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Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol | Constitutional and
Legislative Affairs Committee
Ymchwiliad: Llais cryfach i Gymru: ymgysylltu â San Steffan a'r sefydliadau
datganoledig | Inquiry: A stronger voice for Wales: engaging with
Westminster and the devolved institutions
IGP010
Ymateb gan: Yr Athro Paul Cairney
Response from: Professor Paul Cairney

['Westminster and the devolved institutions'](#)

These are some short answers to some general questions that will likely arise in my oral evidence ([22 May, 1.15pm](#)) to the [Constitutional and Legislative Affairs Committee](#) inquiry called [A stronger voice for Wales: engaging with Westminster and the devolved institutions](#).

Could you outline your area of research expertise?

I use theories of public policy to understand policymaking, focusing on particular areas such as the UK (and Scotland in particular), issues such as tobacco policy, and themes such as 'the politics of evidence-based policymaking' and policy learning or transfer.

Could you elaborate on the "Scottish approach" to policymaking?

There are several related terms, including the:

- 'Scottish policy style', [which academics use](#) to describe two policymaking reputations – (i) for consulting well with stakeholders while making policy, and (ii) for trusting public bodies to deliver policy.
- 'Scottish model of policymaking', [described by former Permanent Secretary Sir John Elvidge](#), stressing the benefits of reducing departmental silos and a having a scale of policymaking conducive to cooperation (and the negotiation of common aims) between central government and the public sector.
- 'Scottish Approach to Policymaking' ([described by former Permanent Secretary Sir Peter Housden](#)), stressing key principles about how to describe the relationship between research/ policy delivery ('improvement method'), communities and service users (an 'assets based', not 'deficit focused' approach), and central government/ public bodies/ stakeholders in policymaking and delivery ('co-production').

Each term describes a reputation or aspiration for policymaking, and you'll tend to find in my [published work](#) (click the 'PDF' links) a healthy scepticism about the ability of any government to live up to these aims.

Also note that the Scottish style (as with discussions of Welsh policymaking) tends to be praised in [comparison with a not-flattering description of UK government policymaking](#).

In relation to your comments around “size or scale” of Scottish Government, would similar traits be observed in policy-making in Wales and Northern Ireland, or indeed in other small political systems?

Yes. In fact, we have included a comparison with Wales in previous studies of [‘territorial policy communities’](#) (both have the ‘usual story of everybody knowing everybody else’) and the [potential benefits of more consensual approaches to delivery](#) (both display ‘less evidence of a fragmentation of service delivery organisations or the same unintended consequences associated with the pursuit of a top-down policy style’).

These size and scale issues have pros and cons. Small networks can allow for the development of trust between key people, and for policy coordination to be done more personally, with less reliance on distant-looking regulations. Small government capacity can also prompt over-reliance on some groups in policy development which, on occasion, can lead to optimistic plans (when doing interviews in Wales in 2006, the [example I remember was homelessness policy](#)). Smallness might also prompt overly romantic expectations about the ability of closer cooperation, on a smaller scale, to resolve policy conflict. Yet, we also know that people often have very fixed beliefs and strong views, and that politics is about making ‘hard choices’ to resolve conflict.

Could you explain the importance of personal relationships to policy-making and implementation?

I think they relate largely to psychology in general, and the specific potential effects of the familiarity and trust that comes with regular personal interaction. Of course, one should not go too far, to assume that personal relationships are necessarily good or less competitive. For example, imagine a room containing some people representing the Welsh Government and all the University Vice Chancellors. Sometimes, it will aid collective policymaking. Sometimes, the VCs would rather hold bilateral discussions to help them compete with the others.

To what extent are territorial policy communities too “cosy” with their respective Governments?

You’ll find in many discussions a reference to ‘the usual suspects’ and the idea of ‘capture’, to describe the assertion that close contact leads to favouritism from both sides. It is helpful to note that any policymaking system will have winners and losers. You can take this for granted in larger and more openly competitive systems, but have to look harder in smaller venues. We would need to avoid telling the same romantic story about Welsh consensus politics and, instead, to design ‘standard operating procedures’ to gather many diverse sources of evidence and opinion routinely.

Could you expand on the extent to which key UK policies impact on devolved policies?

Compared to many countries, the devolved UK governments have more separate arrangements. For example, ‘health policy’ is far more devolved than in, say, Japan (in which multiple levels make policy for hospitals).

Yet, there are always overlaps in relation to economic issues (the UK is largely responsible for devolved budgets, taxation, immigration, etc.), shared responsibilities in cross-cutting issues (such as fuel poverty), and the ‘spillover’ effects of UK policies.

The classic case of spillovers in Wales is higher education/ tuition fees policy, partly because so many staff and students live within commuting distance of the Wales/ England border. Each Welsh policy has been in response to, or with a close eye on, policy for England. There was also the case of NHS policy in the mid-2000s, where Welsh government attempts to think more holistically about healthcare/ public health were undermined somewhat by unflattering comparisons of England/ Wales NHS waiting times. In Scotland, these issues are significant, even if less pronounced.

To what extent is the multi-level nature of policy-making downplayed?

I’d say that it is not sufficiently apparent in any election campaign at any level. People don’t seem to know (and/ or care) about the divisions of responsibilities across levels of government, which makes it almost impossible to hold particular governments to account for particular policy decisions. It’s often not fair to hold certain governments to account for policy outcomes (since they are the result of policies at many levels, and often out of the control of policymakers) but we can at least encourage some clarity about their choices.

Could you expand on the “intergovernmental issues” you refer to in a recent article? Do you have any examples and how these were resolved?

I'd encourage you to speak with my [Centre on Constitutional Change](#) colleagues on this topic, since (for example) Professors Nicola McEwen and Michael Keating may have more recent knowledge and examples.

In general, I'd say that IGR issues have traditionally been resolved rather informally, and behind closed doors, particularly but not exclusively when both governments were led by the same party. Formal dispute resolution is far less common in the UK than in most comparator countries. Within the UK, the Scottish Government has not faced the same problem as the Welsh Government, which has faced far more Supreme Court challenges in relation to its competence to pass legislation in devolved areas. Yet, in the past, we have seen similar early-devolution examples of 'fudged' decisions, including on 'free personal care' in Scotland (it gained far more in the 'write-off' of council house debt than it lost in personal care benefits) and EU structural funds in Wales (when the UK initially refused to pass on money from the EU, then magically gave the Welsh Government the same amount another way).

Is there any evidence of devolved Governments and the UK Government learning from one another in terms of policy?

Not as much as you might think (or hope). When [we last wrote about this in 2012](#), we found that the UK government was generally uninterested in learning from devolved policy (not surprising) and there was very little Scottish-Welsh learning (more surprising), beyond isolated examples like the Children's Commissioner (and, at a push, prescription charging and smoking policy). I recently saw a powerpoint presentation showing very few private telephone calls between Scotland Wales, so perhaps it's not so surprising!

In general, we'd expect most policy learning or transfer to happen when at least one government is motivated by a sense of closeness to the other, which can relate to geography, but also ideological closeness or a sense that governments are trying to solve similar problems in similar ways. Yet, the Scottish and Welsh governments often face quite different initial conditions relating to their legislative powers, integration with UK policy, and starting points (for example, they have very different education systems). So, we should not assume that they have a routine desire to learn from each other, or that there would be a clear payoff.

What is the likely impact of the UK's withdrawal from the EU on policy-making in the devolved nations?

I have no idea! The Scottish Government wants to use the event to prompt greater devolution in some areas (such as immigration) and secure the devolution of Europeanised issues (such as agriculture, fishing, and environmental policy).

We should see the practical effect of reduced multi-level policymaking in key areas (even though each government will inherit policies from their EU days) and there are some high profile areas in which things may have been different outside the EU. For example, the Scottish Government would have faced fewer obstacles to enacting its minimum unit price on alcohol (which relates partly to EU rules on the effect of pricing on the ability of firms from other EU countries to compete for market share).

We should also see some 'stakeholder' realignment, since interest groups tend to focus their attention on the venues they think are most important. It will be interesting to see the effects on particular groups, since only the larger groups (or the best connected) are able to maintain effective contacts with many levels of government.

What is your view on Whitehall departments' understanding of devolution in Wales and Scotland?

The usual story is that: (a) London-based policy people tend to know very little about policy in Edinburgh or Cardiff (it's also told about UK interest groups with devolved arms), (b) devolved-facing UK government units tend to have heroically small numbers of staff, and (c) there are few 'standard operating procedures' to ensure that devolved governments are consulted on relevant UK policies routinely. I can't think of an academic text that tells a different story about the UK-devolved relationship.

That said, it's difficult to argue that policymakers in Brussels know a great deal about Wales either, and the Cardiff-London train ticket is cheaper if you want to go somewhere to complain about being ignored.

How would you assess the success of stakeholder influence in policy making? What does this say about the effectiveness of stakeholder engagement?

I'd describe winners and losers. Perhaps we might point to a general sense of more open or consensual policymaking in the devolved venues, but also analyse such assumptions critically. In any system, you'll find a similar logic to consulting with the usual suspects, often because they have the resources to lobby, the power to deliver policy, or the professional knowledge or experience most relevant to policy. In any system, you'll struggle to measure stakeholder influence. If describing the

benefits of more devolved policymaking, I'd find democratic/ principled arguments (about more tailored representation) more convincing than 'evidence-based' ones.

Do you have any views about whether powers over, for example, agriculture should go to London or to the devolved nations?

No. I'll take my views on all constitutional matters to the grave.