

# Health, Social Care and Sport Committee

## 16th Meeting, 2021 (Session 6), Tuesday, 21 December 2021

### Provisional Common Framework on Public Health Protection and Health Security

#### Introduction

1. At its meeting today the Health, Social Care and Sport Committee will take evidence on the provisional Common Framework on Public Health Protection and Health Security from:
  - Nick Phin, Clinical Director and Director of Health Protection, Public Health Scotland

#### Background

2. During its membership of the European Union, the UK Government and devolved administrations were required to comply with EU law. This ensured that in many policy areas, including some that are devolved, a broadly consistent approach was developed across all four nations of the United Kingdom.
3. Following its exit from the European Union on 31 January 2020, the UK entered a transition period which ended on 31 December 2020. Throughout the transition period, all parts of the UK had to comply with EU law. Following the end of the transition period, there is now a possibility of policy divergence between the four nations of the UK.
4. As a result of this situation, The UK and devolved governments agreed that common frameworks would be needed to ensure that, in certain policy areas, there would be no divergence between the nations of the UK where such divergence was considered undesirable.
5. Provisional versions of these common frameworks, covering a range of different policy areas, are currently at varying stages of development. The Committee has a role in scrutinising those common frameworks which address areas of policy falling within its remit.
6. On 2 November 2020, [the Committee received](#) the text of the provisional Common Framework on Public Health Protection and Health Security, accompanied by a covering letter from the Cabinet Secretary for Health and Social Care and an explanatory cover page about the Common Framework.

7. The explanatory cover page accompanying the provisional Common Framework describes its purpose as being: “to ensure continued cooperation on serious cross-border threats to health within the UK following the end of the Transition Period and a robust UK-wide regime on public health protection and health security”.
8. This Common Framework is underpinned by the Health Security (EU Exit) Regulations 2021 which, as explained by the explanatory cover page, “repeal retained EU law on health and security which no longer operates effectively in the UK, and introduce a standalone regime which requires the four nations to coordinate surveillance, prevention and control of serious cross-border threats to health”. At its meeting on 23 March 2021, the Committee’s predecessor took evidence on these regulations and agreed it was content with a Scottish Government proposal to give consent to the UK Government to legislate via these regulations using the powers under the European Union (Withdrawal) Act 2018.

## Liaison with other committees

9. Given its overarching interest in the development of common frameworks and associated constitutional implications, the Committee wrote to the Constitution, Europe, External Affairs and Culture Committee to make that committee aware of its planned scrutiny of this common framework.
10. Given the subject matter of this particular common framework, the Committee has also written to the COVID-19 Recovery Committee to make that committee aware of its planned scrutiny and to invite any specific comments or input that committee might have regarding the contents of the provisional Common Framework.

## Written evidence

11. On 17 November 2021, a [call for written evidence](#) was issued to the following stakeholders, which were previously offered the opportunity to provide input to the Scottish Government in response to a summary of the Common Framework in January 2021:
  - Animal and Plant Health Agency
  - Policy Scotland
  - Scottish Fire and Rescue Service
  - Scottish Environment Protection Agency
  - The Crown Office and Procurator Fiscal Service
  - The Care Inspectorate
  - COSLA
  - Directors of Public Health at NHS Boards
  - Food Standards Scotland

12. The call for written evidence closed on 6 December 2021 and the Committee received [one response](#).

## Further evidence

13. The Committee is due to take further evidence on the provisional Common Framework on Public Health Protection and Health Security from the Cabinet Secretary for Health and Social Care at its meeting on 18 January 2022.

### **Clerks to the Committee**

**16 December 2021**