses, moreover, were frequently received well after the requested deadline. Notably, the deadline for a response providing the information necessary to inform debate during the passage of the Retained EU Law Bill was significantly exceeded, to the extent that the eventual response was otiose, and the response to a letter on scrutiny of the Plant Varieties and Seeds Framework was delayed by more than two months.

I, of course, acknowledge the importance of timely responses. The Common Frameworks programme has always had a dedicated Minister to spearhead the work. The technical detail of your correspondence, particularly the scrutiny recommendations, has meant that these ministers are best placed to respond. On timeliness, all submissions from my departments beyond the Committees' deadlines were discussed and agreed with the Committee's clerks in order to ensure as fulsome a response as possible. It is my firm view that the Committee's scrutiny has helped embed the programme across the Government and devolved administrations.

We therefore call on you, as Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations to provide the Programme with your full political and operational support and to work closely with the Secretaries of State for Environment, Food and Rural Affairs, Energy and Net Zero, and Business and Trade as the departments responsible for the greatest proportion of frameworks. In addition, a close relationship with the Cabinet Office should be maintained, given that the office retains co-ordination of the relationship between Common Frameworks and the devolved governments and parliaments.

On organisational matters, having the teams responsible for Common Frameworks and the wider Union sit in the Department for Levelling Up, Housing and Communities (DLUHC) consolidates matters relating to intergovernmental relations under my remit. Moreover, with the Windsor Framework Task Force now sitting alongside the existing Northern Ireland Unit in the Cabinet Office, the Union teams both in the Cabinet Office and DLUHC operate under a single official reporting structure that allows for more effective join-up across Union policy. As Secretary of State, I also engage regularly with my colleagues in DEFRA and DBT (who you rightly identify as the two departments responsible for the greatest number of Frameworks) through the usual structures, which engenders a high degree of cooperation and close working. As the Minister for Intergovernmental Relations, I will continue to strive for the full implementation and embedding of the Common Frameworks programme.

The Committee was therefore disappointed to observe that frameworks published after July 2022 continued to suffer from many of the problems we had identified in that report, including the omission of various elements such as lists of relevant stakeholders and guidance on the mechanisms for reporting to the devolved governments. Furthermore, there was, and continues to be, wide divergence between departments on the quality of the drafting of their frameworks and the responses received to our recommendations.

On quality, responsibility for the quality of individual Frameworks and their drafting remains with the individual departments, though I can reassure you that my officials have planned for – and are currently delivering – an enhanced focus on rigorously updating those Frameworks which have achieved scrutiny in all legislatures and are thus first in line to be submitted for final confirmation once the NI Executive is restored.

The House of Lords Constitution Committee continues to have a responsibility for the constitutional integrity of the devolution settlement going forward. However, in practice, it is very difficult for the Committee, with its very broad remit, to act on this. We are therefore of a mind that, given the significance of the Union, the devolution settlement and the work of the devolved governments and parliaments should be a matter for greater parliamentary scrutiny going forward. We will therefore continue to urge the House of Lords to consider establishing an appropriate committee with this as its focus, including Common Frameworks.

I am grateful for your setting out the current thinking on how UK parliamentary scrutiny will proceed once the Committee is dissolved. The Committee has been valuable. Should the Committee's mantle not pass to another within the House of Lords, my department will engage with relevant peers and the departmental Committees in the Commons in the usual way. I will continue to encourage ministerial colleagues to attend the Inter-Parliamentary Forum to discuss devolved matters including Common Frameworks.

We are still, however, of the opinion that Common Frameworks remain an 'unfulfilled opportunity' on the grounds that neither the original expectations of Common Frameworks as vehicles for policy development, nor the potential for using the Common Frameworks as a mechanism for policy coordination, have been met. Rather, the programme has, with the passage of time, become process rather than policy driven.

It has always been the case that a certain amount of process is required in the development of Frameworks, but this process enables rather than inhibits: the programme is after all about managing complicated and intersecting policy design within the UK. The emphasis on process is not a new development - indeed the Frameworks have focused on ways of working since at least 2020. This is a strength which ensures that the way that individual Frameworks are organised best reflects the specific policy area they cover. This allows the Resources and Waste Common Framework, for instance, to govern discussions on matters such as single use plastics and disposable vapes. This is just one of many examples of Frameworks being key to managing policy divergence.

I hope this addresses the points in your letter. I would like to extend my thanks again for the excellent work of the Committee on this programme.

A handwritten signature in black ink that reads "Michael Gove". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

RT HON MICHAEL GOVE MP
Secretary of State for Levelling Up, Housing & Communities
Minister for Intergovernmental Relations