

## **Extracts from a jointly-owned document on the operation of the Joint Ministerial Committee (JMC).**

This manual is intended as a resource for members of the Joint Secretariat to set out the principles and practices that underpin the role of the Joint Ministerial Committee (JMC) and the Joint Secretariat as defined in the Memorandum of Understanding (MoU) between the UK Government and the devolved administrations on joint working. It is operational guidance and is intended to be a working document which will be subject to continuing review and revision over time....

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The Joint Secretariat comprises:

- UK Government officials from the Economic and Domestic Affairs and European and Global Issues Secretariats of the Cabinet Office;
- Scottish Government officials from the UK Relations and Europe teams;
- Welsh Government officials from the Constitutional Affairs and Inter-Governmental Relations division and EU Policy Unit; and
- Northern Ireland Executive officials from the Office of the First Minister and deputy First Minister.

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### **Role of Joint Secretariat**

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- Providing both strategic and logistical support for all meetings of the JMC, including Plenary, Domestic, Europe and the JMC (Officials) forum. This involves developing thinking about the purpose, function and proposed actions of the Committee; agreeing the agenda; writing papers; briefing the Chair; minuting the meeting and recording any action points. It also includes maintaining a pool of broad key issues for possible future discussion at a relevant JMC meeting.
- Taking forward the management and briefing of respective delegations for JMC and JMC (Officials) meetings. (For the purposes of the JMC, the UK Government is represented by a single delegation covering the relevant Whitehall departments and the Cabinet Office is responsible for determining which UK Ministers and/or officials will attend).

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- Providing a liaison role within the respective constituent administrations, including promoting the importance of positive, constructive and regular inter-governmental relations and early engagement on policy and legislative proposals at official and Ministerial levels.

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### **The key inter-governmental institutions related to the Joint Secretariat**

The key inter-governmental forums which the Joint Secretariat is affected by are set out below. In some cases, the Joint Secretariat directly supports these forums and, in others, it is influenced by how they operate in part because the consequences of these forums' work are often brought to the attention of the individual constituent parts of the Joint Secretariat. Guidance on the management of these meetings is set out in subsequent sections.

#### ***Ministerial meetings***

The MoU sets out the terms of reference of the JMC and defines a number of types of Ministerial meetings:

#### **Joint Ministerial Committee (Plenary) (JMC(P))**

The JMC Plenary is the most senior of the Joint Ministerial Committees and overarches both the JMC (Domestic) and the JMC (Europe).

- The JMC Joint Secretariat supports meetings of the Plenary, seeking input from colleagues responsible for management of JMC Europe.
- The JMC(P) meets annually and is chaired by the Prime Minister or his representative. A commitment to continuing the pattern of annual meetings was made at the 2010 Plenary meeting. Additionally, the MoU provides for administrations to call for an extraordinary meeting of the JMC in the appropriate functional format if they so wish.
- The JMC(P) is attended by the UK Government and the three devolved administrations, normally at head of administration level, although it is for each administration to determine who will attend the JMC(P), subject to space constraints. It is usually attended by the First Ministers from Wales and Scotland, , and by the First Minister and deputy First Minister from Northern Ireland, who may be supported by other Ministers. The Deputy Prime Minister may also attend, along with Ministers from the UK Territorial Offices and other relevant UK Ministers, subject to the agenda.
- It is expected that the economy and public finances and the state of inter-governmental relations will form part of the JMC(P) agenda unless there are strong reasons for this not to be the case.

### **JMC (Domestic) (JMC(D))**

The JMC(D) was created by a decision of the JMC at its Plenary meeting in 2008. In effect, it replaces the JMC subject committees that had operated shortly after devolution began and aims to provide a forum to bring together Ministers from the four administrations to discuss relevant domestic (i.e. non-European) issues on which progress can usefully be made.

- JMC(D) aims to meet two to three times a year. The Prime Minister announced in June 2010 that it would be chaired by the Deputy Prime Minister. Each devolved administration determines its own representation.
- JMC(D) is supported by the Joint Secretariat.
- JMC(D) agendas are partly proposed by the Joint Secretariat and ratified by Ministers, and partly from specific commissions from the Plenary.

### **JMC (Europe) (JMC(E))**

JMC(E) meets on a quarterly basis ahead of the European Council meetings to discuss strategic or cross-cutting European issues affecting the UK and devolved administrations, as well as the forthcoming European Council agenda items. It also acts as a forum for the exchange of information.

- JMC(E) is chaired by either the Foreign Secretary or the Minister for Europe and attended by other relevant UK Ministers, subject to the agenda, as well as Ministers from the devolved administrations.
- Devolved administration representation at the meeting is determined by each administration although it is usually the Minister with portfolio responsibility for Europe.
- JMC(E) agendas are jointly agreed. A forward timetable of potential JMC(E) discussion topics is maintained by the Joint Secretariat. Standing items on the Ministerial agenda include UK/DA coordination and UK priorities for the European Council. A draft agenda is proposed and circulated by JMC(E)(O) 10 working days before the JMC(E) meeting takes place.

- JMC(E) meetings are supported by high quality discussion papers normally introduced by the lead UK Minister. First drafts of JMC(E) papers are circulated in sufficient time to allow internal consultation across administrations, preferably four weeks prior to the JMC(E) meeting. Two weeks in advance of the meeting, JMC(E)(O) will discuss the first drafts and facilitate the circulation of second drafts one week prior to the JMC(E) meeting. Final JMC(E) papers are circulated 48 hours in advance of the meeting.
- JMC(E) considers the UK's early influencing priorities based on a list provided by the Foreign Secretary at its spring meeting.
- All administrations have the opportunity to amend the JMC(E) minutes, in relation to their own interventions, before they are circulated more widely.

## **The Finance Ministers' Quadrilateral (FMQ)**

The FMQ meets on an ad hoc basis, approximately twice a year.

- It is usually chaired by the Chief Secretary to the Treasury with representation by the Finance Ministers from the devolved administrations.
- There is currently no official mechanism that supports this meeting, with agendas, papers and broad timings being set by the Treasury.
- There are clear links between the work of the FMQ and the broader inter-governmental machinery as financial considerations affect relations more generally and have greater political significance.
- It is usual for the state of the economy and public finances to be discussed at FMQ meetings as well as at the JMC(P).
- Financial disputes between administrations are likely to be referred to the FMQ as part of any dispute resolution consideration (Ministerial meeting level).

## **Ministerial Quadrilateral meetings**

In addition to the standing forums listed above, a number of subject-specific quadrilateral meetings of Ministers take place on a regular basis. These meetings enable Ministers to build up effective working relationships, and they should be the first point of call for issues requiring substantive discussion before these are referred to the JMC(D).

## **The British-Irish Council (BIC)**

The British-Irish Council is an international inter-governmental institution made up of representatives of the UK, Ireland, Scottish Government, Welsh Government, Northern Ireland Executive, Government of Guernsey, Government of Jersey and the Government of the Isle of Man.

- It was established by the Belfast Agreement.
- It meets biannually at head of government level (Summits); and each of the BIC work streams also holds an annual Ministerial meeting.
- There is no official chair of the BIC as all administrations have equal status and decisions are made by consensus of the eight member administrations. Summits are hosted and chaired by each administration on a rota basis. Each work stream is led by one or more of the member administrations.
- A Standing Secretariat, based in Edinburgh and staffed by the member administrations, provides support for the strategic direction and management of BIC.

- In addition to the BIC Standing Secretariat, which provides secretariat support for the Summits and work stream meetings, there are regular meetings of Senior Co-ordinators from each administration to prepare and oversee the programme of work for the BIC.
- The BIC discusses one key issue at each Summit (usually one of the work stream themes in which the host administration takes a leading role). It has also become established practice for BIC Summits to include a discussion about the economy. There is scope for links between the JMC and BIC. However, it is important to take account of the potential sensitivities for Ireland of any such approach.

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### **The design and handling of JMC(P), JMC(D) and JMC(E)**

This section looks at the design of JMC(P), JMC(D) and JMC(E) meetings, which are the core functions of the Joint Secretariat.

The basic premises for these meetings, as noted above, are that:

- JMC(P) should take place once a year at head of government level; JMC(D) aims to take place two to three times per Parliamentary year; and JMC(E) four times per Parliamentary year.
- The agendas should be managed in such a way as to facilitate Ministerial discussion on issues on which progress can be made. These are not meetings for the discussion of political differences per se.
- The meetings should take place at a mutually agreed time, with as much advance notice as possible.
- Meetings of the JMC should be planned to include all administrations. Where an administration has had to withdraw at the last minute, but has received the relevant papers, the meeting may go ahead as a meeting of the JMC, noting in the minutes that the position of the absent administration cannot be assumed. Meetings that are not scheduled to include all functioning administrations are not meetings of the JMC.

## **Agendas**

### **JMC(P) & JMC(D)**

The general format is a meeting of 1.5 hours covering both standing items and a couple of topics for discussion which [should ideally/may] be linked to one another. The more varied the agenda, the greater the possibility of different Ministers needing to attend.

### **JMC(E)**

The general format is a meeting of 1 hour, normally covering a diverse range of topics relating to strategic or cross-cutting European issues affecting the UK Government and the devolved administrations as well as the forthcoming European Council agenda items. Standing items on the agenda include UK/DA coordination and UK priorities for the European Council.

## **Topics for discussion**

For a successful meeting the issue(s) under discussion need to be ones of substance and of shared interest where progress is important and can be made (i.e. where choices are available). Issues either at the early stage of policy development or at a much later stage when tricky issues have emerged can both fit these criteria. Items on good practice can be

useful if they are topical or involve some joint working between administrations. It is also critical to check that the issues are not being dealt with in other forums.

Topics for discussion will be drawn from a pool of broad key issues maintained by the Joint Secretariat. Where possible, agreement to topics for discussion at a forthcoming JMC meeting should be reached by all parties at Ministerial level at least **one month** in advance of a JMC meeting to ensure that sufficient time is available for contingencies if required.

## Papers

The key objectives for all papers are: to identify what issues require specific discussion (key questions); and what, if any, actions Ministers are being asked to sign up to. There is a template for all Joint Secretariat papers going to JMC(D) which confirms the status of the paper, the actions to be considered and who has been consulted etc. Papers for the JMC(P) generally use a common format. In principle, it is to be assumed that all papers to be put to the JMC will be Joint Secretariat papers and that these will be agreed jointly to a planned timescale. Exceptionally, some papers may be prepared by one administration and tabled under their name.

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## Practical arrangements for JMC(P), JMC(D) and JMC(E)

This section looks at the practicalities of setting up and running the JMC(P), JMC(D) and JMC(E) meetings, including venues, timings, invitees and seating plans.

## Venues

The March 2010 JMC(D) agreed that there is no reason why the JMC(D) should not meet outside London on occasion. JMC(E) officials have also explored this idea. To date, neither forum has met outside London, largely due to the number of UK Ministers attending, but also because London is the most accessible venue as a result of good transport links with Belfast, Edinburgh and Cardiff.

In selecting a venue it is important to consider the following factors:

- ease of access and entry for all visitors, including potential drop-off by car;
- logistics and security requirements; and
- ability to access video-conferencing facilities should they be required.

Westminster Palace is not an appropriate venue for JMC meetings. It has been agreed that meetings should take place in government and not Parliamentary space.

## Timings

The most significant challenge in organising JMC meetings is securing meeting dates. It is usual practice for the Joint Secretariat to discuss potential meeting dates for the forthcoming calendar year and then to remit to Private Offices for agreement on specific dates. It is helpful for a letter, setting out the proposed date and agenda, to circulate from the Chair, no less than ten working days in advance of the meeting.

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## Chairs, invitees and secretariat support

The JMC(P) is chaired by the Prime Minister, JMC(D) by the Deputy Prime Minister and JMC(E) by either the Foreign Secretary or the Minister for Europe. It is for each administration to determine who will attend the meeting, although space constraints within meeting rooms must be considered. It should be borne in mind that enabling delegations of significantly different size to attend does not support the aspiration for respect and parity.

The usual practice is for the relevant UK Government policy Minister to attend the JMC meetings, together with Ministerial representatives from the Territorial Offices and Ministers from the devolved administrations. Ministerial attendance at Plenary meetings is outlined in para 15 and for JMC(D) and (E) in paragraphs 16 and 17. Usual practice is for one official to attend per Minister, although this varies across the JMC formats.

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## **Extract from Internal Guidance on the Intergovernmental Relations: Written Agreement between the Scottish Government and Scottish Parliament**

INTERNAL GUIDANCE ON THE INTERGOVERNMENTAL RELATIONS: WRITTEN AGREEMENT BETWEEN THE SCOTTISH GOVERNMENT AND THE SCOTTISH PARLIAMENT – extracted from the Scottish Government Staff Intranet

### 1. The Inter-Governmental Relations agreement

The Inter-Governmental Relations (IGR) agreement is a written agreement between the Scottish Government and Scottish Parliament. It sets out the information that we will provide to the parliament when participating in formal ministerial-level inter-governmental meetings, concordats, agreements and memorandums of understanding.

It is designed to:

- improve transparency between the Scottish Government and Scottish Parliament
- support the devolution of new powers following the Smith Commission and ensure we retain a shared, private space for inter-governmental discussion between UK administrations
- enable strategic business planning by parliamentary committees by giving an overview of discussions taking place, key issues and agenda items and help them share with us what members may wish to cover with ministers

Read the Inter-Governmental Relations agreement.

### 1. What the agreement covers

Scottish Government officials need to understand the scope of the Inter-Governmental Relations (IGR) agreement.

#### **In scope**

The agreement covers discussions and agreements of, or linked to, these forums:

- Joint Ministerial Committee in all its functioning formats (excluding the British and Irish Council)
- Finance Ministers' Quadrilaterals
- Joint Exchequer Committee
- Joint Ministerial Group on Welfare
- other standing or ad-hoc multilateral and bilateral inter-ministerial forums of similar standing

#### **Out of scope**

The agreement does not cover engagement such as meetings, discussions or correspondence, between the Scottish Government and UK administrations which are:

- outwith the forums listed as in scope above
- informal, for example where meetings don't happen regularly or no governance arrangements are in place

There are an increasing number of inter-ministerial discussions around Brexit negotiations. Many of these may not fall in scope of the agreement.

You should continue to share information with committees in the interests of maintaining good working relationships, but always keep in mind confidentiality considerations.

If you are unsure or have questions about what the agreement covers, contact the UK Relations Team.

## 2. What the agreement means in practice

Below are examples agreed between the UK Relations Team and committee clerks at the Scottish Parliament to help officials comply with the Inter-Governmental Relations (IGR) agreement.

Subject to confidentiality, sensitivities or other restrictions, and with the agreement of all parties, we should provide:

1. A notification of scheduled relevant meetings, ideally one month in advance, with an agenda and outline of issues for discussion and a brief letter from the relevant cabinet secretary.
2. A written summary of the key issues discussed at the meeting, if possible within two weeks. This should adhere to the principal that we may disclose issues and comments raised by Scottish Government ministers whilst refraining from disclosing comments made by other administrations' ministers. You should also make the committee aware of any published communications such as a First Minister statement ahead of your formal note. Use a communique or anything else made public in the absence of a formal note. See an example from a Joint Ministerial Committee.

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## 3. Annual reporting of inter-governmental relations

The UK Relations Team compiles an annual report on inter-governmental relations for each operational year (April to March). This is submitted to the Finance and Constitution Committee at the Scottish Parliament each June.

You should complete the annual report requirements form to summarise the inter-governmental activity your area is involved in throughout the year. Send this to the UK Relations Team as this will be used to write the report.

It should include:

- details of inter-governmental engagement your area has had during the year
- any informal activity, such as one-off meetings

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