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Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

Russell George MS
Chair
Health and Social Care Committee
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cc Huw Irranca-Davies, Chair, Legislation,
Justice and Constitution Committee

17 January 2022

Dear Russell,

Thank you for your letter of 26 November regarding the provisional Common Framework for Public Health Protection and Health Security. I shall answer your questions in the order in which they were asked.

General

1. Why is a common framework needed for this policy area?

During a UK Government common frameworks exercise held in 2017, public health protection was identified as an area where there was considerable existing coordination between England, Scotland, Wales and Northern Ireland that was, in part, underpinned by the UK's relationship with the EU and its agencies, including the European Centre for Disease Prevention and Control (ECDC).

While the UK was an EU Member State, the four UK nations coordinated and shared information on public health protection with Public Health England, the UK's then national competent authority and focal point for communications with the European Union. This included sharing information on serious cross-border health threats, new and emerging threats, and surveillance, and response coordination. The EU's system also supported the UK's compliance with the International Health Regulations (2005) (IHR)¹.

The UK Government, the Devolved Governments and the UK's public health agencies all agree that a framework is necessary to ensure the continuation of cooperation on serious cross-border health threats, acknowledging the importance of such cooperation in providing a high level of UK-wide human health protection. It was also assessed as necessary to ensure that the UK can best meet its international obligations under the IHR.

¹ The International Health Regulations (2005) (IHR) provide an overarching legal framework that defines countries' rights and obligations in handling public health events and emergencies that have the potential to cross borders. The IHR are an instrument of international law that is legally-binding on 196 countries, including the 194 WHO Member States.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

2. How will this common framework link up with frameworks in related policy areas, such as food and feed safety and hygiene and animal health and welfare?

The Public Health Protection and Health Security Framework will link to other related policy areas through an underpinning work programme developed by the Four Nations Health Protection Oversight Group and agreed by the UK Health Protection Committee (both of which have representation from Welsh Government and Public Health Wales).

3. The provisional framework sets out that the parties will develop a shared work programme. Will this shared work programme be published?

The shared work programme is being developed collaboratively by the Four Nations Health Protection Oversight Group and an initial draft work programme was received by the UK Health Protection Committee at its inaugural meeting in October 2021. The work programme is currently being finalised following comments from the Committee and collaborative discussions in relation to general issues of communication and publication are ongoing.

4. The framework sets out that part of its purpose is to manage potential divergence between different parts of the UK. Parties will seek to agree common approaches 'where agreeable'. How will the parties decide when divergence would be acceptable?

The framework requires each Government to consider how any changes in their part might impact on the other three parts of the UK, and where possible agree common approaches. The framework accepts a common approach may not always be suitable and therefore does not change the ability for a Government to consider and respond to individual factors and priorities. This is a welcome and necessary step to ensure open dialogue between the four nations.

5. How would this framework affect the handling of any future pandemic?

The Framework establishes common expectations around key areas of cooperation and defines ways of working to ensure that they are orientated towards strengthening our collective resilience to serious cross-border threats to health.

Specifically, the Framework seeks to:

- a) improve the effectiveness of UK arrangements for, and co-ordination of, public health protection and health security policies, including emergency preparedness and response planning;
- b) reduce the incidence and impact of serious cross-border health threats within the UK; and
- c) as far as possible to anticipate, identify, prepare for and respond to serious cross-border threats to public health within the UK.

UK and EU

6. Public Health Wales has previously raised concerns about the risks of leaving EU institutions for public health protection and health security. How are the Welsh Government and Public Health Wales mitigating these risks?

The Framework is intended to align with, and complement the Health Security (EU Exit) Regulations 2021, which in turn are intended to support the implementation of the UK's arrangements with the EU for cooperation on health security under the TCA. Title 1 of Part 4 (Thematic Co-operation) of the TCA supports effective arrangements and information sharing between the UK and the EU in the event of a serious cross-border threat to health which spreads or entails a risk of spreading across the borders of at least one EU Member State and the UK.

In summary, the TCA provides for the UK, the EU institutions and EU Member States to:

- exchange information;
- assess public health risks; and
- co-ordinate measures that may be required to protect public health.

While the UKSHA is the designated UK Focal Point under the terms of the TCA, both Welsh Government and Public Health Wales are represented on the Four Nations Health Protection Oversight Group and the UK Health Protection Committee. The chair of the UK Health Protection Committee in the first year is with UK Government's Department of Health and Social Care. The chair of both the Committee and 4 Nations Health Protection Oversight Group will rotate on an annual basis ensuring all four governments are fully sighted and involved in the work.

7. Under the Health Security (EU Exit) Regulations 2021, Public Health Wales and the Welsh Government have taken on some responsibilities formerly exercised at EU level, such as representing Wales at the new UK Health Protection Committee. Could you confirm what new responsibilities Public Health Wales and the Welsh Government will be undertaking and what resources have been allocated for this? How do the new arrangements differ from your previous arrangements when the UK was an EU Member State?

Both Welsh Government and Public Health Wales are represented on the Four Nations Health Protection Oversight Group and the UK Health Protection Committee. Support to these functions has been identified from within existing budgets. Previously Public Health Wales provided the chair/lead for the Four Nations Health Protection EU Transition Working Group (which focussed on the EU transition process) and has maintained the chair role for the first year of the Four Nations Health Protection Oversight Group. The chair of the UK Health Protection Committee in the first year is with UK Government's Department of Health and Social Care. The chair of both the Committee and 4 Nations Health Protection Oversight Group will rotate on an annual basis.

The underpinning UK work programme will require resources to ensure that Wales can make a full and ongoing contribution and an assessment of the resources required is currently underway.

8. The UK Health Security Agency (UKHSA) will carry out some coordinating functions previously exercised at EU level. Is the Welsh Government content that the UKHSA has sufficient resources to carry out these functions?

The UKHSA has inherited responsibilities and resources previously designated to Public Health England, the previous national focal point for the UK. These responsibilities and resources covered ongoing responsibilities under International Health Regulations. We have no reason to believe the UKHSA does not have sufficient resources to carry out the necessary functions on behalf of the UK.

International

9. Is the Welsh Government content that the framework takes into account its existing international commitments?

The Framework factors in the obligations under IHR and the TCA and does not impact on the Welsh Government's other existing international commitments.

10. Please provide the Welsh Government's assessment of how the framework accommodates divergence and alignment between the four nations' international health commitments and activity, for example the Welsh Government's MOU with the WHO on health equity or its public health protection support to African nations during the pandemic.

The framework provides a mechanism for the UK nations to cooperate on issues on health protection and health security, and to formulate common stances and approaches where collectively that is deemed appropriate. The work programme will be informed by an ongoing collective consideration of risks.

Parties to the framework can also strengthen coordination in other areas, including:

- a) Developing UK-wide approaches to public health protection issues and that require engagement with international partners, including World Health Organisation (WHO) Euro, European Centre for Disease Prevention and Control (ECDC) and EU Member States.
- b) The identification of further opportunities for engagement with international partners, acknowledging and where appropriate, building upon any existing commitments that the Parties may have.

However, this co-ordinating activity does not preclude the existence of bilateral international health commitments and collaborations.

11. Please confirm how existing international obligations were considered and incorporated into the framework and explain how future obligations will be incorporated.

The Framework factors in the obligations under IHR and the TCA. The Framework does not impact on the Welsh Government's other existing international commitments.

12. Please provide more information on the role of the Welsh Government or Welsh bodies in delivering the framework's international aspects. For example, whether the framework provides opportunities for a devolved role in the development of UK foreign policy, as provided in other frameworks.

The UK is the signatory to the IHR and to the TCA. As international relations in this regard are reserved to UK Government, the Department of Health and Social Care retains overall policy responsibility for the formulation of UK policy. However, as health protection is a devolved responsibility, implementation of international obligations in this area on a UK wide basis require a coordinated approach by the four nations and this is reflected in the Health Security (EU Exit) Regulations 2021, the Memorandum of Understanding and the development of any relevant areas of the work programme.

13. Please confirm whether the framework provides opportunities for Welsh representation at international forums, either by the Welsh Government or Welsh bodies.

The UK Government's Secretary of State for Health has the responsibility for engaging internationally regarding international co-operation for serious public health incidents (meeting the TCA and IHR requirements). Devolved Government Health Ministers and their respective public health agencies will have responsibility to co-ordinate and share information with each other for the purposes of this function.

Disputes

14. Is the Welsh Government content that the dispute resolution mechanism for the framework is fit for purpose?

Yes, I believe the mechanisms are robust and proportionate. These have been jointly developed and agreed by the four UK nations.

15. Who will be the final arbiter in the event of a dispute, and will there be a right of appeal in the event that one of the parties is dissatisfied with the resolution of a dispute?

These matters are designed to be agreed through discussion and appropriate levels of escalation, as set out in the framework documents. Our experience of dealing with other governments in the UK in relation to legislative matters in these policy areas is that there is generally a high level of willingness to look for mutually acceptable solutions. It should also be noted that the Interministerial Standing Committee, established under the Intergovernmental Relations Review, will monitor the frameworks programme including any obstacles to progress.

16. Will the Welsh Government notify the Senedd of disputes raised through the framework?

Yes, I am content to commit to writing to the appropriate committee(s) in the event that there are any disputes raised.

Transparency and accountability

17. Did the Welsh Government and Public Health Wales engage with any stakeholders in Wales in developing the provisional framework? How does the provisional framework reflect the response of stakeholders?

Extensive consultation of, and engagement with, the Devolved Governments and the UK public health agencies has taken place in the development the Framework (and the Health Security (EU Exit) Regulations 2021). The Four Nations Health Protection EU Transition Group, which consisted of representatives from UK Government, Devolved Governments and the UK public health agencies, was used as the main forum to discuss policy development. This included through three one-day workshops held in London, Cardiff and Belfast, as well as fortnightly meetings to progress work on both the Framework throughout 2020 and 2021.

The development of the Framework was discussed at the Chief Medical Officer's Health Protection Advisory Group. This multi-agency group includes representatives from key public sector stakeholders such as Health Boards and Local Government.

The comments submitted from both Welsh Government and Public Health Wales were largely supportive of the content of the draft Framework and our suggested changes and additions were either accepted or the decision to decline was fully explained.

18. How will the Senedd and stakeholders be updated on the continuing operation of the framework?

Officials will monitor the operation of the specific frameworks relevant to their policy areas and seek input from stakeholders as appropriate. In a more general sense, the Interministerial Standing Committee will monitor the progress of the frameworks programme in order to fulfil the role given to it by the Intergovernmental Relations Review, as outlined in the UK Government's progress update of March 2021, to '*Provide oversight of the common frameworks programme and its governance arrangements*'. The expectation is that reports on frameworks will be public documents once they are signed off by portfolio Ministers and will be made available to the relevant committees in the four nations as well as relevant stakeholders.

19. How will the Senedd and stakeholders be able to contribute to the review and amendment process for the framework?

The operation of the Framework will be reviewed at six months, one year, and three years from the date it comes into operation. Thereafter, a periodic review will take place every three years. Third parties can be used by any Party to the Framework to provide advice at any stage in the process and so we will seek views from relevant stakeholders during the review or amendment process as appropriate.

If changes are made to the Framework then these will be notified to Senedd committees in order for them to carry out the level of scrutiny they deem appropriate and necessary.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'M. E. Morgan'.

Eluned Morgan AS/MS

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Minister for Health and Social Services