Chapter 8 – Pressure Politics and the 'Scottish Policy Style'

Chapter 5 suggests that the Scottish Parliament did not foster new and effective forms of deliberative and participatory democracy. It highlights the similarities between the Westminster and Holyrood systems and argues that, in both, most policy is formulated outside the legislative arena following regular consultation between governments and **pressure participants** such as interest groups. This chapter examines the extent to which that process of policymaking is distinctive in Scotland following devolution. In other words, is there a 'Scottish Policy Style'? Policy style refers simply to the ways in which governments make and implement policy (Richardson, 1982). It has two dimensions: the way that governments make policy, in consultation with pressure participants; and, the way that they implement policy in partnership with organizations such as local authorities (chapter 7).

Pressure participants - bodies attempting to influence public policy. They can be trades unions or membership groups such as Greenpeace, but the organizations most likely to lobby governments are businesses, public sector bodies and other types of government (Jordan et al, 2004).

We can identify some hopes for 'new politics' in this area, linked to the idea that Scotland is a 'consensus' rather than a 'majoritarian' democracy (box 8.2). The SCC proposed, albeit in a rather vague way, a new type of *pluralist democracy* in which consultation with affected interests would be as wide as possible, not only with established interest groups but also previously excluded groups with a limited voice and ability to organise. This push for broader consultation is associated with a monitoring role performed by Scottish Parliament committees who may oblige the Scottish Government to consult far and wide until they are satisfied that all groups have 'had their say'. This would perhaps help produce a new and improved consultation process between the Scottish Government, Scottish Parliament and a wide range of representative organizations in the community, voluntary sector, professions and business. This inclusion of hitherto excluded sections of society would come at some expense to the 'usual suspects', or the larger and better resourced groups which tend to dominate consultation time with government.

The tone of much of these recommendations is based on the idea that new forms of consultation would take Scotland further away from UK policymaking which is relatively 'top-down' and based either on a lack of proper consultation or consultation restricted to a small number of powerful groups that squeeze out the competition. Yet, much of the policymaking literature suggests that this image of the UK is a caricature based on minimal evidence. Scotland may have its own policy style, but this is often related to factors unrelated to 'new politics' (such as Scotland's size and the scale of its responsibilities). The recommendations are also perhaps based on the assumption that there can be a Scottish-specific arena in which pressure participants can engage. Rather, organised groups must consider how best to influence policy in an era of 'multi-level governance' in which many levels and types of government are involved, from the European Union (chapter 10) to local authorities.   Further, the role of local authorities has changed since 2007, prompting many groups to reassess their lobbying strategies.

This chapter discusses:

- The meaning of 'pluralist democracy' and the SCC hopes for a new Scottish Policy Style.
- The nature of pressure politics in Scotland.
- The evidence of a difference between Scottish and UK policy styles.
- The strategies of interest groups in Scotland who are faced with uncertainty in the era of multi-level governance.
- The impact of SNP Government since 2007.

Pluralist Democracy in Scotland

One problem with representative democracy is that it is relatively easy to address the 'democratic deficit' by reforming political and geographical boundaries (shifting popular representation from the UK to Scotland), but difficult to address disenchantment with traditional forms of popular participation. We are still faced with low electoral turnouts (indeed, fewer people vote in Scottish Parliament elections than UK General) and a voting population with often limited knowledge of the policies of parties and candidates. One

alternative form of participation for individuals is through organisations such as interest groups (Jordan and Stevenson, 2000). Indeed, the relationship between pressure participants and governments is at the heart of explanations for government policy - most policy is made in policy 'networks' or 'communities' (box 8.1).

Box 8.1 The Pervasiveness of Policy Networks or Communities

The size and scope of any state is so large that its responsibilities are potentially unmanageable. Consequently, its component parts are broken down into policy sectors and sub-sectors, with power spread across government and shared with pressure participants. Ministers and senior civil servants devolve the bulk of decision making to less senior officials who consult with organised groups and exchange access for resources such as expertise. This exchange encourages group 'ownership' of policy and maximizes governmental knowledge of possible problems. 'Policy community' or 'network' describes this relationship between civil servants and certain groups. A (perhaps vague or intangible) sense of 'membership' of that community is often based on the willingness of its members to follow and enforce the same 'rules of the game'. When civil servants and groups form relationships, they recognize the benefits – such as institutional stability and policy continuity – of attempting to insulate their decisions from the wider political process. For example, inclusion within the community might depend on the gaining of personal trust or group-government relationships might become based on a 'common culture' in which there is strong agreement on the nature of, and solutions to, policy problems. If accurate, this image of policymaking suggests that communities are often difficult to access; that there are significant barriers to entry to the policymaking process. People can easily participate in pressure politics but find it more difficult to influence decisions (see Cairney, 2012a: 89-90).

The SCC envisaged a new role for interest groups engaging directly with the Scottish Government and Scottish Parliament. Perhaps in recognition of the barriers to policy influence described in box 8.1, it rejects the idea that this consultation will take place with the 'usual suspects', or the biggest and most resourced interest groups who already have close

ties to government. This push for broader consultation is associated with an unusual formal monitoring role (introduced by the SCG) performed by Scottish Parliament committees who may oblige the Scottish Government to consult far and wide until they are satisfied that all groups have 'had their say' on draft legislation (a power used very rarely, which suggests that the Scottish Government tends to consult well enough). In other words, we can identify hopes for an improved pluralist democracy, with widespread consultation between the Scottish Government and a broader range of groups, with less time spent talking to the 'usual suspects' and more with previously excluded groups. Access for groups would be more frequent and of a better quality than in the past; the consultation process would be more open, perhaps with a clearer link between group effort and the end result. As described, these aims are reminiscent of Lijphart's (1999) famous description of consensus democracies, marking deliberate movement away from the idea of 'majoritarian' democracy (box 8.2).

Box 8.2 Majoritarian and Consensus Democracies

Lijphart (1999) presents a simple distinction between 'majoritarian' and 'consensus' democracies according to their formal institutional make-up (a comprehensive table outlining their differences can be found in Cairney, 2012a: 89). Lijphart's (1999: 2) argument is that there are two basic models of electoral and political system design: those that concentrate power in the hands of the few (majoritarian) and those that 'share, disperse, and limit power' (consensus). In a majoritarian democracy the first-past-the-post voting system exaggerates governing majorities by (in most cases) granting a majority of seats in the legislature to a party which commands only a plurality of the vote. This result in the UK, combined with an imbalance of power towards the governing party's leadership, a weak second chamber and a unitary government, generally produces a concentration of power at the centre. Lijphart (1999: 2-3) associates majoritarian democracies with an 'exclusive, competitive and adversarial' mentality in which parties compete within parliament, interest groups are more likely to compete with each other than cooperate, and governments are more likely to impose policy from the top down than seek consensus. In effect, this is a description of the 'Westminster model' so familiar to students of UK and Scottish politics (box 2.1).   In a 'consensus' democracy, the proportional electoral system generally produces no overall majority and power is dispersed across parties, encouraging the formation of coalitions based

on common aims. This spirit of 'inclusiveness, bargaining and compromise' extends to group-government relations, with groups more likely to cooperate with each other and governments more willing to form corporatist alliances).

Using Lijphart's measures, Flinders (2010) identifies profoundly different political systems in the UK and Scotland. 'Bi-constitutionalism' suggests that, while the UK remains majoritarian, the devolved Scottish arena became like a consensus democracy in the Lijphart mould, with a proportional electoral system providing a new context conducive to power sharing among parties, between government and Parliament, and between the government and interest groups (2010: 173-7). This interpretation, and method of calculation, is critiqued by Jordan and Cairney (2013).

Yet, this simple binary distinction between the 'majoritarian' UK and 'consensus' Scottish democracy is just as problematic as the description of 'old Westminster' and 'new Scottish Parliament' that we describe in chapter 1. It is based on a caricature of UK politics that is often assumed rather than demonstrated. For example, it assumes (wrongly) that the barriers to consultation are relatively high in the UK. These points should be borne in mind when we consider the 'Scottish Policy Style'. The evidence may suggest that group-government relations in Scotland are generally consensual, but does it also suggest that such relations differ from other countries such as the UK?

Pressure Politics in Scotland: the development of 'territorial policy communities'

What we can say with more certainty is that devolution has changed the ways in which groups and governments interact in Scotland. Keating et al (2009: 54) suggest that devolved policymaking arrangements are particularly significant in Scotland, compared to Wales and Northern Ireland, because the Scottish Parliament was granted the most powers within the UK political system. Their main suggestion is that, in Scotland, we should expect:

1. Relatively high levels of interest group devolution, or the proliferation of new Scottish groups, as groups feel increasingly obliged to lobby Scottish political institutions.

2. 'Cognitive change', in which policy problems are defined from a Scottish territorial perspective and groups follow, and seek to influence, a devolved policy agenda.

3. In some cases, very close relationships between groups and government. The relationships might resemble 'corporatism' (in which representatives of business, trades unions and government from close relationships which are 'institutionalised' within government policymaking structures), although the Scottish Government does not have the economic policy levers associated with such relationships.

4. A new group-government dynamic, in which groups might either coalesce around a common lobbying strategy, or find that they are now competitors in their new environment.

5. A series of 'historic legacies' based on how groups initially viewed devolution. For example, groups opposed to devolution may have been slower to adapt and devote resources to lobbying new Scottish institutions.

While many UK groups had regional arms, and many Scottish-specific groups existed before devolution (partly reflecting the value of lobbying the old Scottish Office), there has been a significant shift of group attention to reflect the new devolved arrangements. In particular, UK groups have devolved further resources to their Scottish offices to reflect the devolution of power and their new lobbying demands (50% of groups lobbying in Scotland fall into this category – Keating, 2005a: 65). We should not over-estimate this shift, since organisational devolution has varied (often according to the level of devolution in their areas – e.g. trade union devolution is often limited, reflecting the reservation of employment law) and some groups have provided few additional resources (such as one additional member of staff).

Perhaps more importantly, groups increasingly follow a devolved policy agenda. This shift of focus varies, from Scottish compulsory education (and, to a lesser extent, health) policy which has always been distinct in Scotland and most relevant organisations existed long before devolution in 1999 (Cairney, 2013a), to examples such as 'free personal care' in which the Scottish Government was preparing to make its own decision, and areas such as economic development in which there is still a limited, but important, Scottish Government role. They also face a new organisational task. The pre-1999 process often involved the Scottish Office

deciding how to implement a version of UK Government policy, perhaps joining with a coalition of groups to attempt to influence UK policy formulation. It was replaced by the need for the Scottish Government to come up with its own policies and, consequently, for pressure participants to answer Scottish Government calls for policy ideas. This may also come with a new dynamic: the same groups, formerly joined together in (for example) a united lobby against UK policies, now find that they have to compete with each other, or at least have more of a chance to express different views.

The evidence suggests that some groups addressed the need to change more quickly than others. Most notably, business groups opposed to devolution (and linked in the minds of many to Conservative party rule up to 1997) were relatively slow to adapt, while the voluntary sector quickly established links that it began to develop with the Labour party in government from 1997 (Keating et al, 2009: 55). Perhaps ironically (since education was relatively devolved), some teacher unions took time to adapt to their new arrangements after significant spells in which they enjoyed very poor relationships with civil servants in the Scottish Office (Cairney, 2013a).

Interest groups and participation: the evidence

How do we assess the evidence on group-government relations and relate it to the fulfilment of SCC aims? The most direct way is to talk to a wide range of organisations such as interest groups and ask them to assess their experiences since devolution (and, if possible, to compare them with pre-1999 consultations). Box 8.3 reports the key findings of research conducted within the first two years of devolution.

Box 8.3 Interest groups: the post-devolution experience

- Devolution caused a profound shift of group focus, with many Scottish groups increasing their policy capacity and UK groups increasing the resource of their Scottish arms.

- Groups have a positive image of the Scottish Parliament and Scottish Government and choose to 'hedge their bets' and influence both.

- Both the Scottish Parliament (MSPs and committees) and the Scottish Government (ministers and civil servants) are much easier to access, with fewer resources required by groups to engage and a greater willingness of decision-makers to consult.

- Groups enjoy regular dialogue with MSPs and civil servants.

- The terms of engagement have changed, from the lobbying and complaining which characterized engagement with the Scottish Office, to substantive debate and engagement on policy issues with the Scottish Government.

- Networks have also developed between groups with similar interests - such as the 'gang of 5' business groups (including the CBI and Chambers of Commerce) - and more common ground has been found between a range of economic and social groups around Scottish Government themes such as social inclusion.

Source: Keating and Stevenson (2001); Keating (2005; 2009); Keating et al (2009).

It suggests that the experience of interest groups is broadly (although not completely) in line with the hopes associated with new politics. Groups are generally positive about devolution, feel engaged and listened to, and benefit from their proximity to decision-makers. Therefore, devolution has marked a profound and enduring shift in the fortunes of interest groups trying to influence Scottish policy (similar conclusions are also reported by groups in Wales). Interest groups report better relations than they experienced before devolution, and most suggest that their lobbying experiences are superior to those enjoyed at the UK Government level.

However, we need to bear in mind the difference between group *perceptions* of their lobbying experiences and their *knowledge* regarding why they are in this new position and how it compares to equivalent processes related to the UK Government. Consequently, there are several arguments which may qualify this rosy picture, divided into a consideration of group perceptions and Scottish-specific conditions.

The first point on group perceptions (made by Grant Jordan and discussed to some extent in Jordan and Stevenson, 2000) is that, since many of the groups interviewed were associated with the devolution movement, they would be very unlikely to report that devolution did not make a difference (in other words, 'they would say that, wouldn't they?'). Second, comparisons are often based on a skewed idea of group-government relations in the UK (Jordan and Stevenson, 2000; Jordan and Cairney, 2013). The barriers to entry to the UK government consultation process have always been low (and, since 1999, we have seen that process become easier following the use of information technology to manage consultations). Consultation lists are large and groups are generally included if they ask. The process on this scale therefore becomes 'cosmetic'; a 'trawling exercise' with low-level civil-service involvement (Grant, 2000). Maloney *et al.* (1994: 32) distinguished between 'peripheral insider' groups (engaged but not influential in the process) with core or specialist insiders who enjoy more frequent and fruitful contact with government.

This is relevant to Scotland 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, 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'. Often, groups will also report the higher likelihood that civil servants will act as gatekeepers to ministers, particularly if the issue is no longer on the Scottish Government's agenda.

Third, *interest-group* devolution may explain why Scottish groups are so enthusiastic about relationships with government. They are comparing their influence now with their lack of influence before devolution (as relatively neglected regional offices), rather than the influence their *UK counterparts* enjoyed. Similarly, independent groups are comparing their access as Scottish groups in devolved territories with their previous UK experience of competition with groups who had more resources and better access to UK decision-makers. Devolution may therefore be as much about reducing competition as opening channels of access. Or, groups may find that an issue that was crowded out by other agendas in the UK may receive greater prominence in Scotland.

These three points were perhaps most relevant in the early years of devolution, particularly for interviewees with longer memories. Many of the most vocal supporters of devolution were from interests that had poor contacts with successive UK Conservative Governments and pursued agendas not favoured by the Conservatives. The calls for 'new politics' were perhaps sparked by this specific political tension rather than a more general 'majoritarian' or top-down style. The idea that the UK government failed to engage with groups perhaps gives way to the idea that it paid relatively little attention to 'fringe' interests representing agendas different from the majority party. Groups are perhaps now more able to reflect on their experiences over the longer term.

Fourth, it is the size of the interest-group population in England which exaggerates the appearance of 'top-down' policy-making which excludes many groups. There are fewer 'winners' and more 'losers' to highlight their exclusion or lack of influence. In Scotland, while groups may feel more included there is still a process of winning and losing. Although devolution presents a new opportunity to engage with government, many groups may not have the capacity to exploit it. Much depends on the status of groups before devolution, with independent groups reporting fewer problems compared to devolved arms of UK organizations with insufficient organizational devolution. Some may have one member of staff with no research capacity. So, for example, the biggest winner is often local government (and its associated professional groups) which is relatively well-resourced and a crucial player in the implementation of policy. Or, there are dominant groups within particular policy areas, such as the Educational Institute for Scotland or the British Medical Association (Box 8.4).

Fifth, interviews with a large number of groups will throw up a range of perceptions and responses to the same questions. In particular, many groups report fluctuating fortunes according to the agenda of the Scottish Government at any particular time. For example, many business groups were initially opposed to devolution and it took them some time to develop a meaningful relationship with the Scottish Government. This was particularly the case for groups representing landowners and seen as the 'old guard' with close links to previous Conservative Governments. In contrast, social groups and trade unions already had a good relationship with government following the election of Labour in 1997. These groups were supportive of devolution and were able to build on relationships immediately. There was also a strong social policy agenda immediately following devolution. This meant that

social and voluntary groups were more likely to seek and gain access. Then, from 2003-07, there was a significant shift of focus to the importance of the economy, perhaps at the expense of social issues. Labour's punitive focus on crime also had the potential to undermine, or at least detract attention from, the initial focus on social inclusion (for example, homelessness groups worried that the focus on anti-social behaviour undermined the security of housing tenancies). As a result, business groups felt more influential in this second term and some social groups felt marginalized following the shift. There were some expectations that the election of an SNP Government might interrupt established group-government relationships – perhaps, for example, having a great effect on the Scottish Government's relationship with trades unions. However, arguably the biggest effect has been on its relationship with local authorities (discussed below) as well as particular bodies following particular decisions (such as to regulate alcohol – box 8.5).

The first point to note on Scottish-specific conditions is that we can reasonably expect a degree of similarity in Scottish and UK processes. In particular, there is the same logic to regular consultation with the 'usual suspects'. These groups have resources valuable to government – such as the expertise necessary to give good advice and the ability to represent a large group of people with often-similar views (the latter is often associated with 'professional' groups of, for example, teachers, doctors and nurses). In Scotland there is a growing acknowledgement by groups and government on this point. After an initial flurry of activity, groups have become more selective in their approach to consultation responses, while governments are increasingly aware of the greater need to consult those most affected by, and involved in, the implementation of policy. A good example of this process is when some groups talk about pre-consultation, or even in some cases what might be clumsily called pre-pre-consultation! In other words, some groups are contacted before the consultation goes out to the general public. Others are asked to form working groups to advise the Scottish Government on what the consultation should look like. Therefore the consultation may eventually be wide but, by the time the questions are asked of the public, the debate has been 'framed' in a particular way based on answers that have already been provided.

Second, we are rarely comparing like-with-like when we study the top level of government in each country. In Scotland, the interest-group population is relatively small, allowing senior ministers and civil servants the ability to manage policy communities

personally. In other words, it is often possible in Scotland to have a meeting with all the major players in one small seminar room (in England it would require a lecture theatre). In England, the terrain is vast and the scope of government is divided into more manageable sub-sectors at lower levels of government (or government agencies). It is at this lower level of government that UK-focused groups are more likely to express satisfaction with their participation.

Third, these new consultation arrangements may be borne out of necessity as well as choice; as a reflection of policymaking constraints as well as a new culture. The Scottish Government suffers from a relative lack of policy capacity in comparison to the UK Government (in other words, it has far fewer, trained and experienced, civil servants available to research, consult on and make policy). The legacy of the Scottish Office is a civil service engaged in policy implementation rather than policy formulation. It lacked capacity following devolution and relied heavily on outside interests for information and advice. As Keating (2005a: 106) suggests, this factor combined with a smaller political arena (with closer personal contacts and easier coordination) explains high levels of participation and the 'Scottish Policy Style'.

A final point is that the first eight years of devolution went hand in hand with significant increases in UK and Scottish public expenditure. The main effect was that there were comparatively few major policy disagreements in Scotland. Departments or groups were competing with each other for resources, but that competition was not fierce because most policy programmes appeared to be relatively well funded. In fact, the Scottish Government did not spend its entire budget from 1999-2007 (instead, it maintained a surplus or 'end year flexibility' - chapter 11). Now, in the austerity era, in which Scottish Government budgets are falling, there is more potential for strained relationships between government and groups, and competition between different groups or interests, when tougher policy choices have to be made. Time will tell if the first 'honeymoon' decade of Scottish group-government relations reflected a particularly Scottish culture of cooperation and the pursuit of consensus or the once favourable economic climate (Cairney, 2011a: 80).

Box 8.4 Pluralism and the usual suspects

Most groups may report better links with the Scottish Government, but the 'usual suspects' may still be consulted most. We can see this in a range of policy areas. In compulsory education, there is less union competition than we find in England. The Educational Institute for Scotland is by far the biggest union with 58,000 members (its closest 'rival', the Scottish Secondary Teachers' Association has 8,000) and head-teacher organizations often do not have the status enjoyed in England. This means that the EIS dominates professional representation in pay negotiations since 'seats at the table' are allocated by size. In health, the British Medical Association and Royal College of Nursing are consulted routinely, while the remainder of the health profession may struggle for systematic inclusion (via the Allied Health Professions group which is not well funded). In issues relating to local government, although individual professions are represented, the Convention of Scottish Local Authorities (COSLA) is by far the most consulted. The Scottish Council for Voluntary Organisations (SCVO) has a prominent place as a key (but not sole) representative of the 'third' or voluntary sector. In issues related to business, the 'big 5' (Confederation of British Industry, Institute of Directors, Chambers of Commerce, Scottish Financial Enterprise, Scottish Council for Development and Industry) formed a group which often excluded the Federation of Small Businesses. In issues related to the environment, Friends of the Earth is realistic about its influence when environmental policy competes with agriculture. Further, since the drafting of legislation requires expertise, the Law Society of Scotland and Faculty of Advocates are called upon more than most. Yet, it is still appropriate to describe the Scottish system as pluralistic: (a) because no group dominates one policy area to the exclusion of all others; and (b) this large range of elites competing for governmental attention and public policy resources ensures that no group dominates the policy-process as a whole. The picture also changes with, for example, the EIS now less powerful following the devolution of much education policymaking to local authorities. Of course, this discussion suggests that 'pluralism' is not synonymous with equality of access and power. Rather, it is 'elitism's close cousin' (Moran, 2005: 16).

How do interest groups deal with multi-level governance?

Chapter 10 identifies the importance of multi-level governance, which partly involves the spread of policymaking responsibility to many levels (including the EU, UK, Scottish Government, and local authorities) and types of government (such as central, local, agencies and quangos). One consequence of this complicated picture is that pressure participants often adopt rather sophisticated strategies to make sure that they are lobbying the right people at the right times. This may be easier for some than others, since lobbying takes time and resources that not all groups possess.

There are three main points to note. First, not surprisingly, groups are more willing to seek access to Scottish institutions when they appear to be central to, or have a significant influence on, particular policies. Second, the strategy of groups varies according to their own resources and organizational structure. In other words, small groups with few resources to lobby tend to focus their attention on the Scottish Government as a route into the UK and EU (and even local authority) arenas. Similarly, Scottish arms of UK organizations often filter their views up to the UK centre, with direct governmental contact often restricted to the Scottish Government as a supplement to the main event (since Scottish arms of groups rarely develop their own positions on EU and UK policy). Third, there is significant variation by policy area (see Keating, 2005a; 2010; Keating and Stevenson, 2001). Therefore, as a whole, we see distinct policy areas with varying group strategies within them. A number of examples should demonstrate this point.

Policy areas more reserved than devolved

Since most economic policy areas are reserved, the big banks based in Scotland tend to focus their efforts towards the UK and wider international fields, either individually or as part of the British Bankers' Association. This is a process complicated by the economic crisis and the failure of many major banks, but the experience suggests that the main point of contact remained the UK, not Scottish, Government (and the UK Government is now the majority shareholder of the Royal Bank of Scotland). Scottish banks are also part of Scottish Financial Enterprise which seeks to promote a positive image of the financial sector through issues such as education and training and social inclusion (again, an aim that was undermined severely by the economic crisis and the role and plight of many of the major banks).

The whisky trade (which may be based in Scotland but is increasingly owned elsewhere) traditionally focused almost all of its efforts at the UK and EU levels, with issues of duty and general taxation at the forefront of their concerns. This focus changed somewhat after 2007 when the Scottish Government announced plans to introduce a minimum price on a unit of alcohol (and the SWA became the main representative of the alcohol industry seeking to oppose the measures - box 8.5).

The Scottish arms of business groups such as the Confederation of British Industry, Institute of Directors and Federation of Small Business in Scotland lobby in the Scottish arena (business rates, tourism, training, transport) while maintaining links with their UK organizations which take the lead on UK and European issues. They are also often key players in the debate on constitutional change, partly because the idea of business confidence and uncertainty is often used by opponents of independence to try to close down the debate (chapter 12).

Scottish Trades Union Congress (STUC): An umbrella body to articulate the views of trades unions in Scotland.

The reserved nature of employment law and the minimum wage may explain why it has taken a long time for UK unions to devolve significant resources to their Scottish branches. The biggest exception is the large public-sector trade union UNISON which largely represents a range of NHS staff. The **Scottish Trades Union Congress** (STUC) (a separate organization from the TUC), enjoyed close links with the Scottish Labour Party and signed a concordat in 2004 with the Scottish Government to make sure that access to the civil servants would be similar to access to ministers even following a change of party in government. It discusses devolved matters - such as economic development, public services, 'social partnership' and lifelong learning - with blurred issues such as the health and safety of public sector workers more difficult to resolve.

Policy areas which are devolved but Europeanized

Since agriculture policy is Europeanized, Scottish groups must maintain links with the UK government to access the EU formally. The National Farmers Union Scotland (NFUS) uses the Scottish Government as a first point of formal contact while maintaining day-to-day links

with the NFU England (which is a separate organization) and broad European networks. The reform of the EU Common Agricultural Policy (CAP) has increased the scope for territorial differences in implementation, but most of the consultation documents issued by the Scottish Government relate to EU or UK agendas. The NFUS supplements these links with informal EU contact through a Brussels office it shares with the NFU.

Environmental policy has, since 1999, shared a government department with agriculture (although the Scottish Government is increasingly blurring boundaries between formal departments – see chapter 6). Therefore, while Friends of the Earth (FOE) Scotland (a separate organization from the rest of the UK) focuses most of its efforts in Scotland, it is realistic about its relative success given the size of the agricultural budget compared to environmental spending. While there are some relevant reserved issues (such as company law) it spends the remainder of its time linking with FOE Europe. The number of Scottish Government consultation documents arising from EU or UK agendas is similarly high.

Relatively devolved areas

Compulsory education policy is possibly the best example of focused group activity at a devolved level. Teaching unions such as the Educational Institute of Scotland (EIS) focus primarily on lobbying the Scottish Government and negotiating with local authorities. Although Scottish branches of UK organizations have some degree of representation, the EIS is by far the biggest. This reflects a long tradition of difference in Scottish education (Cairney, 2013a). In higher education, the University and College Union (Scottish Branch) has a Scottish focus, although the existence of UK-wide arrangements for research funding and the high mobility of staff necessitates a greater degree of integration with a UK body.

Health policy is one of the most devolved areas and the British Medical Association (BMA) and Royal College of Nursing (RCN) had reasonably well-established Scottish organizations before devolution. However, while both enjoy a high degree of autonomy on Scottish matters they also complain about a lack of UK understanding of devolution and a lack of organizational devolution (which affects levels of staffing and finance for devolved offices). Both tend to focus on Scottish NHS delivery (including the terms and conditions of their staff). The Royal Colleges of Surgeons and Physicians also influence the Scottish NHS,

but as bodies interested in standards, clinical guidelines and delivery rather than as a union. A significant UK focus is maintained by the reservation of medical standards and training. While all of these groups have an interest in Europeanization following the effects of the Working Time Directive, lobbying would take place around the implementation.

While social work policy is devolved, there are good reasons to keep a UK as well as Scottish focus. The British Association of Social Workers (UK arm in Scotland) tends to follow policy developments. If, for example, a mental health bill or social work review is being processed by the Scottish Government it will direct its focus there. If there is an asylum bill or UK consideration of adoption, it then refocuses its efforts. This contrasts to some degree with housing and homelessness policy. Housing is devolved (although there are reserved elements such as levels of housing benefit) and groups tend to direct their efforts toward the Scottish Government and Parliament (with no real contact with MPs or MEPs). The SCVO generally devotes its time to developments within Scotland, but cannot maintain a sole Scottish focus while issues such as charity law remain reserved.

Box 8.5 Cigarettes and Alcohol

When groups seek to influence government they are faced not only with the appearance of multi-level policy responsibilities, but also shifting attitudes of governments to those groups and the policies they promote. A key example of this shift can be found in Scottish Government policies on public health. Two of the Scottish Government's most high profile Acts have come in this area: the *Smoking, Health and Social Care (Scotland) Act 2005* (to ban smoking in public places) and the *Alcohol (Minimum Pricing) Scotland Act 2012*. The smoking ban was a pivotal moment in Scottish tobacco control (and is sometimes described as the most important bill in Scottish Parliament history), but might also be regarded as the logical conclusion to 20-30 years of policy change, with public health and medical groups increasingly consulted at the expense of tobacco companies. Indeed, tobacco companies are more willing than most organisations to employ firms to make legal challenges on initiatives (such as the Scottish Government plan to enforce plain packaging, with large health warnings

for cigarettes) if their 'venue shopping' at the Scottish, UK and EU levels proves unsuccessful (Cairney, 2007b; 2007d; 2008; 2009a; Asare et al, 2009; Cairney et al, 2012).

Alcohol policy is different because consumption is more difficult to 'de-normalise' (people can consume alcohol socially in safe amounts) and alcohol companies are not as 'demonised' as their tobacco equivalents (indeed, whisky manufacturers may still enjoy a very positive image). Consequently, governments often negotiate policies in partnership with both public health and alcohol industry bodies (including the major producers and, for example, the supermarkets that sell the products). Holden and Hawkins (2012: 11) argue that the election of the SNP in 2007 marked a significant shift in group-government relations, undermining the partnership-with-industry approach of its predecessor government by pressing ahead with plans for a minimum unit price for alcohol. The Scottish Government was still open for consultation, but based on the understanding that it had made a decision in this case. Consequently, the industry campaigned to influence opposition MSPs (a crucial factor – the SNP was only able to pass the bill when it formed a majority government in 2011), employed PR firms to oppose the measures in the media and explored the possibility of making a legal challenge in Scottish courts and/ or at the EU level (2012: 18-19).

The impact of SNP Government since 2007

Chapter 7 describes a major SNP effect on central-local relations, with the Scottish Government signing a concordat with COSLA that introduces greater autonomy for local authorities. This move has enhanced an already distinctive 'Scottish Policy Style' relating to the ways in which it implements policy. The Scottish Government often, and increasingly, adopts a 'bottom up' approach to implementation in which flexibility is built into the initial policy. In comparison with the dominant image of the UK Government's implementation style, there is less of a sense of top-down control linked to specific targets which are monitored and enforced energetically (Greer and Jarman, 2008; Cairney, 2011a: 184). Implementing bodies are often given considerable discretion to manage implementation, based perhaps on a combination of 'a high degree of trust in the professionalism of providers' (Greer and Jarman, 2008: 178), the ability of Scottish policymakers to form direct, personal

relationships with the chief executives of health boards and local authorities, and the philosophies of particular governments. The SNP Government, and Alex Salmond in particular, has signalled an end to 'top-down diktats' (Cairney, 2011a: 130).

This move has benefited local authorities (often the biggest players in Scottish Government consultations) but is often criticised by other pressure participants. It produces the counter-intuitive finding that the same Scottish groups, who seem relatively satisfied with the consultation process (discussed above), often appear to be more disappointed with policy outcomes than their UK counterparts (even allowing for the fact that some pro-devolution campaigners had exaggerated hopes for major policy change). Such dissatisfaction may be an unintended consequence of the combination of Scottish policy styles. First, it adopts a consensual consultation style, promoting high group ownership of policy and signalling to groups that they can make a difference to government decisions. Second, it pursues a bottom-up implementation style, in which it sets strategic priorities but often leaves the details of implementation to other organisations.

Consequently, groups with limited resources may be the least supportive of flexible delivery arrangements because they often only have the ability to influence the initial policy choice made by the Scottish Government. The more that governments make policy commitments that lack detailed restrictions, and leave the final outcome to the organisations that deliver policy, the less some groups see their initial influence continued during implementation (Cairney, 2009b: 366). Even the better resourced groups, which once had to influence a single Scottish Government, may now have to lobby to influence 32 different local authorities with different aims. The potential irony is that a combination of two different Scottish policy styles, both of which focus on consensus and trust, may contribute to rather tense group-government relationships. For example, teaching unions and local authorities often engage in relatively tense negotiations at the local level (Cairney, 2013a) and similar tensions may develop between local and health authorities. The devolution of responsibility also makes allies of many groups and the Scottish Parliament which is often frustrated by its inability to hold the Scottish Government to account when it devolves so much responsibility to local and health authorities.

Conclusion

Most policy is made by governments in consultation with pressure participants such as interest groups. This chapter examines the extent to which that process, or pluralist democracy, is distinctive in Scotland. This was certainly the aim of devolution reformers, with the SCC drawing (albeit rather broadly) on ideas that we might associate with Lijphart's (1999) distinction between majoritarian and consensus democracies. It is also the picture identified by Flinders (2010), who identifies 'bi-constitutionality', or the development of a consensus democracy in Scotland at the same time as the Labour Government maintained majoritarianism in the UK.

There is certainly extensive evidence to suggest that Scotland has its own system of group government relations, associated with Keating et al's (2009) idea of 'territorial policy communities'. Scottish groups have refocused their efforts towards the Scottish arena and the different policy agendas pursued by the Scottish Government. However, the evidence also points to a rather complicated picture of group-government relations, in which the 'Scottish Policy Style' may often be distinctive, but that difference may not necessarily be caused by a new culture of policymaking or new Scottish institutions.

There is some evidence that the Scottish Government does not just consult with the 'usual suspects'. Further, most groups interviewed are satisfied with the consultation process, feel that decision-makers are accessible and that their opinions are listened to. However, the extent to which the Scottish process differs from the UK is debatable. Further, the differences may relate most to particular circumstances in Scotland (for example, the Scottish Government has relatively limited policy capacity and relies more on outside groups for information and advice) and perhaps even a particular era (when public expenditure was high, reducing competition for policy resources).

It is also difficult to talk of a distinctive Scottish style when pressure participants often have to maintain a sophisticated lobbying strategy to ensure that they lobby the right people at the right level of government at the right time. A key development in this multi-level picture is the new role of local authorities as the locus of power for many decisions which were once the purview of the Scottish Government. Groups may increasingly find that a focus on a 'Scottish Policy Style' is misleading, since group-government relations may vary considerably within Scotland.

Further reading

Keating (2005; 2010; Keating et al 2009) and Cairney (2008; 2009c; 2011a; 2011b; 2013a; Cairney and Jordan, 2013) have written extensively on 'Territorial Policy Communities' and the 'Scottish Policy Style'. See Cairney (2012a: chapter 8) and chapter 9 for further reading on multi-level governance.

Online sources

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Friends of the Earth Scotland http://www.foe-scotland.org.uk/
Scottish Council for Development and Industry http://www.scdi.org.uk/
Scottish Trades Union Congress http://www.stuc.org.uk/
CBI Scotland http://www.cbi.org.uk/about-the-cbi/uk/scotland/
Scottish Council for Voluntary Organizations http://www.scvo.org.uk/
NFU Scotland - http://www.nfus.org.uk/
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ASH Scotland - http://www.ashscotland.org.uk/
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