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House of Commons
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25 February 2021

Dear William,

Thank you for your letter of 21 January regarding the Public Procurement Framework and the broader delivery of the Common Frameworks programme. I am responding as the Minister responsible for the Common Frameworks programme.

I am pleased that the Public Administration and Constitutional Affairs Committee (PACAC) intend to scrutinise this framework. The *Public Procurement Common Framework* establishes agreed working practices between the UK Government and devolved administrations in relation to domestic and international public procurement policy and legislation.

Technical stakeholder engagement was conducted together with the devolved administrations by taking a four nations approach. On 22 October 2020, sector-specific stakeholders received a Framework Summary, and were given two weeks to respond to a number of jointly agreed questions. The full list of stakeholders is included at Annex A and includes members of: local government groups; Trade Unions; voluntary and social enterprise bodies; construction sector bodies; Chamber of British Industry and Chambers of Commerce. UK Government and devolved administration officials reviewed the stakeholder responses received, and incorporated this feedback into the framework.

Across the common frameworks programme, 32 active frameworks are expected, and as you mention, 3 frameworks - *Hazardous Substances (Planning)*, *Nutrition Composition Standards and Labelling*, and *Food Feed, Safety and Hygiene* - have been provisionally confirmed across all four administrations and have been shared with committees for scrutiny. In addition, a further 20 frameworks have been provisionally confirmed by the UK Government and the Scottish and Welsh Governments, and 6 UK-NI only frameworks have been provisionally confirmed by the

UK Government. These 26 frameworks are yet to be agreed by the Northern Ireland Executive. As such these 26 frameworks are operating on an interim basis across the UK at official level reflecting established ways of working between the administrations. This arrangement will remain in place until the JMC (EN) confirmation process is completed and while the necessary work to fully implement Common Frameworks continues. We are working with the devolved administrations to develop the three remaining frameworks, namely Agriculture: Organic Farming, Mutual Recognition of Professional Qualification and Services Frameworks; and this work is progressing well.

You have emphasised the importance of transparency with regard to the frameworks which are now operating on an interim basis. I agree that it is important to maximise transparency in the common frameworks programme and I agree with you that the provisional frameworks should be made available to parliamentary committees across UK Parliament and the devolved legislatures at the earliest opportunity. As the UK Common Frameworks programme is a joint project across the UK Government and devolved administrations, I am mindful of the need to take a consistent approach across all nations. Many frameworks continue to be developed as cross cutting issues are resolved, meaning full scrutiny may prove most useful later this year. My expectation is that the majority of frameworks will undergo UK Parliamentary scrutiny in the summer and into the autumn, I would however, encourage committees to liaise directly with Government departments to discuss individual framework delivery plans.

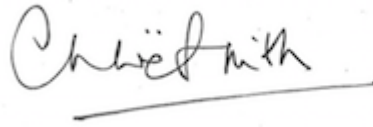
You will be aware that the Scottish Government and Welsh Government have made legislative preparations to delay the May 2021 elections, should it prove necessary as a result of the Covid-19 pandemic. Should the elections take place as planned in May 2021, the Scottish Parliament and Senedd Cymru will be unable to conduct framework scrutiny from approximately early March to September. This means that many provisional frameworks will be unlikely to be scrutinised by all legislatures at the same time. Frameworks shared with UK Parliament and the Northern Ireland Assembly during the election period will be shared with Scottish Parliament and Senedd Cymru committees as soon as possible on their return. All legislatures will be given the opportunity to scrutinise each framework, and recommendations and comments from each legislature will be shared with all governments that the framework applies to, for consideration. Similarly, any recommendation which amends the framework will have been jointly agreed by the UK Government and devolved administrations. Committees should expect an initial response from departments upon submitting recommendations, and a more formal, detailed response will be provided once the final framework has been approved by UKG-DA policy and JMC(EN) Ministers. It is possible timings may differ depending on the amendments proposed.

Frameworks are expected to set out enduring ways of working that will enable the UK Government and devolved administrations to discuss and agree common approaches to policy when beneficial, and divergent approaches when these are acceptable. However, frameworks will require updating from time to time. The scope, frequency and process surrounding this is formalised in the various Outline Frameworks and Concordat documents, and managed by the framework policy owning departments in UKG and the DAs. I agree that it is appropriate for departments to update their committees on any significant future changes to the frameworks. We will be setting out this expectation clearly in updated guidance for the operation of common frameworks, which will be jointly agreed by UKG and the DAs.

Since you wrote, I discussed these issues at length in front of the Lords Common Frameworks Committee (23rd Feb) and I hope those questions and answers may be of help to you too.

Thank you again for your letter and I look forward to continuing our work together.

Yours ever,

A handwritten signature in black ink, reading "Chloe Smith", with a horizontal line underneath.

Chloe Smith MP
Minister of State for the Constitution and Devolution

Annex A

List of stakeholders contacted for feedback on public procurement common framework, by geographical area

UK wide

Airport Operators Association
Build UK
Chartered Institute of Purchasing and Supply (CIPS)
Confederation of British Industry (CBI) (all Administrations Branches)
Crown Commercial Service
Emergency Services
Federation of Small Business (including DA branches)
Institute of Directors
Society of Local Authority Chief Executives and Senior Managers(UK wide)
Tech UK
Trade Unions

England

Local Government Association (England)
National Housing Federation
Local Enterprise Partnerships (LEP) Network

Scotland

Advanced Procurement for Universities and Colleges (APUC) (Scotland)
Coalition of Care and Support Providers (Scotland)
Convention of Scottish Local Authorities
Institute of Directors (Scotland branch)
Scotland Excel
Scottish Chambers of Commerce
Scottish Council for Development and Industry
Scottish Council for Voluntary Organisations
Scottish Ports (Represents 35 port members in Scotland)
Partnership for Procurement – P4P
NHS National Services Scotland
Social Enterprise Network Scotland
Supplier Development Programme (Scotland)
Transport Scotland

Wales

Wales Council for Voluntary Action (WCVA)
Welsh Government Sponsored Bodies
Qualifications Wales
Higher Education Funding Council for Wales (HEFCW)
NHS Wales Shared Services Partnership (NWSSP)
Welsh Local Government Association

Northern Ireland

NI Construction Industry
Northern Ireland Local Government Association



PACAC (Public Administration and Constitutional Affairs Committee)

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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?

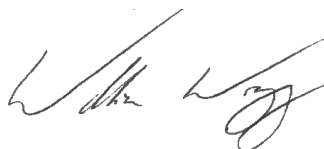
While only three Provisional Frameworks have been published, we have been able to examine several Framework Summaries. This has been a positive initiative by the Government and has allowed Committee Members and officials to familiarise themselves with the issues before seeing a Provisional Framework. 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 Committee³ 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