

**Vaughan Gething AC/AM**  
**Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol**  
**Minister for Health and Social Services**



**Llywodraeth Cymru**  
**Welsh Government**

Ein cyf/Our ref: MA - P/VG/3161/19

Dr Dai Lloyd AM  
Chair, Health, Social Care and Sport Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

4 September 2019

Dear Dai,

Thank you for your letter of 22 July requesting details of UK common policy frameworks being developed within my portfolio. I am very grateful for the Committee's continued support in these uncertain times and deal with their points in the order you raise them:

- *what steps have been taken to develop frameworks within your portfolio areas, and at what stage of development those frameworks are?*

Health and Social Services policy officials have been engaged with their counterparts from the UK Government, Scottish Government and Northern Irish Civil Service since November 2017 in order to develop frameworks. Over this time officials have been able to establish where Frameworks will be required and an initial position on the type of Framework required. The progress of this work was most recently reflected in the UK Government's Framework Revised Analysis on April 2019. Some policy areas were identified as needing priority consideration such as Reciprocal Healthcare and Nutrition related labelling, composition and standards covered by the Nutrition Common Framework which is at an advanced stage of development. In other policy areas, meetings have been held to begin to develop Framework 'Outlines'. These will set out the scope and approach of the Framework agreement. For blood, organs, tissues and cells, we have agreed to develop a framework with the UK Government and the other devolved countries which will look to maintain UK-wide standards in the first instance. The area of Mutual Recognition of Professional Qualifications which sits under the Education Minister includes the EU MRPQ Directive covering health professions. The current priority in this area is to ensure that preparations for any 'No Deal' scenario are in place.

- *the evidence base to support decisions on frameworks?*

Decisions as to whether a Framework will be necessary in any given area are being taken on the basis of discussions between policy officials who are liaising closely with their counterparts in Department of Health and Social Care (DHSC). These discussions are taking into account the impact and likelihood of divergence in the area; the volume of work

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

[Gohebiaeth.Vaughan.Gething@llyw.cymru](mailto:Gohebiaeth.Vaughan.Gething@llyw.cymru)  
[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@gov.wales)

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.

which the Framework would consider; and the benefits derived from formalised cooperation. None of these decisions are final at this stage; areas which had previously considered as requiring a Framework have, on further reflection, been left for informal cooperation between the Administrations. For Reciprocal Healthcare, the provisions of the Healthcare (European Economic Area and Switzerland Arrangements) Act 2019 will be brought together with an underpinning MOU to eventually form the reciprocal healthcare framework.

- *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. Some Ministerial Quadrilateral meetings, including one covering the health and social care sector, have been established to consider policy specific issues as they arise. These fora consider, but are not limited to, issues arising from Frameworks. MOUs are in place setting out the nature of engagement with Devolved Administrations. Planning has also been put in place for a UK body (UK Nutrition and Health Claims Committee) to be established to undertake functions currently undertaken by the European Food Safety Authority.

- *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. Many of these systems will be set out and agreed through concordats supported by a Framework Outline Agreement.

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

Frameworks are being developed on an ongoing policy development basis with 'no deal' preparation and Future Economic Partnership work firmly in mind. The Frameworks and associated governance arrangements will be flexible to future decisions in relation to EU and international discussions and policy developments. They will also provide a platform for these discussions in a way which ensures parity of participation and decision-making and, very importantly, protection of devolved competence. For example, much of reciprocal healthcare is either led on a UK basis or falls within the area of international relations and is therefore is not devolved. However there is devolved competence for some aspects of reciprocal healthcare and officials are ensuring that devolved areas are highlighted and taken fully into account by the DHSC.

- *how each framework area will be managed in the event of the UK leaving the EU without a deal?*

Departments, including my own, have undertaken no-deal approaches to governance, including interim working level agreements. These set out inter-governmental approaches to imminent issues which might arise as a result of 'no-deal'. These working level agreements operate under some of the same or similar structures to the Frameworks structures, such as the Ministerial Quadrilaterals. Within some policy areas, an interim working level arrangement could overlap with a particular Framework and its development may have drawn upon the Framework discussions that have already taken place. No deal arrangements are purposely short term and interim, so as not to set any precedent for Frameworks. In the case of a 'no deal' situation, Welsh Ministers including myself expect the Frameworks programme to be priority work area so as to ensure properly considered and scrutinised arrangements are put in place as soon as possible.

I hope you and your Committee colleagues find this reply helpful. I would be happy to elaborate on the detail of individual framework areas should you require further information.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

**Vaughan Gething AC/AM**

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