



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
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Dear George,

Thank you for your letter of 7 March replying to our questions about the Animal Health and Welfare Provisional Framework. It clarified many of the issues the Committee were concerned about. We are now writing to provide our final recommendations.

We are extremely concerned about the amount of care that has been taken to ensure the framework was drafted to a high quality. You assured us that “A number of quality control checks were applied to the documents. These included consideration by departmental officials and their counterparts in the devolved governments followed by a centralised review process conducted by Cabinet Office officials with their devolved counterparts, and then sign-off by the Common Frameworks Programme Board.” It is therefore alarming that so many areas of this framework were outdated, inaccurate, or confusing. For example, page 56 states that the SOPB is “set out at Annex 5.1 below”, but this is not the case. On page 24, we are also told the dispute process is outlined in figure 2, but no diagram is labelled figure 2. The acronym ‘ORB’ is used to refer to more than one group, and several acronyms are not expanded at their first use. There are references in the framework to groups and processes that were only relevant before EU Exit, such as the ‘EU Exit Programme Board’ and “operational readiness projects”. If rigorous quality control checks did take place, as you state they did, we have not seen evidence of it - simple errors such as those listed should not have been able to be overlooked. The Committee are therefore extremely concerned that this indicates there is a lack of focus on common frameworks in Government.

High-quality, transparent, and consistent common frameworks are essential for successful intergovernmental working; and to provide strong foundations for a cooperative Union. They must be taken seriously and all efforts should be made to draft them carefully and accurately. We recommend that far greater effort is taken to ensure all frameworks are drafted to a high standard before they are approved.

We recommend that existing inaccuracies in the framework, such as those outlined above, are corrected.

We welcome the provision of more information about discussion groups in your letter. Although we recognise that you did not feel this information was important to include in the framework, we feel it is important the framework provides comprehensive information on all the working groups involved in its operation.

We recommend that the framework is updated to provide terms of reference for the Chief Veterinary Officers (CVOs), Veterinary Risk Group (VRG), Outbreak Readiness Board (ORB), and Disease Emergency Response Committee (DERC).

We welcome you providing clarity that the VRG reports to the CVOs. However, we were disappointed that you did not provide a response as to who the ORB and DERC report to.

We recommend that the framework is updated to state that the VRG reports to the CVOs, and to provide clarity on who the ORB and DERC report to.

We were disappointed that your letter did not address our concerns as to whether the CVOs are a discussion or decision-making fora. In Annex 2, the CVOs are listed as a “Discussion fora”. Yet on page 32, the CVOs are listed alongside the decision-making groups.

We recommend that the framework is updated to clarify what type of group the CVO is, and that any contradictory statements are removed.

We were also disappointed that your letter did not address our concerns over the ORB. On page 20 we read that an existing discussion group is the “Outbreak Readiness Board (ORB)” which is overseen by the ADPG (page 60). Yet on page 59 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. The framework must be clear on who the ORB are, and if it is two groups or one.

We recommend that the framework is updated to provide clarity on the ORB.

We welcome that you pledge in your letter to rewrite the section of the framework that states the AAHPG, ADPG and TBLG can all “schedule additional meetings or consider relevant issues through a written procedure.”

We recommend that the framework is updated to make it clear that groups can agree to consider issues through written correspondence, where appropriate, rather than having to hold a meeting. The confusing line that the AAHPG, ADPG and TBLG can all “schedule additional meetings or consider relevant issues through a written procedure” should be removed.

We welcome the additional information that you provided on the chairs of working groups.

We recommend that the framework is updated to stipulate that:

- **The chair of the SOPB is rotated between officials from the UK government and devolved governments;**

- **The chair of the AAHPG is DEFRA’s Deputy Director for Exotic and Endemic Disease Control; and**
- **The chair of the ADPG is DEFRA’s Director of Animal and Plant Health and Welfare.**

On page 22, 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”. You clarified that the joint decision-making group is made up of the ADPG, AWPG, AAHPG and TBLG.

We recommend the framework is updated to clarify that the joint decision-making group is made up of the ADPG, AWPG, AAHPG and TBLG.

The recommendations above all relate to the fact that we do not think the framework is clear in how groups interact with one another. This could be done through a clearer diagram or tables, or via an annex clearly setting out interactions between the groups.

We recommend that the framework is updated to make it clearer how groups interact with one another.

In the section of the framework that lists SOPB members, we read “Membership of the EU Exit Programme Board comprises of the following...” The SOPB’s terms of reference also refer to ‘operational readiness projects’ on several occasions. You have confirmed both of these terms are outdated.

We recommend that the framework is updated to remove reference to the EU Exit Programme Board and operational readiness projects.

Your letter also clarified that on page 71 the reference to the Animal Policy Group (APG) is incorrect and should refer to the Animal Disease Policy Group.

We recommend that the framework is updated to remove reference to the Animal Policy Group.

We welcome the detailed information you provided on the Office for SPS Trade Assurance. In light of this information, we feel the statement in the framework that “The UK Office for SPS Trade Assurance ... will not have a substantial role in the Framework” is incorrect.

We recommend that the framework is updated to remove the statement that “The UK Office for SPS Trade Assurance ... will not have a substantial role in the Framework”. The framework should be updated to outline that although the Office does not have a policy role, it plays an important role in the UK’s SPS system. As such it may be well placed to coordinate the handling/coordination of some types of dispute that arise under the terms of the Framework, and to support the Animal Disease Policy Group (ADPG) in carrying out a review of the Framework.

We were not clear on the review process. We noted that page 34 stated 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 seemed to contradict page 23 where the “ADPG

would collectively agree a body and the impartiality level to undertake this review”. We were also concerned by page 23’s assertion that “after the first review, “the frequency of reviews should be proposed by ADPG to the relevant decision-makers”. It was unclear who the relevant decision-makers were. We appreciate you providing clarity on these concerns.

We recommend that it is made clear in the framework that Parties should suggest changes to the framework to the ADPG, who review the framework, and can consider changes in their review. It should be made clear the ADPG has the power to appoint an alternative reviewer. It should be made clear that after the first review has been carried out, the ADPG will agree the frequency of subsequent reviews. It should be stated that other relevant decision makers should be informed by the ADPG of its decision(s), such as the Animal Welfare Policy Group, Aquatic Animals Health Policy Group, and TB Liaison Group.

The framework itself claims that “the Framework should recognise the fact that diseases do not respect borders and this requires a coordinated approach for prevention and control.” However, [recent correspondence with DAERA](#) highlights that the Republic of Ireland were not consulted in the development of the framework. The Government have acknowledged that the island of Ireland is “a single epidemiological unit for the purposes of animal health and welfare”.¹ As such, coordination with the Irish Government should be a central feature of this framework, and it is alarming that this cooperation has not already occurred

We recommend that the framework respects the fact that the Island of Ireland is a single epidemiological unit for the purposes of animal health and welfare. Therefore, the opinion and feedback of the Irish Government is sought on this common framework, and that the Irish Government is treated as a key stakeholder in future reviews of the framework.

We recommend that the framework is updated to outline the processes used to facilitate communication between Northern Ireland and the Republic of Ireland on matters relating to animal health and welfare.

The Committee was disappointed to see that the process for agreeing exclusions from the UK Internal Market Act 2020 was not contained in the framework. We appreciate that in your 10 March letter you said that your officials would work closely with other government departments and the devolved administrations to see if the text could be included. We reiterate that the UK Internal Market Act exclusions process must be set out in relevant frameworks as paragraph 2b of the exclusions process guidance states. Failure to do so jeopardises respecting the autonomy of the devolved administrations within their areas of competence. It should be clearly set out in relevant common frameworks as an essential process agreed for the wider Programme. We are writing to the devolved administrations to seek their views on this matter.

We recommend that the framework is updated to include text setting out the UK Internal Market Act exclusions process.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/638135/6.3703_DEXEU_Northern_Ireland_and_Ireland_INTERACTIVE.pdf

We are disappointed to note the absence in this framework of any commitments on ongoing engagement with Parliament. We note the absence of any commitments in the texts of these frameworks to publish reviews of the frameworks or to update legislatures on the outcomes of reviews. 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 these frameworks.

We recommend that the framework should be updated to include a commitment to update the House of Lords, House of Commons and the three devolved legislatures on the ongoing functioning of the framework after the conclusion of the scheduled reviews.

We understand that each of the four governments are currently receiving views on this Provisional Framework 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