



HOUSE OF LORDS

Common Frameworks Scrutiny Committee

House of Lords

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The Rt Hon George Eustice MP
Secretary of State for Environment, Food and Rural Affairs
Department for Environment Food & Rural Affairs
Seacole Building
2 Marsham St
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Dear George,

Thank you for the Animal Health and Welfare Provisional Framework that was published on 3 February and considered by the Committee on 22 February. We appreciate this framework being privately shared with our secretariat before its publication so we could prepare for scrutiny in a timely fashion. We note this is a highly complex framework which contains a substantial amount of detail about various groups involved in its operation. Whilst I want to confirm the Committee's intention to produce recommendations on this framework, there are several areas where we would first appreciate greater clarity. Given the high sensitivity and significance of the areas of policy that are covered by this framework, you will, I am sure, understand the Committee's concerns.

In our scrutiny of this framework, we have noticed several errors and inconsistencies in the text. Following our initial scrutiny of the Agricultural Support Provisional Framework, we now have serious concerns regarding the quality control of your department's frameworks. Some of these we have highlighted in this letter. This is also manifest in the fact that the framework is extremely difficult to read. Acronyms are used excessively to the point it makes the text challenging to follow. There are also instances where it is suggested that care has not been taken to fully proofread the framework. For example, on p56 it states that the SOPB is "set out at Annex 5.1 below", but this is not the case. On p24, we are also told the dispute process is outlined in figure 2, but no diagram is labelled figure 2. We are therefore concerned that not enough care has been taken to ensure the frameworks were of a high enough quality before they were published. Could you outline what quality control measures are in place before the publishing of your department's frameworks?

We were also concerned about the lack of information in the framework about discussion groups, especially in contrast to the extensive information given about decision-making groups. Could you provide more information on the role and operation of the Chief Veterinary Officers (CVOs), Veterinary Risk Group (VRG), Outbreak Readiness Board (ORB), and Disease Emergency Response Committee (DERC)? Could you also outline who these groups report to?

We were unclear whether the CVOs are a decision-making or a discussion group. In Annex 2, the CVOs are listed as a “Discussion fora”. Yet on p32, the CVOs are listed alongside the decision-making groups. Could you clarify what type of group the CVO is?

We were also not clear on the ORB. On p20 we read that an existing discussion group is the “Outbreak Readiness Board (ORB)” which is overseen by the ADPG (p60). Yet on p59 the “Operational Readiness Board (ORB)” are mentioned, whose chair sits on the ADPG. Annex 2 also lists the “Operational Readiness Board” as a discussion group. Are there two discussion groups with the acronym ‘ORB’? If there are, what is the difference between these groups?

We read in the framework that the AAHPG, ADPG and TBLG can all “schedule additional meetings or consider relevant issues through a written procedure.” However, this written procedure is not outlined in the framework. Could you outline the procedure?

In the terms of reference of the AAHPG, ADPG and SOPB, there is no mention of who takes the role of the chair. Could you clarify who takes this role?

In Annex 6.3 we read that the “TBLG does not report to the Senior Officials Programme Board (SOPB). However, any dispute that is being escalated to Ministerial level should first be discussed by the SOPB”. Could you outline what this means in practice? How can the TBLG simultaneously not report to the SOPB and be required to report to them in the dispute resolution process?

On p22, we read that decision-making groups may commission work where required to help inform their decision making. However, “The scope and who is involved in that work should be decided at a joint decision-making group or between all four CVOs”. Could you clarify who the joint decision-making group is?

Could you clarify the membership of the SOPB? In the section that supposedly lists members, we read “Membership of the EU Exit Programme Board comprises of the following...” Who is the EU Exit Programme Board?

The SOPB’s terms of reference refer several times to “operational readiness projects” carried out by sub-groups. Could you clarify who carries out operational readiness projects, and what their purpose is?

On p71 we learn that the AAHPG “will present papers to the APG (Animal policy group), which is attended by CVOs, DCVOs and other senior officials from the four UK nations”. However, no further information about this Animal Policy Group is provided. Could you provide more information about this group?

We were not clear on the role the UK Office for SPS Trade Assurance plays in the framework. For example, on p26 we read “The UK Office for SPS Trade Assurance ... will not have a substantial role in the Framework”. A mere three pages later, we read “The UK Office for SPS Trade Assurance will play a key role within the AHW Framework governance arrangements.” Could you please clarify what role the Office will play in the framework? Furthermore, p26 indicates that although the Office will have little to do with the framework, “its co-ordination and Secretariat functions will ensure that the Parties work

effectively together to meet our international obligations.” Could you clarify what its secretariat functions are?

On p34, we read that “There is an option for an independent review panel to be brought in to review the Framework if one or more Parties wishes to trigger a review. The appointed reviewer would collectively agree a body to undertake this review”. This seems to contradict with p23 where the “ADPG would collectively agree a body and the impartiality level to undertake this review”. Could you clarify who decides which body will undertake a review? Additionally, p23 asserts that after the first review, “the frequency of reviews should be proposed by ADPG to the relevant decision-makers”. Could you clarify who the relevant decision-makers are?

We were not clear on who requests to amend the framework should be directed to. P23 states that “Requests to amend any element of the Framework should be raised to the ADPG”, but p34 seems to contradict this by saying “requests to amend any element of the Framework should be raised to the appointed reviewer”, which could be the ADPG or an independent reviewer. Could you clarify who requests should be raised to?

Furthermore, it is our understanding that the Crown Dependencies are engaged with this common framework as the UK government acts on their behalf when signing up to international agreements. This fact seems likely to apply to many DEFRA frameworks which include within their scope international obligations and treaties. Could you confirm if the Crown Dependencies interact with frameworks across your portfolio? Could you identify these frameworks?

We were therefore concerned that the framework clearly anticipates that the Crown Dependencies have a relationship to the framework, but that this relationship has not been clearly thought out: “Further consideration will need to be given to the Crown Dependencies and the extent to which they might have a connection to the Framework arrangements.” Could you please provide more detail on how, and why, the Crown Dependencies might have a connection to the framework? Why do no working groups have members representing the Crown Dependencies?

Finally, in addition to the many issues we have identified as likely to cause confusion and indeed contradiction, we also remain very concerned to see that the UK Internal Market Act and the Process for agreeing exclusions is not referenced in the provisional framework. However, we acknowledge that correspondence on this issue with you remains ongoing.

In order to facilitate the swift scrutiny of this framework, we ask that you respond within 5 working days.

Yours sincerely,

Baroness Andrews
Chair of the Common Frameworks Scrutiny Committee