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CONCORDAT

BETWEEN

THE DEPARTMENT FOR WORK AND PENSIONS

AND

**THE DEPARTMENT FOR EMPLOYMENT AND LEARNING
NORTHERN IRELAND**

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**CONCORDAT BETWEEN
THE DEPARTMENT FOR WORK AND PENSIONS
AND
THE DEPARTMENT FOR EMPLOYMENT AND LEARNING**

INTRODUCTION

Context

1. The aim of this concordat is to ensure that the close relationship between the Department for Work and Pensions (DWP) and the Department for Employment and Learning (DEL) in relation to the matters listed in Annex 1 continues, and that business between the two organisations is conducted in a smooth and efficient way. It sets out arrangements for consultation, exchange of information (including the terms on which the information is shared), finance, resolution of disputes and review of relations.
2. This concordat is neither a binding agreement nor a contract, but rather a statement of intent of the way DWP and DEL will work together to ensure good communications and the efficient discharge of respective responsibilities. DWP and DEL agree to work in accordance with the principles and obligations set out in this document and will co-operate to the fullest extent to achieve these aims.

MEMORANDUM OF UNDERSTANDING

3. The Memorandum of Understanding (MoU)¹ sets out the principles which underlie the working relationships between the UK Government and the devolved administrations. DWP and DEL will implement the practices set out in the MoU, and will co-operate to achieve its aims.

COMMUNICATION AND CONSULTATION

4. DWP and DEL will consult each other as early as possible in the development of policy or operational change to allow particular interests or local considerations to be properly reflected and to consider the requirements of co-ordination and handling. Both Departments will respect the confidentiality of such exchanges.

¹ Memorandum of Understanding and supplementary agreements between the United Kingdom Government, Scottish Ministers, the Cabinet of the National Assembly for Wales and the Northern Ireland Executive Committee (Cm5204).

5. Both Departments will agree to give early notice, where possible, of all proposals for legislation (both primary and secondary). It is accepted that there will be occasions where legislation is introduced quickly but the aim will be that a draft will be sent to the other Department as soon as possible.

JOINT WORKING

6. DWP and DEL will co-operate on issues where this would be mutually beneficial, for example where they are developing policies in the same subject area.

REGULATORY APPRAISALS

7. All proposed legislation requires a regulatory appraisal of the costs and benefits and in order to minimise any duplication of effort, DWP and DEL will co-operate in producing regulatory appraisals in cases where they are both proposing to make similar legislation.

HUMAN RIGHTS ACT 1998

8. DWP and DEL will liaise with each other to ensure that assessments of compliance with the Human Rights Act 1998 are shared, where parallel legislation is proposed. Such liaison will be carried out in accordance with the provisions of paragraphs 4-6.

LIAISON ARRANGEMENTS

9. Liaison arrangements will be taken forward by officials in DWP and DEL who will develop specific procedures where necessary. On general points, or where there is no established link, the initial contact points will be the Adjudication and Constitutional Issues Division in DWP and the Office of the Permanent Secretary in DEL.

HANDLING CORRESPONDENCE, PARLIAMENTARY OR ASSEMBLY DEBATES, COMMITTEES AND QUESTIONS

10. DWP and DEL will implement the arrangements in this Concordat for consultation and advance notifications, and for liaison between the administrations in respect of correspondence, Parliamentary Questions, Assembly Questions, debates, committees and other issues. DWP and DEL will handle replies to correspondence in accordance with the provisions of

paragraph 12 of the MoU and any procedures agreed between the administrations on common working arrangements. If a letter or other enquiry is received where both DWP and DEL have an interest they will agree on a case by case basis on how the reply should be handled. If appropriate, DWP and DEL will agree additional guidance on handling specific issues.

11. DWP and DEL will answer questions and enquiries in accordance with the provisions in the MoU and any agreements between the administrations on common working arrangements. In particular, DWP and DEL will aim to treat enquiries and requests for information from the other with the same priority as a request from within their own legislative body.

MAKING ANNOUNCEMENTS

12. In each case where announcements are to be made which relate to the matters listed in Annex 1, wherever possible DWP and DEL will consult each other on the co-ordination of the arrangements.

CONFIDENTIALITY

13. Paragraph 11 of the MoU sets out the principles which govern the duty of confidence between the UK Government and the devolved administrations. In line with those principles, DWP and DEL will respect the confidentiality of information received from each other, and will indicate the status of, and any restrictions on the use of, information which they provide to the other.

EXCHANGE OF STATISTICAL AND RESEARCH DATA

14. In relation to the matters listed in Annex 1:

DWP and DEL agree to provide each other with as full and open access as possible to scientific, technical and policy information including statistics, research, regulatory impact assessments and equality impact assessments, subject to any confidentiality and freedom of information requirements

Where practicable, each Department undertakes to provide by set deadlines or within 15 days any information requested by the other to enable it to carry out its responsibilities effectively. Where such provision is not practicable, involves disproportionate cost or the information is not available in a reasonably accessible form, the problems will be resolved on a case by case basis.

EXCHANGE OF ADMINISTRATIVE DATA

15. Information about suppliers and supply arrangements will be shared where it is mutually advantageous to do so, subject to legal and contractual limitations.

LIAISON ON EU AND INTERNATIONAL MATTERS

16. As a matter of law, international relations and relations with the EU remain the responsibility of the UK Government and the UK Parliament. The MoU and the Agreements on International Relations and on the Co-ordination of European Policy Issues outline the procedures that will be followed. Liaison arrangements will be taken forward by officials in DWP and DEL who will develop specific procedures where necessary. On general points, or where there is no established link, the initial contact points will be the Joint International Unit in DWP and the Assembly Business Unit in DEL.
17. DWP will continue to provide the opportunity for DEL to consider any proposals made by, or to, the EU on relevant matters affecting both Departments.

LIAISON ON APPOINTMENTS TO PUBLIC BODIES

18. DWP and DEL will co-operate as appropriate on appointments to public bodies whose remits span the responsibilities of, or are of interest to, both Departments.

FINANCIAL ARRANGEMENTS

19. DWP and DEL will act in accordance with provisions set out in the Statement of Funding Policy "Funding the Scottish Parliament, National Assembly for Wales and the Northern Ireland Assembly" published by HM Treasury and as amended from time to time.

REACHING AGREEMENT

20. Both parties recognise that the vast majority of matters will be handled routinely between DWP and DEL in accordance with liaison arrangements set out in the MoU and in this concordat. Where matters cannot be resolved through normal day to day contact, the dispute will be considered by senior

officials to agree a compromise. If agreement still cannot be reached, the procedures set out in the MoU will be followed.

REVIEW

21. This concordat may be amended at any time if both parties agree in writing to the changes.

QUERIES AND FURTHER INFORMATION

22. Queries about this concordat should be addressed to

Adjudication and Constitutional Issues Division
Department for Work and Pensions
The Adelphi
1-11 John Adam Street
London WC2N 6HT

or to

Office of the Permanent Secretary
Department for Employment and Learning
Adelaide House
39/49 Adelaide Street
Belfast BT2 8FD

Signed by: Rachel Lomax (on behalf of DWP)

Date: 16 April 2002

Signed: Alan Shannon (on behalf of DEL)

Date: 16 April 2002

BUSINESS AREAS OF PARALLEL INTEREST

Private Finance Initiative

Information and Communications Technology including NGFL, BECTA, JISC, Internet, Central Vacancy Taking and Kiosks

Free Movement of Workers between Great Britain and Northern Ireland

Jobcentre Plus Policy and Planning

European Employment Policy and Guidelines and International Issues

European Social Fund – Regulations Monitoring and Evaluation

European Employment Services (EURES)

Employment Policy

Welfare to Work/New Deal

Employment Zones

Private Employment Agencies

Welfare Reforms and Modernisation Programme/ONE

Policy and Programmes for Vocational Training and Employment for People with Disabilities

General Policy and Programmes for Employment