



HOUSE OF LORDS

Common Frameworks Scrutiny Committee

House of Lords
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Edward Argar MP
Minister of State for Health
39 Victoria Street
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Dear Edward,

Thank you for the Public Health Protection and Security Provisional Framework submitted on 28 October, which was considered by the Committee on 23 November. We welcome the clear structure and drafting of this framework which we believe provides a good foundation for the broad cooperation agreed in this area. Although we are concerned about ongoing data sharing with the EU in this area, and particularly the UK's access to the EU Early Warning and Response System, we believe this is a positive example of what frameworks should look like. We especially welcome the work done to stress test the dispute mechanism in the framework as we recognise its success will be crucial for managing future cooperation. However, we have broad concerns about ongoing parliamentary and stakeholder engagement with this framework and two drafting points to highlight.

We are disappointed to note the absence in this framework of any commitment to ongoing engagement with Parliament. In its 29 January letter to the Committee, the Department stated that it was "happy to consider publishing the outcome of a review if and when it results in a change to the Framework." We note the absence of such a commitment in the text of this framework and would consider that insufficient. The Government has separately committed to improving transparency in Intergovernmental Relations. Transparency in this area should include regular statements to legislatures on the functioning of this framework. We recognise that there are a number of initial reviews of the framework scheduled and instead would suggest coinciding the planned three-yearly reviews with such engagement.

We recommend that the framework should be updated to include a commitment to update each of the 4 UK legislatures on the ongoing functioning of this framework after the conclusion of the three-yearly reviews.

We welcome the commitment in the framework to continue stakeholder engagement through the framework process. However, we have heard external concerns about a lack of consultation so far. On 25 May, Dr Julie Cavanagh, Convener of the Faculty of Public Health in Scotland told the Committee that there had been "nothing resembling the level of involvement that we would prefer". We also note that workshops were held in London,

Cardiff and Belfast but not in Edinburgh and hope that Scottish audiences are adequately consulted about this framework. In our Committee's March 2021 report, we concluded that frameworks were weakened by the lack of stakeholder consultation and recommended that future reviews of frameworks should include an open and well-publicised stakeholder consultation process that reaches beyond the small number of stakeholders previously consulted. We believe that this is necessary in this framework as it is with other frameworks.

We recommend that the first three-year review should include an open consultation process with stakeholders.

Page 13 of the Provisional Framework includes a diagram that is potentially confusing. It suggests three tiers of Governance for the Framework "Oversight/Senior Official/Ministerial", "Strategic" and "Operational". The Strategic tier only includes the UK Health Protection Committee which elsewhere in the framework is described as a "senior official (Director) level committee". It is not clear why the top tier is labelled as Senior Official whilst the Strategic layer is not.

Page 19 of the Provisional Framework includes a diagram of the dispute process. The diagram suggests that all cases where no decision is reached by the UK Health Protection Committee are escalated to the UK CMOs Group which in turn escalate to UK Health Ministers. However, the text states that "the UK Health Protection Committee can recommend the issue is discussed at the UK CMOs Group, where appropriate, or they may choose to directly escalate to UK Health Ministers." It is not clear why the diagram differs from the text.

We recommend that the framework be updated to ensure diagrams are clearly labelled and accord with the description in the text of the framework.

We understand that each of the four governments are currently receiving views on these Provisional Frameworks from their respective legislatures. We therefore look forward to your response to this letter once these have been received, and our recommendations have been considered, together with the final version of the framework.

Yours sincerely,

Baroness Andrews
Chair of the Common Frameworks Scrutiny Committee