PACAC (Public Administration and Constitutional Affairs Committee)
House of Commons · London SW1A 0AA
Tel 020 7219 3268 Email pacac@parliament.uk Website www.parliament.uk/pacac

Chloe Smith MP
Minister of State
Cabinet Office

Julia Lopez MP
Parliamentary Secretary
Cabinet Office
By Email

21 January 2021

Dear Chloe and Julia,

Thank you for the summary of the Public Procurement Common Framework.

I would like to confirm our intention to scrutinise this framework once it has been published in provisional form. We will endeavour to complete scrutiny within 21 sitting days. However, further to your recent correspondence that frameworks have been in operation since the end of the transition period, the time limits suggested by the Government on parliamentary scrutiny can no longer apply.[1] We therefore reserve the right to extend scrutiny beyond 21 days if required.

To help inform the Committee's assessment of the Provisional Framework, it would be helpful if you could provide more detail on what stakeholder engagement has been done to prepare this framework. While the summary refers to "technical stakeholder engagement", no specific examples are provided. Please could you provide us with the full list of external stakeholders the Cabinet Office consulted in developing this framework and why, including an assessment of the geographical balance of these responses and the steps taken to ensure you received the views of relevant stakeholders from across the UK.

In addition to scrutinising the Public Procurement Common Framework, this Committee has oversight of the governance of the Common Framework programme as a whole. We would therefore like to make some observations on the process so far, building on correspondence Committee Chairs sent to the Minister last October.[2]

In November 2020, we were told parliamentary scrutiny would have commenced or be due to start across most frameworks by the end of the transition period on 31 December 2020. As of the end of January 2021, only three of the thirty-three frameworks have been published in provisional form. This is especially concerning given most frameworks are now operational. What is the reason for the delay in frameworks being published if they are already in force? Have these frameworks been agreed by the JMC (EN)? As a matter of transparency, the Government must immediately publish all active frameworks in full so they can be scrutinised and provide the relevant Committees in each UK legislature with

[1] Letter from Chloe Smith MP Minister of State for the Constitution to Baroness Andrews, 23 December 2020
[2] Letter from 11 Committee Chairs to Chloe Smith MP, Minister of State for the Constitution, 19 October 2020

an update on the status of the frameworks together with an accurate timeline if the UK and devolved governments believe that further development of a framework is necessary. Can you also update us on whether there are any changes to the process by which potential concerns with, or amendments to, frameworks from committees will be considered before the final common frameworks are laid or agreed?

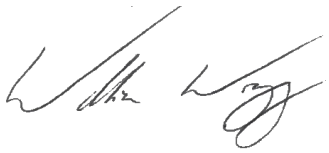
While only three Provisional Frameworks have been published, we have been able to examine several Framework Summaries. This has been a positive initiative by the Government and has allowed Committee Members and officials to familiarise themselves with the issues before seeing a Provisional Framework. However, we share the concern raised by the Lords Common Framework Scrutiny Committee that the quality of some Framework Summaries has not been sufficient, particularly those provided by the Department for Transport. Any future Framework Summaries must be of a minimum standard to facilitate meaningful preparatory scrutiny. The template recommended by the Lords Common Framework Scrutiny Committee[3] would help ensure consistency in the quality of information provided to Parliament.

At this stage, however, we suggest that the most appropriate course of action is that all active frameworks are published immediately. Summaries not already shared for these Frameworks would as a consequence, not be required. If development of these frameworks between the four governments is continuing a summary of intended changes should be provided at the stage at which the Framework Summary would have been previously shared. For any framework not currently active, a future framework summary should be shared as before.

Given the upcoming elections for the Scottish Parliament and Senedd Cymru (Welsh Parliament) and the consequential suspension of Committee work in those legislatures, could you update the Committee on how the Government anticipates this is likely to affect the timetable for Common Framework agreement?

Finally, can I also ask that you update the Committee on what the long-term arrangements for common framework system will be? How will frameworks be reviewed and amended? What will be the process of creating new common frameworks? What parliamentary scrutiny of the common frameworks system do you propose?

We look forward to hearing your response by the end of the month and appreciate that you may wish to reply separately to us on the issues relating to the Public Procurement Framework and those relating to the overall Common Framework programme



William Wragg MP
Chair, Public Administration and Constitutional Affairs Committee
(approved by the Chair remotely)

[3] Letter from Baroness Andrews to Chloe Smith MP Minister of State for the Constitution and Devolution, December 2020