

## **PROGRESS UPDATE ON THE REVIEW OF INTERGOVERNMENTAL RELATIONS**

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This document provides the latest picture of progress in the joint review of intergovernmental relations. Significant work between officials and ministers has gone into providing as complete a picture as possible. The square brackets denote areas where joint agreement has not been possible. We look forward to resuming discussions with devolved administrations after the elections.

### **PRINCIPLES FOR RELATIONS**

1. The UK Government, the Scottish Government, the Welsh Government and the Northern Ireland Executive are committed to ensuring effective joint working, recognising that devolution is an established part of the UK's constitutional arrangements. The governments will work collaboratively together, according to the following principles:
  - a. Maintaining positive and constructive relations, based on mutual respect for the responsibilities of the governments and their shared role in the governance of the UK
  - b. Building and maintaining trust, based on effective communication
  - c. Sharing information and respecting confidentiality
  - d. Promoting understanding of, and accountability for, their intergovernmental activity
  - e. Resolving disputes according to a clear and agreed process
2. The following reforms of intergovernmental structures and processes are drafted on the basis of the current constitutional arrangements, whilst not precluding constitutional developments in the future. They provide a statement of political intent, but are not intended to create new, or override existing, legal relations or obligations, or to be justiciable. Nothing within them should be construed as conflicting with the Belfast Agreement.

### **MACHINERY**

3. Delivering for people across the UK requires effective collaboration between the governments. The governments therefore affirm their commitment to work more effectively together through new machinery dedicated to this purpose. On matters of mutual interest, the governments will seek to proceed by consensus, including ensuring the earliest possible resolution of issues. All governments agree that the intergovernmental machinery should:
  - a. sustain positive and constructive relations, based on mutual respect for the responsibilities of the governments and their shared role in the governance of the UK;
  - b. facilitate effective collaboration and regular engagement between the governments in the context of increased interaction between devolved and reserved competence following departure from the EU;
  - c. promote dispute avoidance by ensuring there are effective communication and governance structures at all levels, from working-level officials to ministers;
  - d. provide equal opportunity for all governments to influence the choice of issues under consideration in intergovernmental fora and to propose, operate and participate in new fora;
  - e. ensure that all governments respect and abide by all jointly agreed guidance, rules and processes;
  - f. facilitate increased accountability and transparency which, in turn, can help develop and enhance the culture of engagement;
  - g. ensure that the processes serve all governments equally and fairly.

4. Effective IGR must be underpinned by regular official-level engagement, within a collaborative environment created and fostered by ministers. As a general principle, therefore, intergovernmental business should be conducted on an ongoing basis through normal administrative channels wherever possible. This should take place between the respective officials in charge of the policy area and with the appropriate expertise to deal with the issues at stake on a day to day basis, supported as helpful by those with specific IGR or constitutional expertise.
5. Ministerial oversight is however essential to promote effective collaboration between the governments and to provide political accountability. Ministerial forums should therefore be in place to consider and, where appropriate, reach agreement on issues of mutual interest across policy areas. These forums will be supported by multilateral official-level discussions. The principles for relations will provide a standard for all ministerial engagement. Regular and tailored engagement within these fora will strengthen the governments' shared ambition to operate a culture change across all administrations in their conduct of IGR.
6. Intergovernmental decisions will continue to work on the basis of agreement by consensus. The default position will remain that a joint approach will not be taken in the absence of such agreement. There will be clarity throughout on the territorial extent of policy and representation in engagement.

### ***Communication***

7. Intergovernmental relations are best facilitated by effective sharing of information and respecting confidentiality of the content of the discussions. The governments have committed to effective and timely communication with each other, particularly where one government's work may potentially have some bearing on the responsibilities of another; and to transparency in the conduct of their relations. The governments believe that sharing information freely between them is likely to be of benefit both to each government and to the people they serve. They will ensure that appropriate formal and informal processes are available for sharing information, both multilaterally between all governments and bilaterally between governments where that is appropriate. The governments commit to respecting the terms under which information is shared.

### **Future conduct of intergovernmental relations**

8. Overall accountability for intergovernmental relations will remain with the Prime Minister, the First Ministers of Scotland and Wales and the First Minister and deputy First Minister of Northern Ireland.
9. As the principles make clear, however, new IGR structures and processes need to be established to improve collaboration between governments, seek consensus on matters of mutual interest, and be underpinned by an ethos of mutual respect. New structures and processes should serve all governments equally, fairly and with respect for each government's respective responsibilities. The principles must therefore be uniformly applicable but remain flexible enough to vary engagement according to the policies and competences under discussion. To meet the objectives set out above, future intergovernmental relations would most effectively be conducted within forums established as part of a three tier structure:
  - a. Portfolio engagement at official and ministerial level
  - b. Engagement on cross-cutting issues, including an Interministerial Standing Committee
  - c. [The UK Government and Devolved Administrations Council]

10. A standing IGR secretariat will also be established to provide administrative support and promote the efficient and effective maintenance of relations at each tier and for the handling and resolution of disputes. The role and functions of each tier are set out below.

### ***Tier 1 - Portfolio engagement***

11. To best serve all citizens of the UK, effective coordination of policies should take place between relevant portfolio ministers on a regular basis. Department-level multilateral structures will ensure cooperation across policy areas and promote understanding of respective policies in all areas of mutual interest. This will further allow for conversations to be informed by the appropriate expertise of ministers and officials closest to the policy detail.
12. All governments will therefore commit to regular portfolio-level engagement on areas of mutual interest. This engagement should formally take place within **Interministerial Groups (IMGs)**, which will aim to meet regularly on a quadrilateral basis with established terms of reference. It may be more practical in some areas for this to be less frequent or in a different format, for example bilaterally, with exact form determined jointly. IMGs are expected to cover a number of policy areas as outlined in Annex A. This is not an exhaustive or definitive list, allowing the flexibility for structures to be established or adapted according to need. Each forum will be responsible for jointly agreeing and updating their terms of reference depending on changes to their structures and priorities.
13. Many of these structures are already in place and will be rebranded to align with this new agreed structure. These meetings provide an important locus for discussion of the impacts of policy change in different parts of the UK upon each other, for learning and cooperation between governments, and for agreement on the use of mixed-competence levers (which have both reserved and devolved elements) in support of outcomes. These meetings will be organised, and secretariat support provided by, the participating departments and ministries through arrangements agreed between them. However, the IGR secretariat will maintain a record of engagement within IMGs, including a record of IMG meetings as provided by IMG secretariats. Any government will have the right to request that an item for discussion from an IMG be referred for consideration at the middle tier of engagement. The IGR secretariat will facilitate inclusion of such items for discussion in accordance with the principles for relations, the relevant forum's terms of reference (for example ISC's Terms of Reference), or the dispute avoidance and resolution process set out below. The ISC, supported by the IGR secretariat, will also support the review of the effectiveness of portfolio-level engagement as necessary.

### ***Middle tier of engagement***

14. As policy-specific conversations should take place between the relevant ministers at the portfolio level, the middle tier of engagement should provide some oversight to portfolio engagement but will not replace or duplicate it. The middle tier of engagement should consider issues bearing wider implications for relationships between the governments, including issues cutting across different portfolios, cross-governmental programmes of work, or policy issues which have moved beyond technical considerations and into a wider political agenda. It will ensure that the relevant fora are in place to consider broader items of intergovernmental policy and escalate issues when necessary.
15. The **Interministerial Standing Committee (ISC)** should therefore be established to consider issues which cannot be considered at the portfolio-level within the relevant

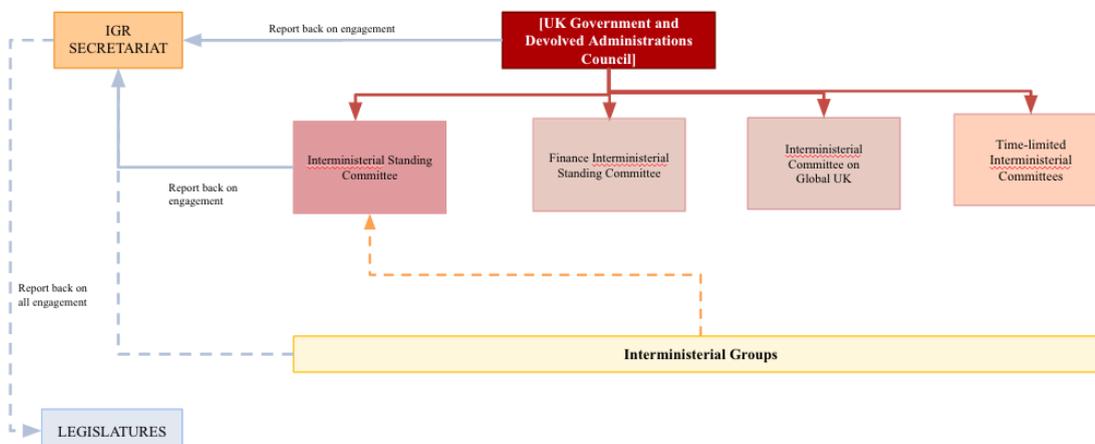
IMG or to bring together strategic considerations affecting many different portfolios. The ISC should provide oversight of all IMGs and will therefore have the remit to consider issues falling within all policy areas of mutual interests if they have a bearing on the wider relationships between the governments. It will meet every other month, according to rotating arrangements, but might meet more or less frequently according to need and if agreed by consensus. The ISC may also consider issues that the [Council] has delegated. The ISC, and supporting officials structures, will also be responsible for reviewing the effectiveness of portfolio-level engagement. The IGR secretariat, impartially servicing all administrations, will support and facilitate these functions, including maintaining a record of engagement within IMGs and overseeing requests for items to be added to the ISC agendas of the middle-tier fora. Draft terms of reference are included in *Annex A* below.

16. If particular issues are identified as needing in-depth and focused consideration by ministers, **time-limited Interministerial Committees (ICs)** will be established by consensus, and at the request of any governments, to consider and as required drive delivery on specific areas of cross-cutting policy. In the immediate future, a [time-limited] IC, to complement the ISC, will offer a platform for engagement on international issues which are relevant to devolved areas, as well as on the implementation of our new relationship with the EU. Draft Terms of Reference are included in Annex A below.
17. [Building on existing engagement in the Finance Ministers Quadrilateral, a **Finance ISC (FISC)** will consist of representatives from Her Majesty's Treasury, together with the relevant ministers in the [devolved governments/administrations], to consider finance and funding matters. The FISC will sit alongside the ISC in the middle tier of engagement. The regular operation and organisation of the FISC will be determined separately by Her Majesty's Treasury and relevant ministers in the [devolved governments/administrations].]

#### ***Top tier of engagement - [UK Government and Devolved Administrations Council]***

18. Intergovernmental relations in the UK will be overseen by the overarching [UK Government and Devolved Administrations Council ('the Council')]. All middle-tier and departmental engagement should be accountable to this forum. The functions of the [Council] will include:
  - a. considering policy issues of strategic importance to the whole of the UK;
  - b. overseeing the functioning of and providing strategic direction to the system of multi-level governance created by devolution;
  - c. overseeing and regularly reviewing this intergovernmental agreement;
  - d. reaching decisions on strategic direction for IGR by consensus; and
  - e. acting as the final escalation stage of the dispute resolution process.
19. [The Prime Minister or their nominated deputy will host an annual meeting of the Council with the First Ministers of Scotland and Wales and the First Minister and deputy First Minister of Northern Ireland.]
20. [Meetings will be chaired by the Prime Minister or nominated deputy. Delegation should be at Cabinet or equivalent level. When the forum is operating in a dispute resolution format, delegation to another Cabinet minister would not be appropriate.] Other ministers and relevant parties will be invited to attend depending on the specific agenda items under discussion. In addition to its annual meeting, the [Council] may meet more frequently at the request of any member or as determined by the IGR secretariat, for example, for the purpose of dispute resolution.

21. If agreed by consensus by all governments, the [Council] will be able to delegate responsibility to the middle-tier fora as appropriate and will also be able to create or stand down time-limited Interministerial Committees. The ICs can also be stood down or extended by agreement of their members. The [Council] might assign one of the middle-tier fora with one or several issues to review within its functions, while aligning with the final escalation stage of the dispute avoidance and resolution process.



## SECRETARIAT

22. The [Council] and ISC will be supported by a standing IGR secretariat, consisting of officials seconded from all governments. The secretariat will be accountable to the [Council] rather than to individual sponsoring governments. While the new structures are expected to limit areas of disagreement, the IGR secretariat will facilitate the prompt and effective resolution of all intergovernmental disputes.

23. The IGR secretariat's functions will include:

- a. Determining dates, agenda, location and chairing of intergovernmental meetings of the [Council], ISC and ICs;
- b. Compiling / commissioning background papers for discussion;
- c. Reporting back on the outcome of meetings, including drafting minutes and sharing joint communiqués;
- d. Facilitating the process of dispute resolution;
- e. Promoting transparency and accountability wherever possible;
- f. Gathering data relevant to the exercise of its functions.

24. The IGR secretariat will operate in accordance with the following set of guidelines.

The IGR secretariat will:

- a. Be accountable at all times to the [Council] rather than to individual governments;
- b. Serve all governments equally and act impartially in accordance with guidance, rules and processes that are jointly agreed by the [Council];
- c. Respond to a request by any government to exercise its right to submit an item, supported by any relevant background papers, for a meeting in accordance with the agreed terms of reference (ToRs) of the particular fora;
- d. Assess whether the appropriate steps have been followed to resolve a disagreement and decide whether it should be escalated as a dispute through the formal process. Where appropriate, it will appoint a third-party to provide

third-party advice or conduct mediation, subject to the agreement of all parties to pursue these options;

- e. Compile reports on IGR activity, noting the separate reporting arrangements each government has in place with its respective legislatures. It will be responsible for gathering information about meetings that have taken place during the year, and collating this information into an annual report to be shared with all governments, with governments remaining responsible for how the information is reported to their legislatures.

27. The IGR secretariat will work with a Senior Officials Group, with representation from each government, which will oversee and assure the new system, ensuring that the new structures, processes and behaviours are fully realised.

28. The IGR secretariat will be hosted by one government and be staffed by officials seconded from all governments (on a rotating basis if overall numbers of staff are lower than four). The host government will be responsible for overseeing the IT arrangements for all IGR secretariat staff, but they will remain accountable to their home governments for the purposes of pay, conditions, promotions etc.

## **DISPUTE AVOIDANCE AND RESOLUTION**

29. All governments are committed to promoting collaboration and the avoidance of disagreements, facilitated by the new intergovernmental machinery in which discussions will take place at the lowest level possible. The escalation of a disagreement between governments as a dispute will be considered only where due and full consideration has been given at portfolio-level. This process may also follow bespoke dispute resolution mechanisms established within common frameworks areas. In this context, the following model should be seen as part of a much wider system of active IGR and dispute management, and as a process of last resort.

### **Stage 1 - escalation from portfolio-level disagreement to IGR secretariat as dispute**

30. Where a disagreement is incapable of resolution at portfolio level because it has 'significant implications for the relationship between two or more governments' or a disagreement arising in regular FISC engagement has not been resolved, any government may refer it to the IGR secretariat as a dispute. This will include circumstances where governments disagree about the interpretation of, or actions taken in relation to, matters governed by intergovernmental agreements, rules or procedures (including Common Framework Agreements). This is without prejudice to the legal provisions within the devolution settlements which govern matters relating to legislative competence.

31. The final stage for a disagreement before escalation to the IGR secretariat will usually be considered by the relevant IMG or any other relevant machinery, for example regular FISC engagement. After portfolio level routes have been exhausted and the disagreement meets the criteria identified in the above paragraph, any government may refer the matter to the IGR secretariat as a dispute. This model sets out a series of escalation points and seven main resolution stages of the process. However, ministers can commission further work from senior officials (with responsibility for supporting the operation of the ISC or FISC) to help resolve the dispute at any stage of the process.

32. [The Terms of Reference (ToR) for the FISC have not yet been agreed.]

## **Stage 2 - consideration of dispute by IGR secretariat**

33. On referral, the role of the IGR secretariat will be to provide impartial advice to governments about the nature of the dispute, including an assessment of whether the issue has the capacity to bear significant implications for the relationship between two or more governments. No secretariat or government can reject the decision of a government to raise a dispute.
34. The IGR secretariat will base the assessment of the nature of the disagreement according to a clear set of criteria:
  - a. Has the disagreement been discussed extensively at senior civil servants level for the relevant portfolio?
  - b. Was a solution proposed at the senior civil servants discussion (that was not satisfactory to all parties to the disagreement)?
  - c. Has the disagreement been discussed extensively by the relevant portfolio ministers?
  - d. Is the disagreement having implications beyond its policy area, impacting the wider relationships between the parties involved?
35. Only if the issue fulfils all the above criteria can it be escalated as a dispute to either the ISC or FISC. If it does not, the IGR secretariat will refer it back for consideration at an earlier stage of the process in accordance with the principle of dispute avoidance.

## **Stage 3 - options for consideration at senior officials level**

36. On escalation of a disagreement as a dispute, the relevant secretariat (with responsibility for supporting the operation of the ISC or FISC) will coordinate and initiate the process by convening a meeting of senior officials within two weeks, unless all parties agree to an extension, which will consider collective recommendations to ministers for resolving the dispute. Portfolio senior officials will also be invited to attend. The meeting will be facilitated by the relevant secretariat including setting the agenda in consultation with the relevant portfolio senior officials involved, providing a paper which sets out the background to the dispute, the positions of the parties, any information considered material in accordance with the process set out in this process, and guidance on an appropriate chair. The secretariat may commission position papers from each of the parties to the dispute.
37. The chair must not be a representative of a government which is party to the dispute. The chair could therefore either be a representative of a government not party to the dispute or an independent representative. The role of the chair will be to ensure that the discussion proceeds efficiently, positively and keeps to time. The chair will not have a decision-making role. Instead the chair will record any consensus which is reached or, alternatively, outline the next steps under the dispute resolution process if an agreement is not reached.

## **Stage 4 - escalation from senior officials to ISC or FISC**

38. If senior officials request that the dispute be further considered by ministers, the relevant secretariat will convene a meeting of the relevant ministers within two weeks of the senior officials meeting unless an extension is agreed by all relevant ministers. The secretariat will issue the agenda to the relevant ministers and officials summarising the background to the dispute and the recommendations of senior officials. The chair of the meeting will have been agreed at the senior officials meeting and the recommendation endorsed by ministers. This could be a minister from a government not party to the dispute or an independent third-party. As in the

senior officials meeting, the chair will be responsible for ensuring that the discussion proceeds efficiently, positively and keeps to time. The chair will not have a decision-making role. Instead, it will record any consensus reached, or alternatively outline the next steps under the dispute process if an agreement is not reached.

39. The ISC or FISC will seek to agree to resolve the dispute, either by agreeing senior officials' recommendations or through further discussion. If a resolution is not reached, third-party (non-binding) advice or mediation should be sought unless all parties to the dispute agree not to do so. Alternative means of resolving the dispute can also be sought should all parties agree.
40. On some occasions, third party intervention will not be appropriate, for example matters of national security or commercially sensitive material. It will be for the senior officials of the ISC or FISC to provide advice to their ministers on whether it is appropriate to seek third-party advice.
41. Ministers must either resolve the dispute, pursue further alternative means of resolving the dispute should all parties agree, or refer the dispute to the [Council]. The dispute escalates to the [Council] if parties cannot agree a resolution, unless all parties agree not to escalate and instead to report to legislatures on the outcome of the dispute.

#### **Stage 5 - Third-party involvement to resolve dispute**

42. The appointment of third parties to provide advice must be agreed by the relevant governments. This includes the commission for the third party and the scope of their advice. This process will be facilitated by the relevant secretariat.
43. [For ISC disputes,] where it is not possible to agree the appointment of a third party, a panel of experts (one representing the interests of each party to the dispute) may be appointed. The composition of a panel will usually be agreed by the governments, on the recommendation of the secretariat or if this is not possible, each party to the dispute must nominate a panel member. If, as a result of those nominations, the panel comprises an even number of members, those panel members must agree to a further member, so that it is possible for the panel to reach a majority view if necessary. If required, an independent mediator will be appointed, as agreed by the parties to the dispute, on the recommendation of the secretariat. The timescales for the mediation process will be agreed by the parties.
44. The key criteria for appointment to provide third-party input into the new process are likely to include:
  - a. Ability to act impartially and independently, without political affiliation;
  - b. Extensive expertise in constitutional and related matters;
  - c. Willingness and capability to respond at short notice and deliver at pace;
  - d. Ability to participate in the process without compromising the confidentiality of discussions.
45. The key criteria for appointment to provide third-party input to a particular dispute are likely to include:
  - a. Specific expertise relating to the nature of the dispute (but not necessarily policy expertise as this will have been dealt with at portfolio level);
  - b. Absence of conflict of interest or ability to manage this within the organisation;
  - c. Availability to deliver within the prescribed timescales;
  - d. No public position on matters relevant to the dispute which would create a perceived or actual conflict of interest;

- e. Ensure the confidentiality of conversations of a sensitive nature is respected and protected.

46. The secretariat will appoint the panel and set a deadline of no later than one month for the panel to report unless ministers agree to an extension. The secretariat will issue it to all governments simultaneously.

**Stage 6 - review of third-party input at ministerial meeting**

47. Following this, an ISC or FISC meeting will be reconvened to review the outcome within two weeks unless an extension is agreed by the parties to the dispute to review the outcome. Ministers must either resolve the dispute, pursue further alternative means of resolving the dispute should all parties agree, or refer the dispute to the [Council]. If no resolution is found at the ISC or FISC, the default would be for the dispute to be considered by the [Council] within a month of the ISC or FISC meeting, with the option to seek independent advice.

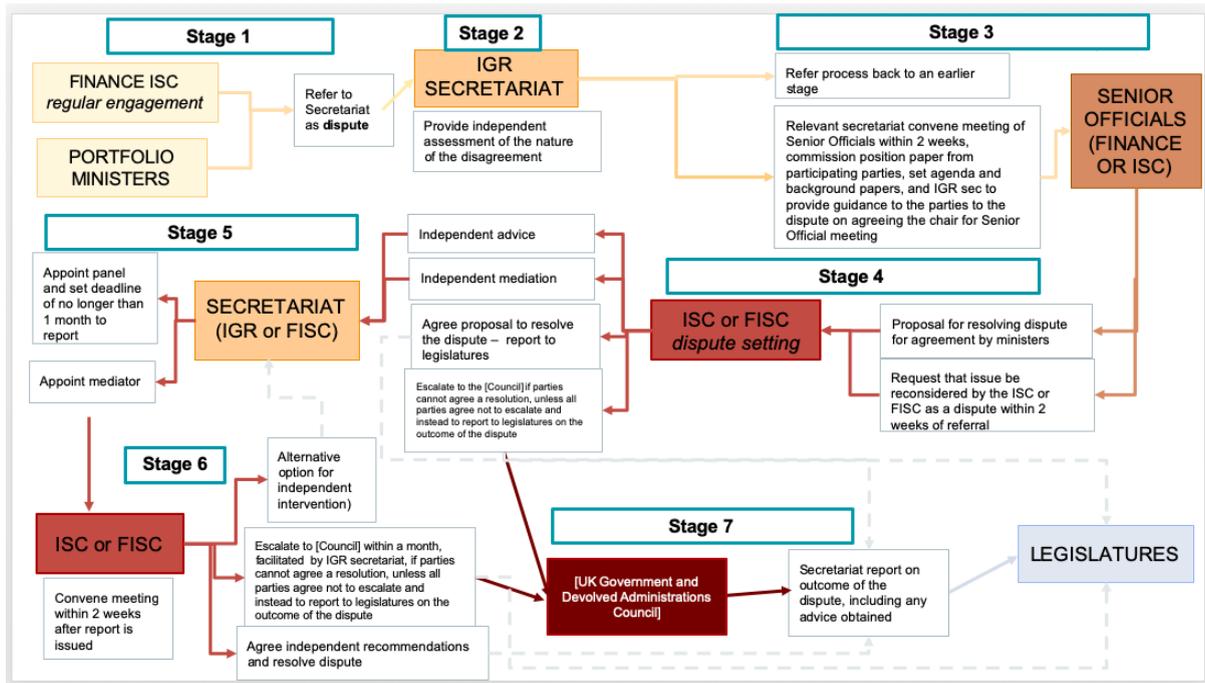
**Stage 7 - consideration by the [Council]**

48. For all disputes, the agenda item will be supported by a paper produced by the IGR secretariat.

49. Any member of the [Council] may initiate a discussion about the status of an emerging or ongoing dispute, but a decision will not be made on it until the dispute has been referred to it by the IGR secretariat as a result of the earlier steps identified in the process or if governments agree to reach a solution outside the process.

50. A secretariat report on the outcome of the dispute at the final escalation stage, including any third-party advice obtained, must be prepared by the secretariat and laid by each government before its legislature. If governments reach a stage in the process where they are unable to reach a resolution and progress the dispute further, each government must make a statement in their respective legislatures setting out the circumstances for the failure to reach a solution.

*Flowchart of dispute resolution process*



## **TRANSPARENCY AND PARLIAMENTARY ACCOUNTABILITY**

51. The governments are accountable to their respective legislatures for the conduct of intergovernmental relations and will seek to promote a wider understanding of this activity. All governments commit to increased transparency of intergovernmental relations through enhanced reporting to their respective legislatures.
52. All intergovernmental fora will be encouraged to produce communiqués and publish these on GOV.UK or [devolved governments/administrations]' websites. These would include:
  - a. date, location, Chair and list of participants;
  - b. a summary of discussion points
53. The IGR secretariat will support any requirements of individual governments in making their reports to their legislatures and also prepare an annual report to be published online, including:
  - a. a list of all engagements for each fora;
  - b. agenda items;
  - c. any resolved disputes and their outcomes and associated third-party reports when relevant.

## **ANNEX A: DRAFT TERMS OF REFERENCE FOR THE [COUNCIL] AND THE INTERMINISTERIAL COMMITTEES, AND DRAFT LIST OF IMGs**

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### **[UK Government and Devolved Administrations Council]**

#### *Attendance*

1. The [UK Government and Devolved Administrations Council ('the Council')] will bring together the Prime Minister, the First Ministers of Scotland and Wales, and the First Minister and deputy First Minister of Northern Ireland. [Attendance may be delegated to Cabinet-level or equivalent senior ministers] (unless in dispute mode).
2. Other ministers and relevant parties will be invited depending on the specific agenda items under discussion.

#### *Functions*

3. The functions of the [Council] will include:
  - a. considering policy issues of strategic importance to the whole of the UK;
  - b. overseeing the functioning of and providing strategic direction to the system of multi-level governance created by devolution;
  - c. overseeing and regularly reviewing this agreement;
  - d. reaching decisions on strategic direction for IGR by consensus; and
  - e. acting as the final escalation stage of the dispute resolution process.
4. The [Council] will be responsible for overseeing intergovernmental relations in the UK. Overall accountability for intergovernmental relations will remain with the Prime Minister, the First Ministers of Scotland and Wales and the First Minister and deputy First Minister of Northern Ireland.
5. If agreed by all governments, the [Council] will be able to delegate responsibility to the middle tier fora as appropriate and will also be able to create or stand down time-limited Interministerial Committees as agreed by consensus. If agreed at the ICs, members of those committees can also stand down committees if the need is no longer there. The [Council] might assign one of the middle-tier fora with one or several issues to review within these functions, while aligning with the final escalation stage of the dispute avoidance and resolution process.

#### *Operation*

6. [The Prime Minister or their delegate (Cabinet rank) will host an annual meeting of the [Council] with the First Ministers of Scotland and Wales and the First Minister and deputy First Minister of Northern Ireland.] The IGR secretariat will oversee the operation of this meeting.
7. Meetings will be chaired by the Prime Minister or their delegate. In addition to the annual meeting, the [Council] may meet in other formats according to need. Any meeting at this level, even with delegated responsibility to representatives, would be considered a meeting of the [Council]. Extraordinary meetings of the [Council] may be called for the purpose of dispute resolution.

## **Interministerial Standing Committee**

### *Attendance*

8. The Interministerial Standing Committee (ISC) will be led by the relevant IGR ministers from all governments.
9. When portfolio-level expertise is deemed beneficial to the particular conversation at hand, ministers from other departments and ministries can be invited to attend.

### *Function*

10. The aim of the ISC is to consider issues cutting across several ministerial portfolios and ensuring positive policy collaboration across all four governments. It will also consider issues that require collaborating across multiple IMGs, the breadth of which prevents them from falling into the remit of any given IMG and be an escalation route between individual IMGs and the top-tier forum in the dispute resolution process.
11. The ISC will aim to achieve the following objectives:
  - a. Provide oversight of the common frameworks programme and their governance arrangements. Consideration of individual frameworks will be considered in the relevant departmental fora as necessary.
  - b. Consider matters which cut across multiple policy areas and competences.
  - c. Provide oversight and central coordination for intergovernmental engagement across all devolved policy areas.
  - d. Provide oversight of portfolio-level engagement.
  - e. Consider matters relating to the implementation, development and impact of reserved policies in devolved areas, including but not limited to international issues.
  - f. Provide an escalation route for international issues, which cannot be adequately addressed in the relevant Interministerial Group or require further strategic oversight across multiple policy areas.
  - g. Consider issues bearing an impact on regulatory standards across the UK for internal trade.
  - h. Share expertise on devolved areas which are required for the operation of cross-cutting reserved policies.
  - i. Consider the impact of diverging approaches in establishing cross-cutting local policies impacting on another government's area of responsibility.
  - j. Consider disagreements which bear an impact on the relationships between the governments, and escalate intergovernmental disputes when necessary.
12. Items will be added to the agenda according to a strict set of rules overseen by the secretariat:
  - a. The issue must cut across multiple policy areas within multiple portfolios.
  - b. The issue must not fall within the remit of an existing IMG. If it does, it should be referred back to the relevant IMG for consideration or the government which has suggested the item should provide an explanation as to why it should be considered by the ISC rather than the relevant IMG.
  - c. For disputes, the issue must be assessed to qualify as a dispute by the secretariat, as having implications beyond its policy area, impacting the wider relationship between the parties involved, having already been considered by the relevant IMG and gone through stage 1 of the dispute resolution process.

## *Operation*

13. Meetings will take place every other month, but can meet more or less frequently according to need and if agreed by consensus.
14. Locations and chairing would rotate between the governments and be determined in advance.
15. When the agenda relates to reserved policies led by a specific UK Government department, the items would be introduced and led by the relevant UK Government minister. The Chair would still be the relevant IGR minister in line with the pre-agreed rota. Discussions would follow an agenda agreed by all four governments, and the process would be facilitated by the secretariat.
16. Any government would have the right to submit an item to the secretariat to request it be considered at the relevant ISC meeting. The secretariat would be responsible for comparing the item against the above terms of reference and consider the appropriate timings for the item to be considered.

## **Time-limited Interministerial Committees**

17. If a cross-cutting issue normally falling within the remit of the ISC requires consideration in isolation from other issues, due to political developments, repeat appearances on the ISC agenda, or urgency, a time limited Interministerial Committee (IC) should be established for that purpose.
18. Time-limited ICs will be established by consensus and at the request of any governments. Frequency of meeting, chairing arrangements and attendance will be determined upon the creation of each IC depending on the particular needs of the issue under consideration. The IGR secretariat will draft the ToR for each IC in consultation with the senior officials' group, to be agreed by the relevant ministers from all governments.
19. Any number of ICs can be created at any given time but must have a predetermined life-span, which can be extended by consensus. ICs, just like the ISC, will however only consider issues which cannot be considered by the relevant IMG.

## **[Interministerial Committee on Global UK**

### *Function*

20. The IC will principally consider matters relating to 2021 events where the UK is taking a global leadership role, for example the G7 and COP26. It may also consider other limited and specific international matters which are relevant to devolved areas and cannot be addressed in an existing Interministerial Group. This includes areas which require further strategic oversight across multiple policy areas, including on EU governance arrangements and the Withdrawal Agreement Joint Committee. The IC will also provide oversight over portfolio-level engagement on international issues. The forum will not consider issues of national security or diplomatic sensitivity.
21. Engagement through the forum is based on the current Devolution Memorandum of Understanding and its accompanying International Relations Concordat.

### *Attendance*

22. The Interministerial Committee on Global UK (ICGUK) will be attended by the relevant IGR ministers from all governments. This includes, but is not limited to, IGR ministers and Territorial Secretaries of State from the UK Government and relevant UKG ministers depending on the topic at hand.
23. Recognising that international relations is a reserved competence, discussions will be chaired by UKG. When the agenda relates to reserved policies led by a specific UK Government department but are relevant to devolved areas the items would be introduced and led by the relevant UK Government minister. The Chair would still be the relevant UKG IGR minister.
24. When portfolio-level expertise is deemed beneficial to the particular conversation in hand, ministers from other departments and ministries can be invited to attend.

### *Operation*

25. The Committee will seek to take place every other month until the end of 2021, but can meet more or less frequently according to need and if agreed by all relevant IGR ministers.
26. Discussions will follow an agenda agreed by the UK Government and [devolved governments/administrations], and the process will be facilitated by the IGR secretariat.
27. Any government will have the right to submit an item to the secretariat to request it be considered at the ICGUK meeting. In line with the established role of the IGR secretariat, it will be responsible for comparing the item against the above terms of reference and consider the appropriate timing and forum for the item to be considered which could include determining that it is not appropriate for the ICGUK to consider a matter at that time.

### *Review point*

28. This arrangement will be reviewed after the UK completes the events it is leading globally for 2021 and when IMGs are fully established and operational to determine continued appropriateness.]

### **Portfolio engagement and list of potential IMGs**

29. This section includes a number of preliminary IMGs to be established, but this is not an exhaustive or definitive list, with the intention of structures to be established or adapted according to need. There are a number of issues where we know engagement between the four governments will be mutually helpful, but the appropriate form of this engagement has not yet been agreed. It will be the role of the IGR policy officials and the new IGR secretariat to advise on the most appropriate IMG or ISC where those issues will be discussed.
30. When this package has been agreed by all four governments, guidance will also be issued to departments and ministries to shape collaborative attitudes towards engagement in the post-EU exit context of increased interaction between devolved and reserved competence. This will include recommendations for rotating chairing and location and frequency of meetings, but leaving the precise arrangements to be jointly agreed between administrations to ensure they are appropriate for the nature of the forum, and flexible and adaptable for the future. Each department and ministry

will be responsible for agreeing and updating their terms of reference depending on changes to their structures and priorities.

<b>UKG department*</b>	<b>Name</b>
Defra	IMG (Efra)
Home Office	IMG - to be established
BEIS	IMG (Net Zero)
	IMG (Business and Industry)
	Engagement on science and research - format TBC
MoJ	IMG - to be established
DfE	IMG (Higher Education) - to be established
	IMG (Education) - SoS level - to be established
DCMS	IMG (Sports Cabinet)
	IMG (Tourism)
	IMG (Culture)
DfT	IMG (Transport)
MHCLG	IMG - to be established
DIT	IMG (Trade)
DHSC	IMG - to be established
MoD x Office of Veterans Affairs	IMG (Covenant Veterans)
DWP	Engagement on welfare - format TBC

\*The inclusion of the name of UKG departments is intended to illustrate the likely department/policy area leading on this, but this will differ depending on the government.