



House of Commons
Public Administration
and Constitutional Affairs
Committee

**The Future of the
Union, part two:
Inter-institutional
relations in the UK:
Government Response
to the Sixth Report
from the Committee,
Session 2016–17**

Second Special Report of Session 2017–19

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Public Administration and Constitutional Affairs

The Public Administration and Constitutional Affairs Committee is appointed by the House of Commons to examine the reports of the Parliamentary Commissioner for Administration and the Health Service Commissioner for England, which are laid before this House, and matters in connection therewith; to consider matters relating to the quality and standards of administration provided by civil service departments, and other matters relating to the civil service; and to consider constitutional affairs.

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Second Special Report

The Public Administration and Constitutional Affairs Committee published its Sixth Report of Session 2016–17, *The Future of the Union, part two: Inter-institutional relations in the UK*, as HC 839 on 8 December 2016. The Government's response was received on 15 September 2017 and is appended to this report.

Appendix: Government Response

1. The House of Commons Public Administration and Constitutional Affairs Committee (PACAC) published a report on inter-institutional relations in the UK on 8 December 2016. The report made a number of recommendations on how to improve relations between the UK Government and the devolved administrations of Northern Ireland, Scotland and Wales.

The UK Government welcomes the Committee's Report on inter-institutional relations in the UK, and is committed to effective intergovernmental relations and to maintaining and strengthening the Union. Steps have since been taken to strengthen the existing mechanisms as set out below and we will continue to do so, not least in the light of the opportunities and challenges of the UK's exit from the European Union (EU).

The UK Government and the devolved administrations worked closely to facilitate a meeting of the JMC(P) which took place on 30 January 2017, hosted by the UK Government in Cardiff. At the previous JMC(P) in October 2016, the UK Government and the devolved administrations also agreed to set up a new committee on EU Negotiations (EN) to discuss priorities for the future relationship with the EU. The JMC(EN) has met four times since its inception, most recently on 8 February 2017 and a further meeting is planned for the autumn.

Further to the multilateral meetings of the JMC and to ensure the full engagement of the devolved administrations throughout the EU Negotiations process, the UK Government initiated a programme of constructive bilateral engagement over the summer following the introduction of the EU (Withdrawal) Bill to build an understanding of shared priorities regarding common frameworks. This engagement continues and is being led by the First Secretary of State.

In the absence of a Northern Ireland Executive, the Secretary of State for Northern Ireland and the Prime Minister have a clear understanding of the range of views from across the region and will continue to champion Northern Ireland's unique interests to ensure they are protected and advanced. Furthermore, the UK Government has continued to engage at an official level with the Northern Ireland Civil Service. The UK Government firmly believes the best outcome for the people of Northern Ireland remains the restoration of a fully functioning inclusive Executive, where strategic decisions can be made in the interests of the whole community. We will work with the parties to that end. In the meantime, engagement is taking place at official level on the EU (Withdrawal) Bill and common frameworks with officials.

As the report recognises, the UK Government, working with the devolved administrations, has also taken significant steps to improve devolution awareness and capability across the Civil Service, for example through Civil Service Learning and the One Civil Service Interchange scheme. That work is continuing.

The UK Government's responses to the report's recommendations are set out below.

2. If it is to be fully effective, the JMC needs to enjoy the confidence of all four Governments. It is clear from the evidence received that the Scottish and Welsh Governments have had different experiences of both the JMC specifically and, of intergovernmental relations more generally. While this arguably reflects the respective importance attached by the UK Government to the different devolved administrations, it is crucial that a multilateral forum such as the JMC engages with, and treats, the three devolved administrations with respect and as valued partners. (Paragraph 26)

As the Prime Minister reaffirmed in her statement following the Queen's Speech on 21 June, the UK Government is committed to working in co-operation with all the devolved administrations as well as working with all the parties of Northern Ireland to support the return of devolved government. With regards to the ongoing EU Exit negotiations, the UK Government has been clear from the start that the devolved administrations should be fully engaged. We will continue to engage the devolved administrations as we seek a deal that secures the specific interests of Scotland, Wales and Northern Ireland, as well as those of all parts of England. The First Secretary of State, as UK Government lead on intergovernmental relations, has spoken with both the First Minister of Wales and Deputy First Minister of Scotland to initiate a programme of ongoing bilateral engagement and met his counterparts in Scotland and Wales during the summer recess to take these discussions forward and monitor their progress. The Secretary of State for Exiting the European Union has also had a number of bilateral discussions with Ministers from the Scottish and Welsh governments before and after the recent rounds of negotiations with the EU and we are committed to positive and productive engagement going forward. In the absence of a Northern Ireland Executive we have continued to engage at an official level with the Northern Ireland Civil Service. It is the UK Government's view that the JMC(EN) should next meet in the autumn to review the progress of these discussions.

3. Bilateralism is a prominent aspect of intergovernmental relations in the UK. With substantial new fiscal and welfare responsibilities flowing to the Scottish devolved institutions, this will only grow in importance in the future. We are therefore heartened at the evidence of constructive cooperation between the Scottish and UK Governments in relation to both the Scotland Act 2016 and the fiscal framework which will underpin the practical operation of this important constitutional legislation. *The UK Government must maintain and strengthen this practical and pragmatic approach to intergovernmental relations. This is essential if the full potential of the new powers contained in the Scotland Act 2016, particularly those in areas where competency is shared between the two Governments, are to be realised. It will be all the more important as an underpinning to the discussions about exiting the European Union which are currently taking place.* (Paragraph 41)

The UK Government agrees and is committed to meaningful and constructive cooperation on a bilateral basis with each of the devolved administrations and is advancing engagement at this level. The UK Government continues to engage the devolved administrations

routinely on a host of policy areas, particularly in areas where competence is shared or interests intersect. The Joint Ministerial Working Group on Welfare is a strong example of Ministers from both the UK and Scottish Governments working together to oversee the complex transfer of powers to the Scottish Parliament under the Scotland Act 2016. Similarly, the Joint Exchequer Committee allowed and continues to allow the UK and Scottish Governments to work closely to implement the Scottish Government Fiscal Framework, including the new income tax powers which took effect from April 2017. Using a similar mechanism, the UK Government will also continue to work closely with the Welsh Government in implementing the Wales Act 2017 and accompanying Welsh Government Fiscal Framework.

In order to deliver an exit from the European Union that works for the whole of the United Kingdom, the Prime Minister has repeatedly reaffirmed her determination that the devolved administrations should be fully engaged in the process of planning for the UK's departure from the EU, both within the formal structures of the JMC, but also bilaterally. Alongside the creation of the JMC(EN), bilateral engagement has increased since the beginning of formal negotiations. The First Secretary of State has spoken with both the First Minister of Wales and Deputy First Minister of Scotland to initiate a programme of ongoing bilateral engagement with their respective administrations and met his counterparts in Scotland and Wales during summer recess to take these discussions forward in person and monitor their progress. Equivalent discussions have taken place at official level with the Northern Ireland Civil Service. Supporting the ministerial level engagement led by the First Secretary of State and Secretary of State for Exiting the EU, continuous official level engagement between the UK Government and the devolved administrations has developed and strengthens as negotiations advance. The UK Government has shared key publications with the devolved administrations ahead of their introduction, including the EU (Withdrawal) Bill and recent UK Government papers on EU exit.

4. However, the starkly different evidence provided by the Scottish and Welsh Governments does suggest that intergovernmental relations in the UK are still overly dependent on factors such as the respective influence of the different administrations. Although PACAC is aware of reports that the UK Government has, at times, been unreceptive to concerns expressed by the Scottish Government, the Scottish Government appears to have experienced a more effective and responsive relationship with Whitehall than can be said of the Welsh Government. It is to be expected that the UK Government will have to, at times, prioritise certain relationships. *However, the UK Government must do all it can to promote goodwill and to develop a system of effective intergovernmental relations which ensures that devolved administrations with less nominal influence are treated with respect, so that meetings and discussions are trusting and sincere, and that the matters being decided are substantive rather than tokenistic.* (Paragraph 42)

The UK Government is committed to treating all of the devolved administrations with equal respect and as valued partners.

The First Secretary of State is engaging with both the First Minister of Wales and the Deputy First Minister of Scotland to drive forward a programme of work with their respective administrations, including on common frameworks. Official level engagement underpins this work with the Scottish and Welsh Governments, as well as continuing with the Northern Ireland Civil Service in the absence of an Executive. There are of course

differences in terms of competence and interests between the administrations and it is therefore right that each is heard individually to best understand their needs, as well as meeting in the multilateral setting to build a UK wide view. The First Secretary met his counterparts in Scotland and Wales during summer recess to continue these discussions in person and track the progress of this engagement. A further meeting of the JMC(EN) is planned for the autumn.

The implementation of the Scotland Act 2016 and Wales Act 2017 has led to strengthened bilateral engagement with the Scottish and Welsh governments respectively. Productive and constructive discussions during the passage of the Wales Act 2017 and through the Joint Exchequer Committee led to the agreement of a fiscal framework with the Welsh Government in December 2016. The UK and Scottish governments have been working closely to implement the Scotland Act 2016 and the Scottish Government's Fiscal Framework through intergovernmental fora including the Joint Exchequer Committee and Joint Ministerial Working Group on Welfare.

5. There is longstanding criticism of the ineffectiveness of the existing JMC. It is clear that while the JMC plenary (JMC(P)) offers scope for the different devolved administrations to air their views to the UK Government, this potential is limited. The failure of the JMC Domestic committee has rendered the JMC (P) the sole forum for Heads of Government meetings. At best, these plenaries take place annually and the tight timetables for plenary meetings mean that there is little opportunity for issues of concern to be discussed in detail and undermine the ability of the JMC to be a vehicle for constructive engagement and collaboration. (Paragraph 48)

The UK Government is committed, alongside the devolved administrations, to ensure that the JMC structure is a vehicle for constructive engagement and collaboration. At the Plenary session in October 2016, all four administrations noted the progress made to date by officials to make JMC a more effective forum. In addition the UK Government and the devolved administrations agreed that JMC(P) should meet more regularly. The Committee will note that the JMC(P) met most recently in October 2016 and January 2017. The UK Government believes that JMC(P) provides a vehicle for constructive engagement and collaboration.

Achieving constructive collaboration between Heads of Government requires the support of substantial, official level engagement. For example, the programme of work on common frameworks being led by the First Secretary of State will rely on discussion and cooperation between multiple departments across administrations. Progress made in these and other areas at ministerial and official level enables for more focussed and productive discussions in meetings of the JMC.

Engagement between the Prime Minister and the Heads of the devolved Governments at JMC(P) is supplemented by significant engagement through JMC(Europe) and the more recently created JMC(EN). All four administrations previously committed to a review of the workings of the JMC structure and any changes to the JMC structure are subject to agreement by all administrations.

6. In the absence of new Heads of Government meetings or the revitalisation of the JMC Domestic, the format of JMC plenaries needs some reform. While it is not realistic to expect plenaries to end up with points of agreement on all issues, plenaries should

enable the devolved administrations to raise, and discuss in satisfactory depth, issues of concern. This would add a greater sense of purpose, and value, to the JMC. The continuing discussions on the new Memorandum of Understanding should therefore look at international examples of IGR best practice. (Paragraph 49)

The UK Government notes the Committee's conclusion. The JMC(P) meeting in October 2016 noted the progress made to date by officials to make JMC a more effective forum, and agreed that further work should be taken forward to reflect the new circumstances in light of the UK's vote to leave the EU. Any changes to the JMC structure are subject to agreement by all four administrations who previously committed to a review of the workings of the JMC.

Further work was remitted to officials at the last JMC(P) meeting on 30 January 2017 to carry forward in due course. The UK Government believes that JMC(P) does enable the devolved administrations to raise and discuss issues of concern, as agendas are agreed by consensus and the devolved administrations are able to surface issues ahead of the meeting at the sherpa JMC(Officials) meeting. The committee will note that the agenda also includes an 'any other business' item and 'current issues', which provides all administrations with the opportunity to raise issues of concern.

7. PACAC recommends that the ongoing review into the MoU should examine the idea of evolving the JMC (P) into an annual Heads of Government Summit, analogous to meetings of the Council of the European Union. Under this model, responsibility for hosting the JMC would rotate among the four administrations, with the host Government given the responsibility for setting the agenda for the plenaries. The four Heads of Government would meet in this consultative body and the communiqué should, wherever possible, be agreed unanimously. This would provide the devolved administrations with greater opportunity for involvement, and responsibility, in the JMC. (Paragraph 50)

The UK Government notes the Committee's recommendation. The Committee will note that the most recent JMC(P) met in Wales. At the JMC(P) meeting on 24 October 2016, work was remitted to officials to ensure further procedural and administrative measures are taken forward to make the JMC more effective. At the most recent JMC(P) on 30 January 2017, this was reaffirmed with further consideration remitted to the Secretariat. Currently, the agenda and published communiqués are already agreed by all JMC members where possible. Prior to a meeting the joint Secretariat, which consists of officials from each of the four administrations, will discuss potential agenda items and make a recommendation to ministers. The agenda is agreed between the UK Government and the devolved administrations.

8. Adopting a 'summit' approach could facilitate an extension of the length of time spent on JMC/Heads of Government business. For example, they could include informal as well as formal meetings, to facilitate greater interaction and, hopefully, to strengthen trust and relationships between the people who make up the different administrations. Rotating the responsibility for hosting, and setting the agenda would help meet the demands of the devolved administrations and would provide a greater guarantee that the interests of all four of the Governments are heard and better understood. (Paragraph 51)

As previously mentioned, the Committee will note that the most recent JMC(P) was held in Wales, and Ministers held additional bilateral engagement in the margins of that meeting. In addition, the agenda for JMC(P) is decided by consensus between all four administrations and each administration is able to put forward preferences for the agenda items.

The UK Government also notes that there are already a number of joint coordination initiatives outside the formal JMC structure in which departments and the devolved administrations coordinate policy making and delivery, for example, the Joint Ministerial Working Group on Welfare between the UK and Scottish Governments, and the British-Irish Council which also provides for discussions on cross-cutting social and economic issues common to all administrations. In addition, to complement the multilateral formal structure of JMC, a number of Ministerial and official level bilateral engagements between the UK Government and the devolved administrations already occur on a frequent basis, not least in the light of the UK's exit from the EU. The Committee should note that the PM has met with all of the First Ministers, and the then deputy First Minister of Northern Ireland, since taking office, including bilateral meetings in the margins of the most recent JMC(P).

9. Bilateralism and informality have been a defining feature of intergovernmental relations in the UK post-devolution and while these tendencies may reflect the asymmetry of the different devolution settlements and the uncodified nature of the UK Constitution, the deepening asymmetry and growth of concurrent policy responsibilities requires a more rigorous and formal approach to bilateral intergovernmental relations. PACAC recommends that the revised Memorandum of Understanding should recognise the Scottish and Welsh Joint Exchequer Committees as permanent standing bodies in recognition of the interdependencies that will continue to mark tax policy in the future. Similar provision should be made for the Joint Ministerial Working Group on Welfare. (Paragraph 55)

The UK Government notes the Committee's recommendation. We have a number of multilateral forums that sit outside the structure of the JMC, which are more suitable for discussing specific issues such as the Joint Exchequer Committee, Joint Ministerial Working Group on Welfare, or the Finance Ministers Quadrilateral.

The respective Joint Exchequer Committees for Scotland and Wales were established to oversee the implementation of the fiscal frameworks for the Scottish and Welsh Governments respectively. These committees will continue to perform those functions but we do not see any case to constitute them as permanent standing bodies.

With regard to the Joint Ministerial Working Group on Welfare, the UK Government notes that its primary purpose is to oversee the implementation of the devolution settlement. As such, the group should remain responsive to requirements and not become a permanent body; however the UK Government is committed to reviewing these arrangements as required to ensure they remain fit for purpose.

10. Since all of the devolved legislatures are now responsible for some aspects of tax policy and Holyrood and Stormont both have welfare responsibilities, the four administrations should establish new sub-committees of the Joint Ministerial Committee focused on tax, welfare and the financial settlements between the four Governments of the UK. This

would allow areas of mutual concern among the four administrations to be discussed, models of best practice in these areas to be more effectively shared and would be another step towards the establishment of a more purposeful and policy relevant model of intergovernmental relations. To support this, there should be a formal mechanism for representatives of Departments of State and their counterparts in the devolved administrations to meet at least once a year, to discuss policy matters. Additionally, within each Department of State there should be a minister acting as a designated contact point for the devolved administrations. (Paragraph 56)

The Committee will note that there is already the flexibility for JMC to meet in numerous formats. Furthermore, as previously mentioned it is often the case that multilateral forums that sit outside of the formal structure of the JMC itself are more suitable for discussing specific issues.

The UK Government notes that there are already a number of joint coordination initiatives outside the formal JMC structure in which departments and the devolved administrations coordinate policymaking and delivery, for example, the Joint Ministerial Working Group on Welfare, the Finance Ministers Quadrilateral, Joint Exchequer Committees and at the British-Irish Council which also provides for discussions on cross-cutting social and economic issues common to all administrations. In addition, to complement the multilateral formal structure of JMC, a number of Ministerial and official level bilateral engagements between the UK Government and the devolved administrations take place on a frequent basis. In addition to the Cabinet Office's role in overseeing the intergovernmental relations and the devolution settlements, the Scotland Office, Wales Office and Northern Ireland Office support the Territorial Secretaries of State in promoting the best interests of each nation within a stronger United Kingdom. The Territorial Offices ensure that the interests of Scotland, Wales, and Northern Ireland are fully and effectively represented in the UK Government.

11. *There now exists an ideal opportunity for the formal machinery of intergovernmental relations in the UK to be imbued with a sense of purpose, with a revitalised and reformed JMC. While PACAC supports the decision to establish a new Joint Ministerial Committee on EU negotiations, this should not preclude further consideration by the four administrations as to how the JMC and its sub-committees can be best structured so as to assist the UK Government to develop a truly UK-wide approach in a range of areas where all four administrations have policy interests in the outcome of the negotiations to leave the EU.* (Paragraph 65)

The UK Government notes the Committee's recommendation. The JMC(P) meeting on 24 October 2016 noted the progress made to date by officials to make JMC a more effective forum, and agreed that further work should be taken forward to reflect the new circumstances in light of the UK's vote to leave the EU. This was reaffirmed at the JMC(P) meeting on 30 January 2017. To supplement the formal JMC(EN) meetings, there have been several bilateral meetings between UK Government officials, and officials from the devolved administrations, on sector specific issues and the possible need for future common frameworks. We are committed to working closely with the devolved administrations on an approach to returning powers from the EU that works for the whole of the UK and reflects the devolution settlements of Scotland, Wales and Northern Ireland.

12. PACAC sees merit, for example, in the idea of creating agriculture and fisheries and economic affairs sub-committees. Such committees could either be formal sub-committees, under the general coordination of JMC (EN) and JMC (P), or could be meetings of the JMC (EN) in a functional, sector-specific, format (in a fashion similar to Council of Ministers meetings at the EU level). Additionally, the JMC secretariat's capacity should be enhanced so that the JMC (EN) can call upon the advice and support of 'shared' technical staff, with expertise in key policy areas. (Paragraph 66)

The UK Government notes the Committee's recommendations. There are already a range of forums whereby the UK Government and the devolved administrations collaborate on issues such as agriculture and fisheries and economic affairs. These include the Finance Ministers Quadrilateral and regular meetings established by DEFRA for Ministerial counterparts from across the UK to provide a space for discussions on policy issues relevant to the devolved administrations and to improve relationships between Ministers. As set out above, a programme of bilateral and in some instances multilateral engagement is also underway between the UK Government and devolved administrations to discuss issues on the UK's exit from the EU to supplement meetings of the JMC. The UK Government is committed to keeping the structure of the intergovernmental machinery under review, with the devolved administrations as part of the JMC Secretariat, to ensure our shared forums remain effective and relevant.

With regards to the negotiations, throughout the discussions, the UK Government will negotiate on behalf of the United Kingdom. We have been clear that the devolved administrations should be fully engaged in this process. In seeking a deal the UK Government will take due account of the specific interests of every nation and region of the UK, working closely with the devolved administrations. The Territorial Offices ensure that the interests of Scotland, Wales, and Northern Ireland are fully and effectively represented in the UK Government.

13. However, it is important to have realistic expectations about the limits of IGR machinery. The response to the recent JMC (P) has indicated that the JMC cannot, by itself, be expected to resolve issues which remain politically contentious between the four administrations. Instead, the effectiveness of any model of IGR rests on the ability of the four administrations to collectively develop an atmosphere of trust and goodwill. In order to develop such an atmosphere of trust and goodwill, the UK Government must show a genuine receptiveness to the concerns and suggestions put forward by the devolved administrations. (Paragraph 67)

The UK Government is committed to effective intergovernmental relations and agrees that it is important to collectively develop an atmosphere of trust and goodwill. Since the referendum in June 2016, the UK Government has been clear that the devolved administrations should be fully engaged in the process of preparing to leave the EU. It is incumbent on all involved to participate and engage constructively and in good faith. There is considerable common ground between the UK Government and the devolved administrations on what we want to achieve from this process. The positions laid out by the Welsh and Scottish governments in their respective White Papers, Securing Wales' Future and Scotland's Place in Europe, and the positions set out by the Northern Ireland Ministers at JMC(EN), were carefully considered and informed the position set out in the UK Government's White Paper on EU exit. The Secretary of State for Exiting the European Union has had a number of bilateral discussions with Ministers from the Scottish and

Welsh Governments as we have moved into the negotiation phase and we are committed to positive and productive engagement going forward. In the absence of a Northern Ireland Executive, we continue to engage at an official level with the Northern Ireland Civil Service. The UK Government has also shared and discussed key publications with the devolved administrations ahead of their introduction, including the EU (Withdrawal) Bill and recent UK Government papers on EU exit.

As outlined, the First Secretary of State is the UK Government lead on intergovernmental relations and has spoken with both the First Minister of Wales and Deputy First Minister of Scotland to initiate a programme of ongoing bilateral engagement with their respective administrations. The First Secretary met his counterparts in Scotland and Wales during the summer recess to take these discussions forward and monitor their progress. At an official level a number of meetings between departments and devolved administrations have already taken place to consider common frameworks. The UK Government is committed to working closely with the devolved administrations to review the powers that will return from the EU and determine where consistency—in some form of ‘framework’—will continue to be needed.

14. The existing level of transparency regarding intergovernmental relations is insufficient and, as demonstrated by the example of the fiscal framework negotiations, has acted as a barrier to effective parliamentary scrutiny of both intergovernmental discussions and, as in that example, significant reform to the UK’s constitutional arrangements. (Paragraph 75)

The UK Government is committed to promoting transparency and improving openness. This is including through appropriate reporting to our respective legislatures. In addition to publishing detailed and jointly agreed communiqués at the conclusion of each JMC(P) and JMC(EN) meeting wherever possible.

15. In light of the development of devolution of powers to Edinburgh, Cardiff Bay and Stormont, and the growth of concurrent responsibilities shared between the UK Government and the different devolved administrations, as well as the impact of the UK’s exit from the European Union, intergovernmental relations will only grow in significance in future years. PACAC therefore welcomes the written agreement between the Scottish Government and Parliament, which offers the prospect of a more open and accountable model of intergovernmental relations and a model of best practice from which the Welsh Government and the Northern Ireland Executive, and Westminster and Whitehall can learn. (Paragraph 76) *PACAC therefore recommends that the UK Government agrees to provide the House of Commons and House of Lords with similar transparency to that found between the Scottish Government and Parliament.* (Paragraph 77)

16. PACAC and the House of Lords Constitution Committee should have advanced written notice, and written summaries, of intergovernmental meetings. This commitment should replicate the lines of the agreement reached between the Scottish Government and Scottish Parliament. This agreement should be guaranteed by making reference to minimum standards of transparency that future Governments will be expected to meet. (Paragraph 78)

The UK Government is committed to promoting transparency and improving openness. This is including through appropriate reporting to our respective legislatures, in addition to publishing detailed and jointly agreed communiqués at the conclusion of each JMC(P) and JMC(EN) meeting where possible. The UK Government does not agree that further advanced written notice of intergovernmental meetings would be beneficial to improving transparency. It is important the the four administrations have the requisite space to shape and inform discussions in advance with a certain degree of privacy.

17. It is clear that, while the principle of closer inter-parliamentary cooperation commands much support, there is no consensus on any particular model of enhanced inter-parliamentary relations. Any reform of inter-parliamentary relations must acknowledge the practical difficulties mentioned by a number of witnesses to our inquiry, not least the difficulty of finding time for these meetings in the already full diaries of parliamentarians from across all four legislatures. (Paragraph 94)

18. However, PACAC recommends that a number of modest, yet in some cases symbolically significant, steps be taken to enhance inter-parliamentary relations in the United Kingdom. (Paragraph 95)

19. First, the provisions of Standing Order No. 137A(3) (henceforth referred to as 137A(3)), which enables the Welsh Affairs Committee to hold joint evidence sessions with committees of the National Assembly for Wales, should be extended to enable all committees of the House of Commons to meet jointly with any specified committee of any of the three devolved legislatures. It makes little sense, given the increasing number of concurrent responsibilities, for 137A(3) to continue to be limited to the Welsh Affairs Committee. Amending 137A(3) will provide for inter-parliamentary collaboration 'on demand', allowing Committees of the House that wish to undertake joint evidence sessions with the Committees of the other legislatures to do so at a time of their (and, of course, the relevant Committee of the other legislature) choosing. However, for such a reform to be meaningful, PACAC calls upon the other three UK legislatures to examine where their Standing Orders, or relevant statutory provisions, inhibit greater inter-parliamentary collaboration and, where possible, to eliminate these barriers. This collaboration would not undermine the right of the devolved legislatures to form legislation independently of UK Parliament influence. (Paragraph 96)

20. Secondly, while PACAC welcomes the continued inter-parliamentary collaboration at Speaker and Presiding Officer level, the lack of transparency regarding the agenda and conclusions of these meetings is unsatisfactory. PACAC therefore recommends that the Speakers and Presiding Officers consider providing written notice, and written summaries, of these quadrilaterals. (Paragraph 97)

21. Finally, while PACAC recognises the role of the House of Commons Library and the Scottish Parliament's Information Centre in raising awareness of one another's institutions and is aware of a number of examples of ongoing informal inter-parliamentary cooperation among Clerks and other officials, we recommend that this cooperation be deepened by examining how the training of officials, including the Parliamentary fast stream, can better raise awareness of one another's institutions. PACAC recommends that at their next meeting, the Speakers and Presiding Officers of

the four UK legislatures agree to undertake an audit of their institutional cooperation, including, for example, the level of secondments and placements between each institution. (Paragraph 98)

The UK Government suggests that recommendations 17–21 would be for the UK Parliament and, where applicable, the devolved legislatures to comment upon.

22. **The continuation of the Home Civil Service has played an important role in facilitating inter-institutional relations post-devolution. The shared Home Civil Service enables interchange between the devolved administrations and Whitehall, facilitates knowledge exchange and, as we heard from Sir Derek Jones and Leslie Evans, it has not resulted in any conflict of obligations and loyalties for those civil servants serving the devolved administrations.** (Paragraph 105)

23. **It is unacceptable that 17 years after the advent of devolution Whitehall departments, when considering the effect of UK policy decisions, are not better at involving and consulting the devolved administrations, so that their views and interests are positively engaged at the outset, rather than as an afterthought. While Sir Derek Jones and Ms Evans both emphasized the good collaborative relationships that they have with many Whitehall Departments and with the leadership of the Home Civil Service, it is nonetheless disappointing that it has taken 16 years for sustained efforts to be made at boosting awareness of devolution issues and capabilities across Whitehall. Nonetheless, these efforts are better late than never and PACAC welcomes the work undertaken by the UK Governance Group, including the development of the Devolution Toolkit.** (Paragraph 111)

24. *To supplement the progress Whitehall departments have made in engaging relevant officials from devolved administrations in UK policy formation, PACAC recommends that every Whitehall department should implement procedures to ensure such engagement takes place. A senior official should also be appointed within each department to review successful and failed examples of inter-administration engagement at official level. The UK Governance Group should ask departments to report on reviews and lessons learned every year. The UK Governance Group should also undertake an audit of Fast Stream graduate programme and Civil Service Learning to explore how devolution awareness can be enhanced by these programmes.* (Paragraph 112)

The UK Government and devolved administrations are committed to increasing devolution capability across the Civil Service, including through interchange. In June 2015 the Civil Service Board, the highest level of governance for the UK Civil Service serving the UK Government, Scottish Government and Welsh Government, commissioned a programme of work to improve civil service capability on devolution and intergovernmental working, including continuing to work with the Northern Ireland Civil Service to make best use of our shared principles. The programme of work was reaffirmed by the board in December 2016 and includes the commission that UK Government departments develop a tailored departmental plan to support devolution capability and enhance engagement with devolved administrations.

Civil servants of all grades are also given the opportunity to experience working with other administrations, with a refreshed interchange scheme launched in September 2015. This includes the introduction of job shadowing weeks hosted by the UK Government,

Scottish Government and Welsh Government. In February 2017, 60 staff from Scottish Government, Welsh Government and Northern Ireland Executive, from a wide range of grades spent the week hosted by UK Governments in London. In June, the Welsh Government hosted 40 Scottish and UK Government colleagues for the week.

Fast Streamers are already encouraged to undertake a posting with the devolved administrations and further work is being carried out to encourage this. Learning for all staff in the UK Civil Service is provided via Civil Service Learning, offering both digital and face-to-face learning opportunities. A number of new learning products on devolution and intergovernmental working have recently been developed and updated, and made available on Civil Service Learning. Specific training is continuing to be delivered to fast streamers as part of induction and base camp events.