

CYPE(5)-24-19 - Paper to note 11

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Y Gweinidog Addysg
Minister for Education



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA/P/KW/02835-19

Lynne Neagle AM
Chair
Children, Young People and Education Committee
National Assembly for Wales

22 August 2019

Dear Lynne,

Thank you for your letter of 24 July requesting information on UK-wide common policy frameworks emerging from the Brexit process.

Within the Education portfolio, there is one framework in development relevant to the Children, Young People and Education Committee remit. This is the Mutual Recognition of Professional Qualifications Framework. I have set out the information you requested in the attached annex.

Yours sincerely

A handwritten signature in grey ink, appearing to read 'Kirsty Williams'.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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

Policy officials have been engaged with their counterparts from the UK Government, Scottish Government and Northern Irish Civil Service since November 2017. Over this time all policy areas have been able to establish where Frameworks will be required and an initial position on the type of Framework required. The progress of this work was most recently reflected in the UK Government's Framework Revised Analysis on April 2019.

The evidence base to support decisions on frameworks

Decisions on whether a Framework would be necessary in an area were taken on the basis of discussions between policy officials. These discussions took into account the impact and likelihood of divergence in the area; the volume of work which the Framework would consider; and the benefits derived from formalised cooperation.

a) No Deal Legislative MRPQ Framework

Legal and Policy Rationale

The Mutual Recognition of Professional Qualifications (MRPQ) was identified in 2017 by UK Government as a policy area where a cross-UK framework (legislative or otherwise) could help to facilitate co-operation for post-Brexit business. MRPQ is a policy area where EU Law intersects with devolved competence in Wales (teachers; social workers; social care managers and farriers).

The UK Government and Devolved Administrations agreed that the principles guiding the development of the no deal approach would include "enabling the functioning of the UK internal market" and reducing uncertainty, and that a Framework would be in the best interest of the UK Government and Devolved Administrations.

Detailed discussions between the UK Government (BEIS) and the Devolved Administrations (policy and legal officials) resulted in consensus that MRPQ would be best served by a legislative framework (based on the current approach, which was felt to work well). Most notably, a common, UK-wide approach (viz. in the event of no deal, for the UK to continue to recognise EEA/Swiss professional qualifications), would ensure:

- the functioning of the UK internal market (through a level-playing field), and
- provide legal certainty and clarity to business and individuals in the short to medium term following EU exit.

It would also facilitate a continued supply of labour and provision of services to the UK. Whilst Wales is less reliant than England on European Economic Area (EEA) / Swiss teachers to meet its workforce needs, reliance on EEA/Swiss social workers and social care managers clearly justified the approach to continue to have a means of recognising EEA / Swiss qualifications. This applied to other professions where the

regulation is non-devolved but in which Wales has a vested interest to maintain a recognition route for incoming EEA / Swiss professionals (e.g. health professions and veterinary surgeons).

b) Future Economic Partnership (FEP) ('Deal') MRPQ Framework – under discussion

Welsh Government officials and the two Welsh regulators (Social Care Wales and Education Workforce Council) provided evidence (data, comments) which has fed into early research by BEIS to identify the desired 'building blocks' for a future MRPQ system. Support for a UK-wide legislative Framework (subject to detail). Gathering of evidence by Welsh Government on professions/industries where a new MRPQ would be most significant and identification of any divergence of policy intra-UK.

Intergovernmental structures that have or are being established (Ministerial Forums etc.)

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

a) No Deal MRPQ Framework

BEIS / Devolved Administrations officials' meetings (ad hoc) have been running since December 2017;

b) FEP (Deal) MRPQ Framework

BEIS / Devolved Administrations officials' meetings (ad hoc and as part of monthly BEIS / Devolved Administrations Services Working Group).

What end output or outputs is/are anticipated (legislative and non-legislative)

Frameworks will develop an intergovernmental system for cooperation between the Welsh Government, counterparts in UK Government, Scottish Government and Northern Irish Civil Service. These systems will provide formalised procedures for decision-making and communication.

a) No Deal MRPQ Framework

Legislative: "The Recognition of Professional Qualifications (EU Exit) Regulations 2019" – passed UK Parliament 20 February 2019;

[A further SI "Recognition of Professional Qualifications (Miscellaneous Provisions) (EU Exit) Regulations 2019" is intended to close legal loopholes. This is due to be laid in mid-September]

b) FEP (Deal) MRPQ Framework

Under discussion. A possible UK-wide overarching legislative framework, potentially underpinned by non-legislative agreements.

Whether steps have already been taken (legislative or non-legislative) to establish frameworks within the Minister's remit

a) No Deal MRPQ Framework

No deal MRPQ Regulations passed which would come into force in event of No Deal.

b) FEP (Deal) MRPQ Framework

None. Early, high-level discussions between the UK Government and Devolved Administrations.

The state of progress against each of the frameworks within the Minister's remit

a) No Deal MRPQ Framework

No Deal legislative framework for MRPQ passed in February 2019.

b) FEP (Deal) MRPQ Framework

A UK Government / Devolved Administrations technical session held on MRPQ in August 2019.

How they link with existing or proposed Welsh Government action (e.g. legislation, policy consultations etc.)

Frameworks are being developed with ongoing policy developments in No-Deal preparation and Future Economic Partnership work in mind. The Frameworks and related bodies will be flexible to future decisions in relation to EU and international discussions and will provide a platform for these discussions in a way which provides for parity of participation and decision-making, protection of devolved competence.

a) No Deal MRPQ Framework

Consequential amendments made to The Teachers' Qualifications (Amendment) (Wales) (EU Exit) Regulations 2019 to ensure operability, and to mitigate risk of indirect discrimination (via amendment to open up recognition routes in Wales for persons with EEA teacher qualifications from outside the EEA). These amendments are as a consequence of the changes made in the Recognition of Professional Qualifications (EU Exit) (Amendments) Regulations 2019. They do not represent the Welsh Government pursuing policy change.

b) FEP (Deal) MRPQ Framework

To link with wider Welsh Government Stakeholder Engagement on Services (Brexit), evidence gathering from stakeholders through the Council for Economic

Development EU Exit working Group to inform UK / EU negotiations on a future MRPQ system.

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

Departments have undertaken no-deal approaches to governance, with a number including interim Working Level Arrangements (WLA). These set out intergovernmental approaches to imminent issues which might arise as a result of no-deal.

A Regulators' event was held in Cardiff in February 2019 and Guidance for Regulators was published by the UK Government in April 2019 to support preparations for No Deal and implementation of No Deal Regulations.

A BEIS led planned regulator engagement in September 2019, focussed on No Deal preparedness.

No changes to regulatory structure are anticipated.