Has Devolution Changed the 'British Policy Style'?

Abstract[1]

The term 'policy style' simply means the way that governments make and implement policy. Yet, the term 'British policy style' may be confusing since it has the potential to relate to British exceptionalism or European convergence. Lijphart's (1977; 1999) important contribution identifies the former. It sets up a simple distinction between policy styles in majoritarian and consensual democracies and portrays British policy making as top down and different from a consensual European approach. In contrast, Richardson (1982) identifies a common 'European policy style'. This suggests that although the political structures of each country vary, they share a 'standard operating procedure' based on two factors – an incremental approach to policy and an attempt to reach a consensus with interest groups rather than impose decisions. This article extends these arguments to British politics since devolution. It questions the assumption that policy styles are diverging within Britain. Although consultation in the devolved territories may appear to be more consensual, they are often contrasted with a caricature of the UK process based on atypical examples of top-down policy making. While there may be a different 'feel' to participation in Scotland and Wales, a similar logic of consultation and bureaucratic accommodation exists in the UK. This suggests that, although devolution has made a difference, a British (or European) policy style can still be identified.

Key Words: Policy Styles – Devolution – Majoritarian- Consensus – Consultation – Interest Groups

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Introduction

Richardson's (1982) *Policy Styles in Western Europe* explored the extent to which policy making styles were convergent or divergent. It suggested that although Britain's predisposition towards consultation with interest groups seemed to contrast with France's secrecy and Sweden's rationalism, beyond the caricatures there was a 'close family resemblance … a European policy style' (Richardson et al, 1982: 1). Although the political structures in these countries varied, they shared a 'standard operating procedure' that transcended national boundaries. Formulation and implementation processes highlighted more similarities than differences, with attempts to impose polices from the top-down relatively rare and interest groups central to the process in most countries.

One aim of the Richardson discussion was to explore academic assumptions regarding the UK's 'majoritarian' label (Lijphart, 1977; 1999) and challenge the idea that the British policy style was exceptional. For Lijphart, policy styles flow from electoral systems and the distribution of power. Under proportional systems, power is dispersed across parties, encouraging the formation of coalitions based on common aims. This spirit of 'inclusiveness, bargaining and compromise' extends to the relationships between group and government, with groups more likely to cooperate with each other and governments more willing to form corporatist alliances (Lijphart, 1999: 2-3). In contrast, the plurality system exaggerates governing majorities; control of the legislature is held by a single party and power is concentrated within government. This asymmetry of power extends to the group-government arena, with groups more likely to compete with each other and governments more likely to impose policy from the top-down.

For Richardson, Gustafsson and Jordan (1982), the British policy style was not as 'top-down' as many accounts suggested. Rather, the UK shared a common style with a range of political systems, based on the need of civil servants to gather information from interest groups and legitimise decisions through consultation. The 'logic of consultation' (Jordan and Maloney, 1997) with the most affected interests is strong since it encourages group ownership of policy and maximises governmental knowledge of possible problems. Further, the size of the state and scope for 'overload' necessitates breaking policy down into more manageable sectors and sub-sectors which are less subject to top-down control.

Therefore, the call was for more evidence on, rather than assumptions of, the British policy style. This became particularly important during a Thatcher era that was widely assumed to be marked by conviction politics (fostered by a majoritarian system), the rejection of consultation and the imposition of policy (Marsh and Rhodes, 1992a: 8). Subsequent debates on the nature of consultation demonstrated that the British policy style was complex and varied over time, sector and issue. Although consultation appeared to be rejected at a ministerial level, it was often merely displaced to other parts of the government machine (Cairney, 2002). There were still close relationships between groups and government and a 'top-down' process only accounted for a small proportion of the 'British style'. These points were rediscovered in the literature that critiques discussions of Blair's 'Presidentialism' (see Bevir and Rhodes, 2006) and Kriesi, Adam and Jochum's (2006: 357) study which suggests that UK policy networks still resemble

those found in consensus democracies. Yet, the identification of widespread consultation does not resolve debates regarding the *quality* of consultation and the influence of groups with limited access to ministers. While some argue that most decision making take place in sub-sectoral policy networks (Jordan et al, 1994; Jordan, 2005), others highlight the limits placed on this process by decisions made at the sectoral level (Cavanagh et al, 1995; Marsh et al, 2001; see also Richardson, 2000).

More recent developments in the UK suggest a need to re-engage with this debate. Devolution has created three new executives with the potential for their own policy style based on the type of consensus politics associated with proportional systems (although the limited experience of devolution undermines analysis of Northern Ireland – see Keating, Cairney and Hepburn, 2008 for a preliminary discussion). Further, its introduction coincided with hopes in Scotland and Wales for a new style of politics, 'radically different from the rituals of Westminster: more participative, more creative, less needlessly confrontational' (Scottish Constitutional Convention, 1995). This included moves in Scotland to oblige its executive to consult wider than the 'usual suspects' (SCC, 1995) and in Wales towards a formal commitment to consult with partnership councils in the business, union and voluntary sectors (Entwistle, 2006). More importantly, this 'new politics' reflected a close bond between 'civil society' and political parties which built up during the campaigns for devolution and was expected to continue beyond 1999 (McGarvey and Cairney, 2008).

The evidence suggests that many of these hopes were realised. An extensive series of interviews with interest groups (professional, voluntary, business, trade union, religious) and civil servants in Scotland and Wales from 1999-2007 (approximately 200) suggests that close partnerships have developed, with groups reporting high levels of satisfaction when engaging with government (Keating et al, 2008; Keating and Stevenson, 2001; Keating, 2005a).[2] Further, most interviewees in Scotland and Wales contrast this process with the 'Presidential' style that they associate with the UK government. Therefore, the potential irony of diverging policy styles is that the UK is the only government to reject the British (and European) policy style identified by Richardson.[3]

The main problem with this assumption is that it may be based on the same caricatures of majoritarian versus consensus government that Lijphart (1999) identifies and Richardson et al (1982) question, particularly since the groups interviewed since devolution may have limited experience of the UK arena. In other words, too many assumptions are still being made about the nature of UK policy making. This article extends the empirical analysis to interviews conducted with equivalent UK interest groups and civil servants in the 'most devolved' policy areas (health, education, local government). Approximately 70 interviews were conducted from 2006-7 and similar questions – on the nature and frequency of contact with ministers and civil servants – were asked. This evidence suggests that while there may be a different 'feel' to participation in Scotland and Wales, a similar logic of consultation and bureaucratic accommodation exists in the UK. This does not mean that there are no differences, particularly since devolved groups appear to enjoy more routine access to ministers and the most senior civil servants. Rather, the

article suggests that we should not make assumptions about the UK policy process based on these differences (which perhaps say more about the vagaries of devolution than about differences between consensus and majoritarian systems).

Therefore, the aim of this article is to situate the evidence on diverging styles within the literature on UK governance and policy networks. It questions the assumption that the UK government style was, and is, top-down and majoritarian. This allows us to make a more detailed assessment of the impact that devolved differences make. For example, we can apply this new evidence to longstanding discussions linking consultation to influence. The identification of devolved consultation practices with routine access to the 'top' allows us to compare levels of influence with a UK process characterised by routine consultation at relatively low levels of government (in part as a response to the relatively large state with more need for sectorisation). In other words: does greater access to the 'top' translate to more influence overall? As a whole, the evidence provides more than one picture of UK consultation and reinforces the argument that broad conclusions on 'majoritarian' systems must be qualified by detailed empirical investigation.

Defining a Common Policy Style

According to Jordan and Richardson (1982: 3), the 'normal' style of government in Britain contains three main elements:

1. A 'predilection for consultation' with interest groups;

2. A ‘strong desire to avoid actions which might challenge well entrenched interests’; and,
3. The ‘avoidance of radical policy change’.

This style is similar to Western Europe on the basis of two factors:

1. A reactive, not anticipatory, approach to policy (or incremental rather than rationalist); and
2. An attempt to reach a consensus with interest groups rather than impose decisions.

The focus of this article is the latter. While different countries display differences in culture or *formal* style, this masks ‘inner-circle negotiation’ with the pressure participants that really ‘matter’. The focus on policy styles highlights a powerful logic to consultation between civil servants and interest groups. Under this logic the most affected interests are involved, to encourage ownership of policy and maximise governmental knowledge of possible problems (Richardson et al, 1982: 2). There is also a functional logic since the size of the state and scope for ‘overload’ necessitates breaking policy down into manageable sectors and sub-sectors. Ministers and senior civil servants devolve the bulk of decision-making to less senior officials who consult with pressure participants and exchange access for resources such as expertise and advice. While decisions are referred back up the chain, the sheer number of decisions and the expertise required to analyse

them is often prohibitive. This is magnified by the incentive of participants to 'frame' issues as humdrum to fend off attention (Baumgartner and Jones, 1993).

Bureaucratic accommodation within policy communities is not the *only* style. Marsh and Rhodes (1992b) position policy communities at one extreme of a spectrum of policy network types, arguing that the assumptions involved (limited memberships, good quality access, shared values and a relationship based on the exchange of resources) contrast with issue networks (less control over participants, infrequent access, ad hoc conflict and less negotiation) at the other (see Heclo, 1978). Jordan and Richardson (1982: 98) also discuss instances in which the process will diverge from the 'normal' style: 'competition inside government' for high profile decisions, policy-making within parties and issues in which the government delays its own involvement. They also describe issues not suited to this style: constitutional issues which lack the usual intensity of group interest; value-changing policies in which wider public campaigns are required to alter social attitudes, and non-negotiable/ manifesto policies. Further, since the size of the state necessitates sectorisation, different policy styles may develop in different sectors. Or, the nature of policy (distributive versus regulatory; innovation versus revision) may affect styles (Hogwood, 1986).

However, the *dominant* or 'normal' style is to, "avoid electoral politics and public conflict in order to reach consensus or 'accommodation' in the … consultative machinery" (Jordan and Richardson, 1982: 80-1). Since 'command decisions are politically expensive', the aim is to process as much policy as possible outwith the

‘already crowded political agenda’ (Richardson et al, 1982: 10). Most policy is processed in less visible and less contentious arenas despite a tendency for case studies to focus on ‘spectacular’ policy activity (Richardson 1982: 199). This is echoed by Rose (1986: 305) who suggests that a focus by ministers on a handful of policy issues means giving little attention to the remainder of government. Therefore, the idea of a normal style *does not preclude a level of high-profile decision-making* by ministers not relying on the usual channels. Rather, this process should be placed within the wider context of government. Policymaking should not be equated with these atypical, politically contentious themes that dominate media attention. The majority of public policy is a collection of decisions deemed ‘minor or detailed or insignificant’ which are made by middle ranking civil servants in ‘specialist niches occupied by particularised interest groups’ (Jordan, 2005: 317).

Policy Styles from Thatcher to Blair: Presidentialism versus Governance

The aim of Richardson et al’s discussion was to question the assumption that the British process was somehow different from other European countries, particularly during the Thatcher era. Top-down caricatures contrasted with the literature stressing the logic of consultation, producing a puzzling picture of falling and rising consultation. Marsh and Rhodes (1992a: 8) describe a period in which government appeared to eschew consultation, making policy choices ‘unencumbered by the constraints provided by interest groups’ and Marsh et al (2001: 190) confirm, ‘a decrease in consultation in the Conservative years’. Yet, Jordan and Richardson (1987: 30) were ‘impressed with the

sheer weight of consultation' in their interviews with civil servants, while Maloney et al (1994: 23) report that 'the practice of consultation has been *growing* in importance'. We have several possible solutions to this puzzle. First, we can distinguish between quantity and quality: the rise may be associated with cosmetic consultation or the rules of engagement may have changed, with the government more likely to set the agenda in which consultation takes place (Marsh et al, 2001: 189; Baggott, 1995; Richardson, 2000: 1010). However, there has never been a consistent survey of the consultation process over time to demonstrate these assumptions.

Second, the authors reach different conclusions depending on where they look for evidence. This may involve different sectors, with Marsh et al (2001: 190) noting the drop in contact between trade unions and the Department of Employment while Maloney et al (1994) identify enduring relationships in agriculture. Or, they may have different views on the level of government at which consultation is most valuable. While Jordan et al (1994: 524) highlight the pervasiveness of internally fragmented bureaucracies at the sub-sectoral level, Cavanagh et al (1995) argue that these networks follow the agenda set by the sector. This suggests that consultation is rejected at the sectoral level (Richardson, 2000: 1010) but diverted to lower levels of government (Cairney, 2002). Since the bulk of government policy is administered by civil servants, with ministers focusing on the 'non-routine and exceptional' (Rose, 1986: 304), the rejection of consultation by ministers will not reduce overall consultation levels. The focus of analysis therefore becomes the extent to which consensus reached in sub-sectoral policy communities is sustainable when (or if) exposed to wider political processes. In this analysis we trade

off the exaggeration of sectoral-level influence (by focusing on 'spectacular' examples) against a faith that most policy-making is humdrum and observable but not observed.

A third element relates to the ability of the centre to implement policy without relying on a range of interests. Bevir and Rhodes (2003: 6) suggest that what we are witnessing is not *successful* centralisation, but the *pursuit* of top-down policy which is likely to be confounded by fragmentation and interdependence or follows from an attempt to address previous implementation problems. For example, during the development of market-driven healthcare reforms in the late 1980s (as a response to a funding crisis), Thatcher took charge of small review team which consulted with no-one (Burch and Holliday, 1996: 233). When the plans ran out of momentum they were passed onto the Department of Health and processed through more usual channels. While the Health Secretary initially pushed the legislation through Parliament in the face of medical opposition, his successor took a more conciliatory approach to ensure successful implementation (Cairney, 2002). Such examples suggest that while we may identify instances of top-down policy-making, these form part of a wider cycle of decision-making in which consultation is displaced rather than rejected. While the centre 'sets the agenda' for that contact, its ability (and inclination) to *monitor* its own agenda is often limited.

These arguments may apply more today than they did during the Thatcher era. First, Richards and Smith (2004: 106) suggest that Labour recognised the problem of governance before its election, with the Modernisation agenda seeking solutions based on trust and networks. The focus on top-down styles and hierarchies came in Labour's

second term of office following frustration with a lack of progress. It is only then that cross-cutting targets coordinated from No.10 were transferred to the Treasury and more strongly linked with the control of expenditure. This suggests that policy styles may be cyclical rather than consistently top-down. Second, as Marsh et al (2001: 194) suggest, Labour's election met with a 'major increase in consultation', particularly with voluntary sector groups who had helped them during opposition (see also Kendall, 2000). Third, Rhodes (2005) suggests that top civil servants still devote very little time to substantive policy development, while Page (2006: 4) re-affirms the importance of policy production by 'people initially assumed to be rather routine workers in bureaucracy'. Top-down policy direction is often 'extremely broad' - with most civil servants unable to engage the interest of their superiors - and the level of government knowledge of the issue is low. Most policy is produced by low-ranking civil servants searching for cues from groups.

Combining these studies suggests that the policy styles identified by Richardson and Jordan still exist because: (a) the size and scope of the state will always require sectorisation and delegation; and (b) the formal concentration of power in Britain tends to be used, 'with a certain informal restraint' (Adam and Kriesi, 2007: 140). This picture is confirmed by recent studies of interest groups and policy networks in the UK. A survey by Page (1999: 209) suggests that 40% of (314) respondents had (at least) monthly contact with departments, were consulted most of the time on statutory instruments and felt that departments usually or sometimes make changes they suggest (67% met two of these three requirements). Further, Kriesi, Adam and Jochum's (2006: 357) study of seven West European Countries suggests that: 'British policy networks turned out to be

quite fragmented, resembling more closely those expected for consensus than for majoritarian democracies'. Although there were variations in style, these related more to sector than territory (2006: 358). Therefore, we should be cautious about assuming that headline-grabbing top-down measures are representative of the UK style.

In effect, we have two competing narratives of the UK style. The first highlights the imposition of policy from the top which sets the agenda for implementation and suggests that most consultation at lower levels is cosmetic. Access to the top – and therefore interest group influence - is limited. The second suggests that the imposition of policy is unusual and that most attempts to control implementation on that basis have failed. The details of policy are negotiated at low levels of government and this is where most interest group influence is exerted. Therefore, greater access to the 'top' may not translate to more influence overall.

This provides the context for policy styles since devolution. Most interviewees in Scotland and Wales refer to the first narrative. They identify consensus politics in their systems that they assume contrasts with the UK in which the process is more formal, ministers and civil servants are more aloof, and more policy is imposed. This view is also articulated in Greer and Jarman's (2008) review of the devolution literature - the English style is top-down with 'consultation limited in many important decisions'. Yet, an image of top-down policy making *across the board* is at odds with the European style identified in this article. It also seems to contradict the views of most interviewees in England who identify top-down styles *in some issues*, but as part of a much wider (and

less public) process associated with the second narrative. Therefore, while there are differences in policy styles between Scotland, Wales and England, they are much more nuanced (and in need of much more examination) than the first narrative suggests.

Consensus in Scotland and Wales: Hopes and Limitations

In Scotland there was *hope* attached to the term 'new politics' as a departure from the caricature of 'old Westminster' (Scottish Constitutional Convention, 1995). Widened participation was a means to bypass reliance on the 'usual suspects' (the powerful interest groups which crowded out the rest) and to counter internalised policy formulation (SCC, 1995). In practice, most groups are positive about the new arrangements. The process is more 'open and consultative' and groups point to the ease of access, with civil servants and ministers a 'phone call away'. Many refer to their pre-consultative position, receiving a phone call from the relevant civil servant looking for advice before a formal consultation is issued (Keating and Stevenson, 2001). In Wales, there are fewer groups with closer access and it is common to refer to a Welsh policy 'family'. In many areas formal face-to-face consultations include all key stakeholders in one room. Informally, groups are afforded similar access to civil servants, although often the unions' first contact is the *minister*, with the outcome of meetings then passed down to civil servants (reflecting the importance of union links to the Labour party).

Devolution has therefore opened up new consultation processes which are structured according to territory as well as sector. Further, the evidence from interviewees (relating particularly to senior-level access) suggests that devolved consultation processes differ

from those in the UK (Keating, Cairney and Hepburn, 2008; Keating 2005a; McGarvey and Cairney, 2008). However, several factors suggest that these differences are based on a complex set of relationships which are worthy of further investigation, rather than based on a cultural shift associated with consensus (not majoritarian) democracies. First, systematic differences may be explained better by necessity and size. Wales shares with Scotland a greater need to consult based on low policy capacity and a heightened 'rationality deficit' (Habermas, 1976 in Jordan and Richardson, 1982: 84). The legacy of the Scottish Office is a civil service engaged in implementation rather than formulation. The successor Scottish Executive lacked capacity and relied heavily on outside interests for information. This combined with a smaller political arena (with closer personal contacts and easier coordination) explains the Scottish style (Keating, 2005a: 106). In Wales, the lack of capacity is more pronounced, with a greater reliance on pressure participants. In contrast, although Whitehall enjoys more capacity, its senior decision-makers have less ability to maintain close implementation networks. By necessity they rely on the delegation of responsibility combined with measures to ensure accountability. This raises the possibility that the UK government uses more top-down *measures* but devolved policy is more *centralised*. In Wales and Scotland the pressure participant population is relatively small, allowing ministers and civil servants to personally manage policy communities. In England the terrain is vast and divided into more manageable sub-sectors. It is at *this level of government* that personal policy-based relationships (more satisfying to groups) develop.

Second, comparisons are based on a misrepresented picture of closed government in the UK (Jordan and Stevenson, 2000). The barriers to entry have always been low. Consultation lists are large and groups are generally included. The process therefore becomes 'cosmetic'; a 'trawling exercise' with low level civil service involvement (Grant, 2000). This prompts Maloney et al (1994: 32) to distinguish between 'peripheral insider' groups (engaged but not influential in the process) with core or specialist insiders who enjoy more frequent and fruitful contact. This is relevant to Scotland and Wales where groups report better access but, 'claim that it is still too early to tell whether the consultation process offers them any real influence' (Keating and Stevenson, 2001). In more recent interviews, some respondents are still reticent on the link between access and influence, suggesting that it is 'easy to speak to the civil service but not to change things'. For others, there is growing discussion of 'pre-consultation' akin to Jordan and Richardson's 'inner-circle' negotiations. In either case, the evidence points to common elements within Britain: the identification of broad 'issue networks' with widespread but cosmetic involvement and smaller policy communities with more meaningful access. In each country there is no easy way to quantify the type of influence that groups enjoy.

This difficulty qualifies devolved group perceptions of their influence compared to their counterparts in the UK. These are based on the size of the pressure participant population in England which ironically gives an impression of less consultation. In other words, there appear to be fewer 'winners' but more 'losers' to highlight their lack of influence, particularly since there is a greater need for sectorisation (causing some groups to be key insiders in some departments but 'irrelevant' in others – Page, 1999: 211). In Scotland

and Wales, while groups may feel more included there is still a process of winning and losing. In part, this relates to the irony of capacity: while devolution presents the best opportunity to exchange resources for influence, pressure participants may not have the capacity to exploit it. Much depends on the status of groups before devolution, with independent groups reporting fewer problems than devolved arms of UK organisations with insufficient organisational devolution (approximately half of all Scottish groups – Keating, 2005a: 65). Some may have one member of staff with no research capacity. So, for example, the biggest winner in Wales is local government which is most able to engage with the Welsh Assembly Government (WAG) and is crucial to the implementation of policy. Interviewee perceptions are also based on the effects of interest group devolution, or the ability of devolved arms to lobby on their own terms rather than seek influence through a parent group. They are comparing their influence now with their lack of influence before devolution, rather than the influence their *UK counterparts* enjoyed. Similarly, independent groups are comparing their access in devolved territories with their UK experience of competition with groups who had more resources. Therefore, devolution may be as much about reducing competition as widening access.

Third, the majority/ consensus distinction does not allow us to compare differences between Scotland and Wales. Yet, as Adam and Kriesi (2007: 139) suggest, a nation's institutional structure will not predict the nature of group-government relations without reference to the 'administrative arena' which includes not only the strength of governments and their attitudes to groups, but also the strength of groups and their ability

to make binding decisions on behalf of their constituencies. This varies by both sector and territory, particularly since policy communities are more mature in Scotland compared to Welsh processes (which often mark a departure from policies maintained on an England/ Wales basis) and there was greater Scottish 'civil society' (trade unions, the voluntary sector, education, legal and health professions) involvement in the policy process before devolution (McGarvey and Cairney, 2008: 34-6).

From Hopes to Evidence in Scotland and Wales

This point is significant in compulsory education. In Scotland there was a longstanding policy community before devolution (McPherson and Raab, 1988). However, following a long post-war period of bureaucratic accommodation, the network came under threat from a UK reform agenda which included the introduction of school boards, testing and competition. When Michael Forsyth attempted to introduce these policies as Scottish education minister in the early 1990s, the usual bureaucratic channels could not broker a deal between ministers and pressure participants. Rather, the differences in Scottish policy – allowing teachers to decide when to test pupils and devolving minimal powers to school boards – developed in response to a parent, teacher and local authority campaign against the measures (Gillespie, 1997). The deterioration in group-government relations had a knock-on effect for devolution. Just before Labour's election in 1997 the civil service was 'virtually forbidden' to speak to unions such as the Educational Institute of Scotland (interview, EIS, 2006).[4] This was followed by three years of 'better but not deep' relations, but then the 'McCrone Agreement' – a review of teachers' pay which signalled a shift in group-government relations and ended a 30-year long dispute between

teachers and local authorities (Scottish Executive, 2001). The McCrone review was lauded by interviewees for its widespread consultation and 'teacher friendly' language, while ministerial links with the EIS[5] supplemented the overall process (the education minister was Jack McConnell, former teacher and future First Minister). Excellent relations with teaching and local authorities then followed, driven by well-respected education minister (Peter Peacock) a, 'good quality senior civil service team' (interview, EIS, 2006), a 'national debate' which extended consultation to the public (see SPICE, 2006) and a series of policies which were supported by the professions (including abolishing school boards, extending professional discretion in the new 3-18 curriculum, and a further rejection of 'top-down' inspections). A 'Scottish policy style' is also apparent in higher education with, for example, an intensive consultation exercise before the announcement of student fee reform (following the Cubie report) and to discuss the introduction of top-up fees in England (Keating, 2005b: 428).

In Wales, there were similar moves towards the rejection of testing and competition, the encouragement of professional discretion and the reintroduction of a local authority role. However, in each case the context is different: there is no equivalent legacy of group-government tension, the McCrone process was not possible because teachers' pay is negotiated in London, and the devolution of powers to school governors since 1988 means that the local authority role is far less strong (although overall local authority influence in Wales means that teaching unions do not dominate consultation). Further, the new arrangements seem to marginalise civil servants. Unlike in Scotland and England:

> People go to politicians first and directly, and then it will go to us. We have a working relationship with unions but if it is a major issue then they will go to the minister – even if there is no conflict. This cuts out a stage of negotiation (interview, civil servant, Welsh Assembly Government, 2005).

Interviews suggest that the Education Minister is central to most policy initiatives and that union satisfaction comes from excellent access (in part based on the Labour-union link) and a general agreement on policy. The establishment of a separate policy network in Wales also allows groups to interact differently with each other. For example, the competition between the three main unions (National Union of Teachers, National Association of Schoolmasters Union of Women Teachers and Association of Teachers and Lecturers) is less apparent than in England because there is constant contact and a broad agreement of policy. Yet, few tests exist about the ability of unions to cooperate and influence policy when there is disagreement with ministers (and when the value of bureaucratic accommodation has not been established). Indeed, the most significant disagreement – around the adequacy and transparency of funding from local authorities – was played out in the parliamentary arena (following the loss of Labour's majority in 2005, the Assembly voted against WAG to commission an independent report). This displacement of policy making extended to higher education. HE had previously demonstrated the 'Welsh Way' of consultation with a wide range of representatives on the review group chaired by Professor Theresa Rees. The review was accepted by the WAG and National Assembly for Wales which introduced means tested grants for

Welsh-domiciled students. The second Rees Review (2005) on tuition fees was constrained by the cross-border flows of students and staff and the knowledge that any deviation from English policy would have a disproportionate effect in Wales. Its findings were undermined by party politics, when opposition AMs voted two days before the review's recommendations were published.

In health, a close relationship between 'medical elites' and 'understaffed officials' in the Scottish Office was apparent before devolution (Greer, 2005: 505). Post-devolution, the effect of this relationship was the reversal of many internal market reforms previously criticized by the medical profession (see Cairney, 2002) and a shift from competition towards partnership working between health and local authorities. The British Medical Association Scotland and Royal College of Nursing Scotland enjoy close and frequent access to the civil service, with lengthy pre-legislative discussions to ensure wide ownership of policy contrasting with their experience of legislative development before devolution (interviews, 2004). Yet, if we extend analysis to different types of health policy, the consultation styles vary. For example, when commissioning a mental health bill review, ministers gave a free reign to Bruce Millan (former Secretary of State for Scotland), whose two-year report was based on widespread consultation and achieved huge 'ownership' among stakeholders (Cairney, 2007a). However, when considering tobacco policy reform, civil servants and ministers were reluctant to consult until their hand was forced by group support for a member's bill in the Scottish Parliament (Cairney, 2007b). There is also evidence of a top-down ministerial style in dental policy. In 2005 Lewis MacDonald was recruited as a 'tough enforcer' following plans to increase

spending substantially. Before MacDonald's appointment, the British Dental Association Scotland reported close links with the civil service. When the extra funding was announced, this was accompanied by a strict definition of commitment to the NHS and civil servants were told to take a 'tougher line' with the BDA rather than negotiate (interview, BDA, 2006).

In Wales there is less evidence of a close pre-devolution relationship. There is also a similar absence of bureaucratic accommodation as education, but for different reasons. First, a concerted effort to alter the balance of resources from NHS targets to wider determinants of health followed devolution (Greer, 2004). The practical effect is that doctors are less well represented than in Scotland or England. They are often crowded out by wider partnerships with the local authority and voluntary sectors, with 'political governance more important than clinical governance' (interview, WAG civil servant, 2005). Second, there is less scope for agreement: the BMA's response to public health policies is ambivalent given feedback from doctors 'on the front line' telling people to wait longer for treatment; and the first major decision was to make health boundaries coterminous with local authorities and oblige cross-sectoral membership of boards. This exacerbated tensions associated with the widespread 'rationalisation' of NHS structures. Third, the WAG was given responsibility to develop Wales' consultant contract and tensions around the implementation affected their relationship. There are also personality-based tensions: while the BMA and RCN describe the immaturity of the Welsh civil service which still faces Whitehall, WAG civil servants criticise the BMA for 'marking their homework' rather than becoming usefully engaged and a former leader of

the RCN for ‘trying to be the chief nursing officer for Wales’. When relationships break down there is not the same Royal College structure to fall back on, and so civil servants look elsewhere. When asked who they would contact on major issues such as rationalisation, the first response after local AMs was the Welsh Local Government Association (WLGA), local authority chief executives, and then locally affected clinicians with good links to local media.

As in Scotland, there is variation by issue: in mental health service delivery there is close consultation between civil servants and voluntary groups such as MIND (interview, 2005); in tobacco, close links only followed an agenda set by the Welsh Assembly (Cairney, 2008); and in dentistry the relationship varies according to the personality of the chief dental officer in the WAG (interview, BDA Wales, 2005). Further, the example of free prescriptions demonstrates a lack of bureaucratic accommodation. While ministers engaged in partnership meetings before policy formulation, the process was closed when the *details* of policy were determined by civil servants. This led to costly errors in the regulations to stop ‘prescription tourism’ (interview, Community Pharmacy Wales, 2005).

In Wales, the exception to the rule (of limited bureaucratic accommodation) is local government which enjoys extensive formal and informal contacts with WAG. Although personal relationships with ministers are significant, similar relationships extend throughout government (interview, Welsh Local Government Association, 2005). In part, this is because the WAG relies on authorities for service delivery and it trades

access, influence and favourable policy decisions (including the minimisation of ring-fenced budgets) for local authority cooperation. The WLGA is seen by most other groups as privileged. This is manifest in the WLGA's reach into a range of policy areas and its exemption from structural reform. When First Minister Rhodri Morgan promoted the policy document *Making the Connections* he rejected local government reform because of the years of turmoil that structural changes cause. Rather, authorities would be encouraged to work together. While this accords with the permissive policy style identified by Greer and Jarman (2008), it seemed ironic to interviewees in further and higher education, health and public bodies who had been given no such commitment (interview, Higher Education Wales, 2005). The issue of homelessness initially bucked this trend. In the first round of consultation, groups such as Shelter Cymru (interview, 2005) point to influence which exceeded their expectations, based on a low civil service capacity and crowded out local authority representation. However, after the delivery of policy failed, the second round was more focussed on local authority representation.

Scotland shows that the close central-local relationship may change as the powers of the WAG increase. Compared to Wales there was more belief that the Scottish Executive used a 'command model' based on regular legislation and circulars, with finance arrangements centralised and the Executive strengthening the use of quangos and executive agencies to deliver policy (Bennet et al, 2002; McConnell, 2004). Yet, the appearance of conflict and rejected consultation was often based on 'staged fights' to help local authorities make difficult decisions (interview, 2006). Relationships in education, social work and finance are all very close (interview, Improvement Service,

2006). The development of housing and homelessness policy is also similar to Wales, with close links initially formed with the voluntary sector, to be replaced with less satisfying consultation relationships as homelessness policy reached the implementation stage (interview, Shelter Scotland, 2004).

The Evidence from the UK

The devolution experience suggests that, although the general principle of consultation and partnership is followed, outcomes vary according to the maturity of the network and the level of bureaucratic accommodation. Consultation styles also vary by issue and territory even when there is a broadly similar institutional set-up. This suggests we pay more attention to the 'administrative arena' when considering group-government relationships: while the UK Government may have more power to impose policies, the extent to which it does so is an empirical question, informed by different narratives of group-government relations. While both narratives identify top-down styles, the first suggests that this extends throughout the process and limits group influence, while the second highlights influence at relatively low levels of government. The latter suggests that it is not enough to identify examples of policy making in which the group-government relationship breaks down (particularly since there are similar examples in Scotland and Wales). Rather, the aim is to examine how these cases fit into the wider picture.

In compulsory education, Greer and Jarman (2008) support the first narrative by describing the imposition of competition (between private, grant maintained, academy

and comprehensive schools) based on key stage testing and 'league tables' combined with inspection regimes to measure quality. This policy was closely associated with Tony Blair and its imposition 'soured relations with teaching unions' (see Keating, 2005b on higher education). Further, the interview data confirms that testing is a non-negotiable issue, with the six main teaching unions running a critical campaign to little effect (see also Smithers, 2005). However, the second narrative suggests that we situate these practices within the more humdrum business of Whitehall departments. For example, interviews with teaching unions (2006) suggest that most (the ATL, Association of School and College Leaders, Professional Association of Teachers and NASUWT) are satisfied with their relationship with government.[6] Their gateway is the 'social partnership' which began under Education Secretary Estelle Morris as a means to exchange better working conditions for changes in the use of support staff. Its remit was broadened and its position formalised under Charles Clarke (Bangs, 2006: 204), with the NUT refusing to join (it opposed the use of support staff) and the National Association of Head Teachers quick to leave (it felt the agreement increased head teacher workloads). The partnership seeks to formalise the 'rules of the game' which feature in policy networks, including the assumption that no partner (union, local authority, government) can speak out against policy outcomes, and that inclusion enables widespread access to the government's consultative machinery:

> In my 1st week I saw the Permanent Secretary and I said how I would like to operate and asked who I should see. Now I spend 3 days per week in the DFES. When going from door to door there is no occasion when I don't bump into

> somebody! So there is constant informal networking (interview, head teacher union, 2006).

The partnership's convention is one of 'negotiating to exhaustion, with a shared commitment to compromise and support the outcomes' (interview, teaching union, 2006). While ministers have the 'last word', most legitimise the work of the partnership. In areas such as performance management there are sub-groups discussing the details of policy which receive little senior attention and demonstrate close working relationships:

> There were 8 of us round the table. We met the minister once, just to sort out one or two difficult issues. We needed a change in government policy and that happened. If it hadn't then we may never have met the minister on it; the civil servants would just get the deal signed off (interview, teaching union, 2006).

Unions are also part of committees covering a wide range of subjects, including the school funding implementation group and the schools consultation group (discussing the accountability of head teachers, the structure of school improvement partners, OFSTED inspection frameworks, school profiles and reporting to parents). Further, the NUT and NAHT still have a relationship with government. The NUT has 'normal' links with education agencies and good experiences in contact with other departments (interview, 2006). Similarly, the NAHT re-engaged on the issue of recruiting and retaining head teachers soon after it left the partnership, and it praised the development of policy on pupil discipline - the Steer report's committee was chaired by a head teacher, with the

majority of members from a teaching background (Department for Education and Skills, 2006).

Greer's (2004) picture of English NHS policy contains the same elements as education: diversity and competition mixed with a strong focus on targets and a top-down 'command and control' style. Faith is placed in managers (with less trust in the medical profession) and if this is not repaid by meeting targets, managers are publicly chastised or sacked. The Blair government also enhanced the purchaser/ provider split by subsuming GP surgeries into Primary Care Trusts which took on the commissioning responsibilities from strategic health authorities, providing incentives for foundation hospitals to look 'more private' and increasing the market share of the private sector. This suggests a consultation style which largely excludes the traditional professions and forces them to seek influence through criticism in the public arena. However, beyond the headlines, we see a more innocuous relationship based on the trade of access for resources (helped by the introduction of one of the most significant pay increases for consultants and GPs):

> There is a lot of cooperative work that goes on. The media will pick up only on the confrontation. We have daily contact with the civil service and ministers as the trade union for doctors. We also talk about professional or 'non-political' issues and will prop up the government message (interview, BMA, 2006).

BMA evidence confirms the continued relevance of Eckstein's (1960) study which described day-to-day contact between the government and a civil service-like BMA.

This extends to ‘non-negotiable’ issues such as independent treatment centres in which the BMA took a ‘behind the scenes’ role, providing advice on the first wave and then making recommendations to improve the second. In most cases the role of ministers has an appreciable effect (see Headey, 1974; Marsh et al, 2001), perhaps in reflection of the needs of departments at different times. For example, Alan Milburn was associated with the drive towards ‘command-and-control’ performance targets when waiting lists topped the agenda, Patricia Hewitt was an ambassadorial minister keen to foster the partnerships between health and local authorities necessary to deliver long-term health and social care policies, and Alan Johnson furthered the need to ‘keep the profession on board’ and slow down the process of change.

The government relationship with the RCN is similar, with regular contacts between the health secretary and its general secretary supplemented by more frequent contact between the RCN’s staff and the civil service. This relationship endured despite the poor reception given to the health secretary at the annual conference in 2006 (reflecting job losses) and the RCN’s challenge (by judicial review) to the government’s lack of consultation on PCTs contracting out the provision of nursing staff:[7]

> The day-to-day relationships have never deteriorated to the point where the minister won’t phone us to talk. There is never a real standoff with government. We are often in discussion with people where we know we have a different position on X but Y is unrelated and the discussions continue (interview, RCN, 2006).

In part, this is because the RCN has a significant membership in the private sector and so is more careful than groups such as Unison about opposing 'privatisation'. Its concerns are directed more to the *details* and *effects* of 'marketisation' rather than the principle. A similar picture can be painted of the NHS Confederation which represents a diverse range of healthcare bodies with different views (and holds resources based on its role in implementation). While its members' staff bore the brunt of the focus on targets, it is positive about the *principle* of targetry, with concern over the practical details (interview, NHS Confederation, 2006).

As in Scotland and Wales, the consultation style varies if we extend analysis to different types of health policy. However, discussions with other professions suggest that there is a greater feeling of exclusion based on the privileged access of medical and nursing groups (interview, Allied Health Professions, 2006). The main point of contact for other NHS professions is the health professional officer level, with the allied health officer lower in seniority to the chief nursing and medical officers. There is frustration at the lack of access to senior officials, particularly if the professional officer is not willing to present their case further up the chain. In part this is based on the still-significant medical model at the sectoral level (interview, Chartered Society of Physiotherapists, 2006). An element of this frustration regards the *lack of* targets for services not performed by doctors, with many professions keen to see the guarantee of spending that accompanies them. Similar problems are discussed by the British Dental Association

(interview, 2006). While sub-sectoral relationships are good, any decisions that require higher-level participation undermine the relationship.

Perhaps the greatest demonstration of group exclusion comes in mental health. The driver for change was a Home Office focus on public safety and this agenda was the biggest sticking point between pressure participants and government. The Mental Health Alliance (with an almost complete membership of voluntary, social work and medical groups) was formed to counter the direction of government policy and its opposition hardened after each round of cosmetic consultation (the end-result was that the original mental health bill was withdrawn). Yet, if we widen the analysis of mental health policy to other areas, the bill process is atypical. The UK has a long history of consensus in mental health and this continued when the government consulted on mental health services and the mental capacity bill (Cairney, 2007a). These less publicised relationships are also apparent in tobacco policy. For example, although the campaign led by ASH and the BMA to ban smoking in public places extended to the public and parliamentary arenas, most policy development (to introduce legislation and ensure Treasury support) was done behind the scenes (Cairney, 2007c). Similarly, Cancer Research UK has close links based on jointly-funded research and science projects, Department of Health funding of CRUK-run public health campaigns and collaboration within the National Cancer Research Institute. While its overt campaigning role did not develop until 2005, its influence as an expert was already apparent. This reflects a broader form of clientelism, apparent if we shift our focus from NHS reform.

In local government there is also an element of consultation beyond the headlines. The backdrop is the Thatcher era when attempts to control local authorities by legislation and budget capping were accompanied by the use of quangos to bypass local authorities in policy delivery (Greenwood et al, 2001: 157; Stoker, 2004: 32). The Labour government has furthered this agenda by fostering diversity in delivery (including the use of the voluntary and private sectors) and furthering tough, centrally driven targets (Greer and Jarman, 2008). However, the phrase 'top down' presents a misleading image of the relationship between local authorities and Whitehall. Consultation has *risen* since Labour's election and the working relationship between government and the Local Government Association is good (interview, LGA, 2006). It involves the formal process of minister-councillor contact within the Central-Local partnership which meets three times per year, its range of sub-committees (on shared services, performance management, health, etc.) which meet more frequently, day-to-day links between the Department of Communities and Local Government and the LGA's staff, and professional links between government and the Improvement and Development Agency (the LGA's sister-organisation focussed on service-led improvement). Dissatisfaction does not arise from the government's consultation style. Rather, local authorities bemoan elements of policy (with a 'big jump in centralisation' based on the direction of spending linked to audit) while welcoming others (such as measures to increase diversity and pursue 'double-devolution').

Conclusion

While most interviewees refer to a different *feel* to the consultation processes in Scotland and Wales, the evidence suggests that a common British (or European) style still exists. This is based on the logic of consultation and the benefits of reaching a consensus with interest groups rather than imposing decisions. In the UK, while some policy issues are non-negotiable and minister-driven, the bulk of government business is more humdrum, with civil servants struggling to engage the interest of senior decision-makers and relying on pressure participants for advice. There is regular and frequent contact over the substance and details of policy. Therefore, although devolution has made a difference to consultation styles, they are more complex than the simple majoritarian/ consensus distinction suggests. In Scotland and Wales, although relationships appear (and often are) closer, we see a less mature process of bureaucratic accommodation, similar shifts of policy formulation outside the bureaucratic arena and occasional periods of top-down policy-making. Indeed, the greater likelihood of coalition in Scotland and Wales has increased the scope for 'policy-making within parties' as a source of non-negotiable manifesto commitments. The key difference may be that in the UK groups are more likely to be dissatisfied with policy outcomes. Yet, the scale of participation in the UK (or the lack of ideological competition in Scotland and Wales) and the effect of sectorisation exaggerates its number of dissatisfied customers. There are winners and losers in all territories. Further, in the UK the attitudes of groups to government policy are often ambiguous, with many bemoaning policy outcomes on the one hand but criticising the quality of devolved service delivery on the other.

Of course, there is a big difference between being consulted and being *influential* and while groups may be *consulted* in England, they may *matter* in Scotland and Wales (particularly since they enjoy more frequent access with ministers). Groups in health, education and local government are not only called on for their technical expertise, but also enjoy favourable policy outcomes (based on a much greater trust in professional judgement in Scotland and Wales which contrasts with the pervasiveness of managerialism in England). Yet, this can be qualified in two main ways. First, much of the differences may result from size and policy capacity rather than a culture of consultation based on consensus politics. Second, much of this difference is asserted rather than demonstrated and based on the idea that we can identify the 'big' policy issues and compare the influence of groups within them. Many groups within UK policy communities will consider themselves successful if their issues are deemed *un*important, while ascribing influence is a problem inherent in all networks involving private negotiations and joint decision-making (Marsh et al, 2001: 196).

In effect, to accept uncritically the idea of systematic differences in policy styles based on broad political structures is to ignore the policy making logic that pushes governments towards embracing and defusing those with credible expertise. To simply accept the views of some participants that their access is superior to that of others is to give credence to generalizations not tested in experience. The assertion that access is better in Scotland and Wales is in part the rather biased conclusions of group populations who pushed for devolution. Similarly, the idea that there is top down policy domination in

England is often the conclusion of those parts of the group world who are disappointed in the negotiations.

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[3] The article uses 'UK' to avoid confusion with governing practices in English regions.

[4] Education unions in England and Wales: the Association of Teachers and Lecturers, Association of School and College Leaders, Professional Association of Teachers and National Association of Schoolmasters Union of Women Teachers, National Union Teachers and National Association of Head Teachers. In Scotland we also have the Educational Institute of Scotland (primary, secondary and heads), Scottish Secondary Teacher's Association, Association of Head Teachers and Deputes in Scotland (primary) and Headteachers' Association of Scotland (secondary).

[5] The EIS has approximately 58000 members including 17000 in secondaries. The SSTA has 8000. In pay negotiations there is no distinction made for head teachers.

[6] See also 'Estelle Morris Meets Women in Education – Chris Keates', Teachers TV http://www.teachers.tv/video/20273

[7] BBC News 26.4.06 'Hewitt heckled by furious nurses' http://news.bbc.co.uk/1/hi/health/4943596.stm; The Guardian 31.10.05 'Nurses launch legal fight to halt health contracts plan' http://www.guardian.co.uk/medicine/story/0,,1605142,00.html