



HOUSE OF LORDS

Common Frameworks Scrutiny Committee

House of Lords
London
SW1A 0PW
Tel: 020 7219 8664
hlcommonframeworks@parliament.uk

20 January 2022

Neil O'Brien MP
Parliamentary Under Secretary of State Department for Levelling Up, Housing and
Communities
4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Dear Neil,

Thank you again for making the time to give evidence to the Committee on 11 January. We very much enjoyed the frank conversation we were able to have with you and I look forward to a very cooperative working relationship as we continue our inquiry into the Common Frameworks Programme.

As we discussed with you, one of our main concerns with the Programme continues to be on engagement with Northern Ireland and matters concerning the Protocol. We have recently received written evidence from academics at Queen's University Belfast (Dr Katy Hayward, Dr Milena Komarova, and Dr Lisa Whitten) which has reinforced these concerns. We are, therefore, taking the opportunity to write to you now to emphasise the importance and urgency of the issues they highlighted to us ahead of our final report later this year.

The Common Frameworks Programme thrives on being a truly four-nation programme involving stakeholder engagement from within and outside the legislatures. We believe this is integral to the success of the process to ensure that the unique position of NI, especially regarding the Protocol and the 1998 Good Friday Agreement, is accounted for. However, the written evidence we received has highlighted that the failure to engage with NI is becoming a more serious cause for concern. The academics alerted us to a lack of time within the NI Assembly to scrutinise frameworks, and to a lack of wider stakeholder consultation within the community and voluntary sector in NI. Moreover, they emphasised that several areas classified as 'no framework required' are actually areas that stakeholders in NI feel a framework is required. Had they been consulted, they would have expressed this. These areas include biodiversity, water quality, marine environment, and energy markets.

A lack of engagement with the Republic of Ireland in developing common frameworks might also have serious practical repercussions. The academics used the example of how the provisional frameworks on Food Compositional Standards and Labelling and Food and Feed Safety and Hygiene do not mention the Republic of Ireland or “the Food Safety Promotion Board (Safe Food) that meets under the auspices of Strand Two of 1998 Agreement and whose work is relevant for the operation of these CFs.” Likewise, the provisional frameworks on ‘Organs, Tissues and Cells’ and ‘Blood Safety and Quality Provision’ do not set out “the importance of cross-border healthcare delivery in, for example, work of All-Island Congenital Heart Disease Network or North-South Living Donor Exchange Kidney Transplant Service both of which meet under the auspices of Strand Two of 1998 Agreement and whose work is relevant for the operation of these CFs”.

Finally, the Committee is particularly concerned about the lack of a common framework covering equal treatment legislation. Article 2 of the Protocol commits the UK Government to ensuring that there is ‘no diminution’ of rights, safeguards and equality of opportunity in NI. There is currently ‘no diminution’ as NI’s governance arrangements include rights protections based on the European Convention on Human Rights. However, the Government has pledged to review the Human Rights Act and ECHR now that the UK has left the EU. As this suggests that since the current standards set by the Human Rights Act and ECHR are not necessarily fixed, a common framework is essential in this area to ensure the devolution settlement is respected. We especially note from the written evidence that the UK government did not wait to secure the agreement of NI before deciding a framework in this area was not necessary.

We hope that as the Common Frameworks Programme continues to develop, and potential frameworks areas are reviewed, that engagement with NI stakeholders will become a key priority. We are also copying this letter to Brandon Lewis MP, Secretary of State for Northern Ireland.

Yours sincerely,

Baroness Andrews
Chair of the Common Frameworks Scrutiny Committee