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Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA-P-KS-3039-19

Russell George AM
Assembly Member for Montgomeryshire
Chair
Economy, Infrastructure and Skills Committee

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Dear Russell

Thank you for your letter of 10 July regarding Common UK Policy Frameworks and the Committee's request for further information to assist with its planning of scrutiny work in the autumn term. I have provided further information on the areas highlighted by the Committee in the attached annex.

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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.

Annex

The steps that have been taken to develop frameworks on matters that relate to the Committee's remit, and at what stage of development those frameworks are.

Policy officials have been engaged with their counterparts from the UK Government, Scottish Government and Northern Irish Civil Service since November 2017.

To date this work has focussed on establishing where Common Frameworks will be required and developing an initial position on the type of Common Framework needed. The progress of this work was most recently reflected in the UK Government's Revised Framework Analysis published in April 2019.

A number of policy areas have been identified as potentially requiring legislation to underpin the Framework and have therefore been identified as needing priority consideration.

Currently policy teams are in the process of clarifying the scope for each potential Common Framework including whether a legislative or non-legislative approach is required, identifying relevant operational detail and looking at proposed governance arrangements. The outcome of this work is being captured in Framework Outline Agreements.

The evidence base to support decisions on frameworks

Decisions on whether a Common Framework would be necessary in a particular policy area were taken on the basis of discussions between policy officials. These discussions took into account:

- the impact and likelihood of divergence in the area;
- the volume of work which the Framework would consider; and
- the benefits derived from formalised cooperation.

The development of Frameworks is an iterative process and therefore none of these decisions are final. In some instances, as part of the current scoping work, policy teams have subsequently concluded informal cooperation would be sufficient for a particular area where a Common Framework had been previously identified. In others, areas that have been identified as requiring legislation are now likely to be taken forward on a non-legislative basis.

Intergovernmental structures that have been or are being established, e.g. Ministerial forums etc

The JMC(EN) was established in October 2017 and acts as the Ministerial oversight for the Frameworks Programme.

I also attend a quarterly quadrilateral Ministerial meeting with Ministers in BEIS to discuss Brexit issues relating to business and industry. As the development of frameworks progresses my expectation is that this meeting will provide a forum where Ministers from across the UK can discuss relevant frameworks and challenges. I have also written to the new Secretary of State for Business, Andrea Leadsom MP, requesting a meeting in September between her, Welsh and Scottish Government Ministers and those representing the Northern Ireland Administration to discuss these and other arrangements for inter-governmental working.

What end output(s) are anticipated from the frameworks, both legislative and non-legislative.

Frameworks will develop an intergovernmental system for cooperation between the four Administrations. These systems will provide formalised procedures for decision-making and communication and as mentioned above, this will align with the existing mechanisms that have been put in place at a portfolio level. Determining which elements will require a legislative or non-legislative approach is part of the current scoping work conducted by policy teams.

Currently there are two frameworks within my portfolio (Intelligent Transport Systems and Services). Consideration on these frameworks are ongoing with policy teams from the UK Government and Devolved Administrations examining the possible scope of a Framework in these areas and the necessity of any formal Framework arrangements.

How the frameworks link with existing or proposed Welsh Government action, both legislative and non-legislative (including where frameworks cross-over with other portfolios)

Common Frameworks are being developed in parallel with ongoing discussions between the Welsh Government and the other UK Administrations on a number of significant UK-wide matters. This includes No-Deal preparations and the negotiations around an UK-EU Future Economic Partnership.

This work will also need to reflect the action taken by the Welsh Government in setting out a number of post-EU policy proposals.

Therefore, Frameworks and related bodies or structures will need to be flexible to future decisions in relation to EU and international discussions and the ability of Welsh Government to implement and deliver policy for Wales in devolved areas. They will need to provide a platform for these discussions in a way which provides for parity of participation, decision-making and the protection of devolved competence.

How each framework area will be managed in the event of the UK leaving the EU without a deal.

The development of Common Frameworks was established as a long term programme of work with implementation expected by the end of a transition period in December 2020. In the case of a no deal situation, the Welsh Government would expect the Frameworks programme to be prioritised to ensure properly considered and scrutinised arrangements are in place as soon as possible.

As an interim measure, my department is working with the other UK Administrations to identify and establish governance arrangements within specific policy areas at an official level in the event of a no deal. These arrangements will support the delivery of essential technical and operational matters required from Day One where a UK-wide collaborative approach may be needed and link to the portfolio-wide structures that have been established already. There are elements of this work which overlaps with proposed Common Framework areas and may have drawn upon the Framework discussions to date. However, these interim arrangements do not set any precedent for the long term development of Frameworks.