



Llywodraeth Cymru
Welsh Government

POLICY AND STRATEGY

Concordat between the Department for Work and Pensions and the Welsh Government

This concordat sets out a framework for co-operation between the Department for Work and Pensions and the Welsh Government - 06 December 1999 (Revised November 2018)

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Introduction

1. This concordat establishes an agreed framework to ensure continued close liaison between the Department for Work and Pensions (DWP) and the Welsh Government. It also aims to ensure that business is conducted in an efficient and effective manner on all matters arising from DWP's responsibilities which impact directly or indirectly on the functions of the Welsh Ministers and vice versa.
2. This concordat is non-statutory and is not intended to be legally binding or to constrain the freedom of either DWP or the Welsh Government to operate in areas for which they are responsible. It is a statement of intent about the way both parties will work together to discharge their respective responsibilities. DWP and Welsh Government agree to honour the principles and obligations set out in this concordat and will co operate fully to achieve these aims.
3. This concordat follows the principles set out in the **Memorandum of Understanding** between the UK government and the devolved administrations in Scotland, Wales and Northern Ireland, which sets out the principles that underlie the working relationships between the UK government and the devolved administrations. DWP and the Welsh Government will implement the practices set out in the Memorandum of Understanding and will co-operate to achieve its aims.
4. This co-operation is for the mutual benefit of both parties and is intended to provide assurance that working relationships will be conducted in an agreed, helpful and timely manner. This will be underpinned by good communications in both directions. This will assist the efficient, effective and economical delivery of public services for which both parties are responsible and benefit the users of those services.
5. There are many interactions between those areas for which DWP is responsible and those services for which responsibility has been transferred to the Welsh Ministers on which DWP and the Welsh Government need to keep in close touch.

6. In addition, there are other areas where DWP and the Welsh Government need to co-operate and maintain good communications in order to deliver effective administration (see Annex A).
7. DWP and the Welsh Government recognise that there will be policy areas that will require engagement with other UK government departments. Each party will undertake to secure that engagement.
8. Before reaching a decision on the transfer of executive functions, the Welsh Government and the UK government will identify the administrative, programme and capital costs involved in the exercise of those functions in relation to Wales, taking full account of all relevant factors. Ministerial agreement to the transfer of executive functions will depend on agreement not only that the relevant costs, assets and liabilities have been identified but also on agreement about which funds, assets and liabilities will transfer with the functions themselves.

Communication and consultation

9. Guidance on consultation between the UK government and the Welsh Government in the context of Parliamentary and Assembly legislation affecting Wales can be found in [Devolution Guidance Note: Parliamentary and Assembly Primary Legislation Affecting Wales](#)
10. DWP and the Welsh Government are committed to the principle of consultation and good communications and will alert each other as soon as practicable (in confidence where appropriate) to proposals for new or amended legislation, policy and other initiatives where there is a direct or indirect impact on the other's areas of responsibility.
11. Both parties confirm their commitment to proactively consult and exchange information in a timely, open and helpful manner in order to ensure that, as far as possible, both DWP and the Welsh Government are informed of proposals for change in sufficient time for them to be evaluated, comments made and the comments considered and addressed where appropriate.
12. In the case of legislation, and in accordance with the general principles set out in the Memorandum of Understanding, advance notification and early consultation in the development of relevant legislative proposals will take place, in confidence where necessary. See also paragraphs 26 and 27.

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13. Wherever possible, DWP and the Welsh Government will encourage joint working where they agree that there would be advantages for the development of policy or the delivery of services. This can include bi-lateral meetings or attendance at working groups.
14. Liaison arrangements will be taken forward by officials in DWP and the Welsh Government who will develop specific procedures where necessary. On general points, or where there is no established link, the initial contact points will be Devolution Directorate in DWP and the Education and Public Services Group in the Welsh Government. Contact details can be found at paragraph 41.

Correspondence

15. DWP and the Welsh Government will handle correspondence in accordance with paragraph 13 of the Memorandum of Understanding, the **Devolution Guidance Note 2: Handling Correspondence under Devolution**, and any procedures agreed between them on common working arrangements.
16. DWP and the Welsh Government will also answer questions and enquiries from the other in accordance with the provisions in the Memorandum of Understanding and any agreements between them on common working arrangements. In particular, each party will aim to treat enquiries and requests for information from the other with the same priority as a request from their own legislative body.

Parliamentary and Assembly business

17. DWP and the Welsh Government will co-operate to enable each to meet its obligations to the UK Parliament and the National Assembly for Wales respectively, having regard to the principles set out in the Memorandum of Understanding and the advice in paragraphs 13 - 28 of the Devolution Guidance Note 1: Common Working Arrangements.
18. Subject to legal and contractual restrictions, DWP and the Welsh Government confirm their commitment to, where appropriate, provide each other with as full and open access as possible to policy and other information

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- including statistics and research and, representations from third parties.
19. The National Assembly for Wales may invite Ministers and officials from DWP to attend its proceedings to give oral evidence or to provide documentary evidence. DWP will consider each such request on a case-by-case basis, having regard to the advice set out in paragraphs 3 – 9 Devolution Guidance Note 12: Attendance of UK Ministers and Officials at Committees of the Devolved Legislatures. The expectation is for DWP to be fully supportive of the National Assembly for Wales, subject to considerations of confidentiality and the overriding priority that must be given to matters arising in the UK Parliament.
 20. Both DWP and the Welsh Government will treat information received from the other in accordance with any restrictions that the sender may specify, see paragraph 24.

Announcements and publicity

21. Where an announcement is to be made on a matter that touches on both devolved and non-devolved matters, DWP and the Welsh Government will agree how the announcement will be made.
22. Where information material is to be produced that covers both devolved and non-devolved matters, DWP and the Welsh Government will agree the content of the relevant parts within the material before publication.
23. In planning publicity campaigns relating to matters of mutual interest DWP and the Welsh Government will inform each other of their intentions and consider whether it would be beneficial to have a joint or co-ordinated campaign.

Confidentiality

24. Paragraph 12 of the Memorandum of Understanding sets out the principles that govern the duty of confidence between the UK government and the devolved administrations. In line with those principles, DWP and the Welsh Government will respect the confidentiality of information received from each other, and will indicate the status of, and any restrictions on the use of

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information, which they provide.

Finance

25. DWP and the Welsh Government will act in accordance with the provisions set out in the '**Statement of Funding Policy: funding the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly**' published by HM Treasury which sets out the policies and procedures, that underpin the exercise of setting the budgets of the devolved administrations.

Legislation

26. **Devolution Guidance Note: Parliamentary and Assembly Primary Legislation Affecting Wales** sets out guidance to Whitehall Departments on arrangements for managing new legislation affecting the responsibilities of either the National Assembly for Wales, Welsh Ministers or the Welsh Government. It sets out the expectations of the Cabinet Committee on Parliamentary Business and Legislation in giving effect to this policy, and how to manage it to ensure smooth running of the UK government's legislative programme. The committee expects devolution issues to be resolved by the time a Bill is brought before the committee prior to its introduction into Parliament.
27. Devolution Guidance Note: Parliamentary and Assembly Primary Legislation Affecting Wales sets out guidance on the procedure for modifying the legislative competence on the National Assembly for Wales including by Order in Council under section 109 or 116C of the Government of Wales Act 2006 or by Parliamentary Bill.

Service provision

28. DWP and the Welsh Government may seek access to each other's services and expertise, to ensure that the responsibilities and duties of the UK government and the Welsh Government may be discharged.

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29. Arrangements in existence on 1 July 1999 for administrative liaison and coordination, and if appropriate for cost sharing, will continue until changes are agreed. Where new demands are made or where costs to providers change, DWP or the Welsh Government will make proposals for new costing or funding arrangements.
30. DWP and the Welsh Government are mutually dependent on each other's services to deliver their responsibilities in a number of areas (see Annex A). Separate agreements will set out the agreed responsibilities in these and other areas, which may arise.
31. The Welsh Language (Wales) Measure 2011 makes provision for the specification of standards to conduct in relation to the Welsh Language. The current standards are specified in the Welsh Language Standards (No. 1) Regulations 2015. The Measure also provides that the Welsh Language Commissioner may by notice require certain public bodies to comply with some or all of the standards specified. The Welsh Language Commissioner has issued a compliance notice on the Welsh Ministers specifying which of the standards currently apply to any activity or service provided by or on behalf of the Welsh Ministers. A copy of the latest version of the compliance notices is available at: http://www.comisiynyddygybraeg.cymru/English/Publications%20List/20180706%20Hysbysiad%20Cydydffurfio44%20Gweinidogion%20Cymru%20_en_.pdf
32. Where DWP is providing services on the Welsh Ministers' behalf, the services will only be obtained from DWP if they comply with the Service Delivery Standards listed in the compliance notices issued to the Welsh Ministers from time to time.

Regulatory impact assessments

33. In compliance with section 76 of the Government of Wales Act 2006 Welsh Ministers have a code of practice setting out, amongst other things, their policy on the carrying out of regulatory impact assessments in connection with subordinate legislation to be laid before the National Assembly for Wales.
34. Responsibility for social security, pensions and child support rests with the UK government, so there are unlikely to be many instances where DWP and

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the Welsh Government are preparing an impact assessment for similar subordinate legislation. Should this happen, and in order to save duplication of effort, DWP will liaise with the Welsh Government to ensure that the assessment takes appropriate account of the situation in Wales.

Human Rights Act 1998

35. Similarly, where parallel legislation is proposed or where DWP is legislating to create functions for members of the Welsh Government, DWP will liaise with the Welsh Ministers to ensure that assessments of compliance with the convention rights are shared.

Welsh language

36. DWP is bound by ministerial undertakings given to the UK Parliament about the use of Welsh in public business. These undertakings require DWP to adhere to its Welsh Language Scheme as approved by the former Welsh Language Board on 25 March 2010 but now regulated by the Welsh Language Commissioner, and which remains in operation. In so doing, DWP will continue to give effect to the principle that the English and Welsh languages are treated on the basis of equality in Wales and in so doing will provide practical support to promote and facilitate the Welsh Government's policy in Wales.

Reaching agreement

37. The vast majority of matters will be handled routinely between DWP and the Welsh Government in accordance with liaison arrangements set out in the Memorandum of Understanding and in this concordat. Both parties are committed to resolving issues at working levels wherever possible or, where necessary, at Senior Civil Service levels.
38. Only very exceptionally should it be necessary to refer matters to ministers. If agreement still cannot be reached, the Secretary of State for Wales should be called upon to assist in any significant case of disagreement.

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39. Where agreement cannot be reached bi-laterally, matters may formally be referred to the Joint Ministerial Committee Secretariat pursuant to the principles and arrangements for dispute avoidance and resolution set out in Section A3 of the Memorandum of Understanding. DWP and the Welsh Government will inform the other beforehand of any proposal to involve the Joint Ministerial Committee.

Review

40. The Welsh Government and DWP may request a review if they consider it necessary. These reviews may also provide the opportunity for either party to feedback on specific policy issues and policy officials will be invited, with the agreement of both parties, to participate where appropriate.

Queries about this concordat

41. Queries about this Concordat should be addressed to:

The Devolution Policy Team
Department for Work and Pensions
Caxton House
Tothill Street
London
SW1H 9NA
DWPDevolution.PolicyTeam@DWP.gsi.gov.uk

or

Welfare Reform & DWP Relations
Education and Public Services Group
First Floor, North Wing
Welsh Government
Rhydycar Business Park
Merthyr Tydfil
CF48 1UZ

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Annex A: Matters about which DWP and the Welsh Government will establish and maintain good communications

This is not an exhaustive list; rather, it represents the main issues where DWP and the Welsh Government are expected to co-operate in order to deliver effective administration.

- The work of policy officials in seeking to maintain alignment, where appropriate, between the UK and Welsh Government in:
 - policy development
 - drafting new legislation
 - regulatory impact assessments
 - compliance with the Human Rights Act 1998
- Funding Arrangements in line with the '**Statement of Funding Policy: funding the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly**'
- Concurrent Powers as set out in Section 2 of the **Employment & Training Act 1973**
- Services provided by DWP to the Welsh Government
- Services provided by the Welsh Government to DWP
- Exchange of relevant statistical and research data
- Liaison on EU and relevant other matters including United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- **Liaison on appointments to certain public bodies**

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