

F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Kenny Gibson MSP
Convener
Finance and Public Administration Committee
The Scottish Parliament
Edinburgh
EH99 1SP

15 December 2023

Dear Convener,

I wrote to you on 19 October (in reply to your letter of 13 October) on the role of the Scottish Parliament in consultations by UK Ministers with the Scottish Government on its Statement of Levelling Up Missions. At that time, I noted that the UK Government had not set out how it intended to fulfil its duties on consultation under the Levelling Up and Regeneration Act. You had also invited Michael Gove, as the Secretary of State for Levelling Up Housing and Communities, inviting him to give evidence on this issue.

I understand that Mr Gove replied to you on 4 December, indicating that Jacob Young, Parliamentary Under Secretary of State for Levelling Up, had written to me with a draft of the first Statement of Levelling Up Missions. I can confirm that Mr Young wrote to me on 27 November with the draft of the UK Government's statement, requesting a reply by 15 December (that is, three working weeks). The draft is closely based on the missions published by the UK Government in February 2022, accompanied by metrics to measure progress. The majority of the missions concern devolved matters, and have been set without the agreement of the Scottish Government or Parliament.

The Scottish Government remains firmly of the view that the UK Government has no role in setting missions or targets for devolved matters, as I set out to you in my letter of 19 October. These are matters for the Scottish Government, accountable to the Scottish Parliament. It is telling that, for five of the missions, the metrics only cover England (or England and Wales in one case): this shows that the missions have been devised without reference to existing Scottish Government programmes in Scotland, scrutinised by the Scottish Parliament, and measured through the National Performance Framework.

For the UK Government to fulfil its statutory duty to have "regard for any role" of the Scottish Parliament and Government in connection with the devolved subject matter of a levelling-up mission, it should acknowledge that devolved institutions are completely responsible for them in Scotland. I have therefore written to Mr Young requesting that the Statement makes clear that those missions which are in areas of devolved responsibility do not extend to Scotland. I attach a copy of that letter.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

In your letter of 13 October, you asked about a formal and meaningful role by which the Parliament and relevant Committees can be consulted by the Scottish Government on the Statement of Levelling Up Missions, ideally in advance of it finalising any consultation response. I regret that in the very short timescale in which the UK Government is conducting this exercise, and with other pressures, I am able to do no more than share with you the Scottish Government's response to the consultation. The letter from Mr Young and the draft Statement itself are UK Government documents which are not yet published. I note that Mr Gove did not send it to the Committee when he wrote earlier this month.

I also note that Mr Gove is suggesting he attends the Committee early in the New Year. The Scottish Government would also be happy to give evidence on the process and content of the consultation, and our response, whenever such a session is arranged.

Yours sincerely,

SHONA ROBISON

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver



F/T: 0300 244 4000
E: scottish.ministers@gov.scot

Jacob Young MP
Minister for Levelling Up
2 Marsham Street
London
SW1P 4DF

15 December 2023

Dear Jacob,

Thank you for your letter of 27 November enclosing the first draft Statement of Levelling Up Missions, on which you are looking for comments by 15 December.

I understand that an accompanying document setting out how UK Government Ministers have had due regard for the devolved Governments is to accompany the Statement, and have asked that my officials engage with yours on this.

You will be aware that the Scottish Parliament did not give consent to Part 1 of the Levelling Up and Regeneration Act on the basis that it is for the Scottish Government, accountable to the Scottish Parliament, to decide how policies in devolved areas are developed and delivered in Scotland, including allocation of funding. In the absence of consent from the Scottish Parliament, the UK Government does not have a role in devolved areas of competence, and this brief period of consultation with the devolved Governments does not legitimise an intervention in devolved matters. Where we can, we ought to work together towards shared outcomes, but in a manner that respects the appropriate division of duties.

This underlying position is demonstrated by the metrics you propose to measure progress on the missions in devolved areas, which for Missions 3, 5, 6, 10, 11 and 12 do not apply to the whole of the UK.

This is because the necessary statistics and data are held by devolved Governments. This reinforces the point that such matters are the responsibility of Scottish Ministers, and it is for the Scottish Government to set the policy, governance and reporting requirements to measure progress in these areas.

The Scottish Government has established policies and its own related metrics by which to measure progress across transport, housing, education, skills, health, wellbeing, and crime.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

For example, on Mission 8 regarding wellbeing, it is worth noting the Scottish Government's approach to measuring wellbeing. The National Performance Framework is Scotland's wellbeing framework, with increased wellbeing explicitly included as part of the purpose. It is established in legislation under Part 1 of the Community Empowerment (Scotland) Act 2015. The 81 National Indicators include a range of data types – from social attitudes and perceptions to measures covering the economy, the environment, health, education and beyond. Wellbeing in Scotland is therefore not measured through subjective, personal wellbeing alone, as is proposed in the metric set out under Mission 8. This narrower definition is not equivalent to the broader approach taken in Scotland in the National Performance Framework, developed through a national consultation process. Though some objective factors are included in other Missions such as those metrics for “pride of place”, this only serves to ensure that reporting by Governments on wellbeing is not comparable and risks confusion through a lack of equivalence.

I note the draft Statement commits to improving on this data picture, including through your engagement with devolved Governments. Once again I would ask that you set out explicitly how you intend to do so, given your commitment that no duty will be placed upon the Scottish Government and its Agencies to provide data.

In summary, the Act requires UK Ministers “to have regard to any role of the devolved legislatures and devolved authorities in connection with the levelling-up missions in the statement”. As I have set out, the UK Government has no role in setting levelling up missions in devolved areas, and there are existing policies and programmes in place in these areas that are properly the responsibility of the Scottish Parliament and Scottish Government. So having proper regard to our role would be to remove Scotland from the scope of these missions. I would therefore be grateful if you could amend the Statement to make clear that Missions 3, 5, 6, 7, 8, 9, 10 and 11 do not apply in Scotland.

I am copying this letter to Mick Antoniw, and the head of the NI Civil Service.

Yours sincerely,

SHONA ROBISON

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot

INVESTORS IN PEOPLE™
We invest in people Silver

