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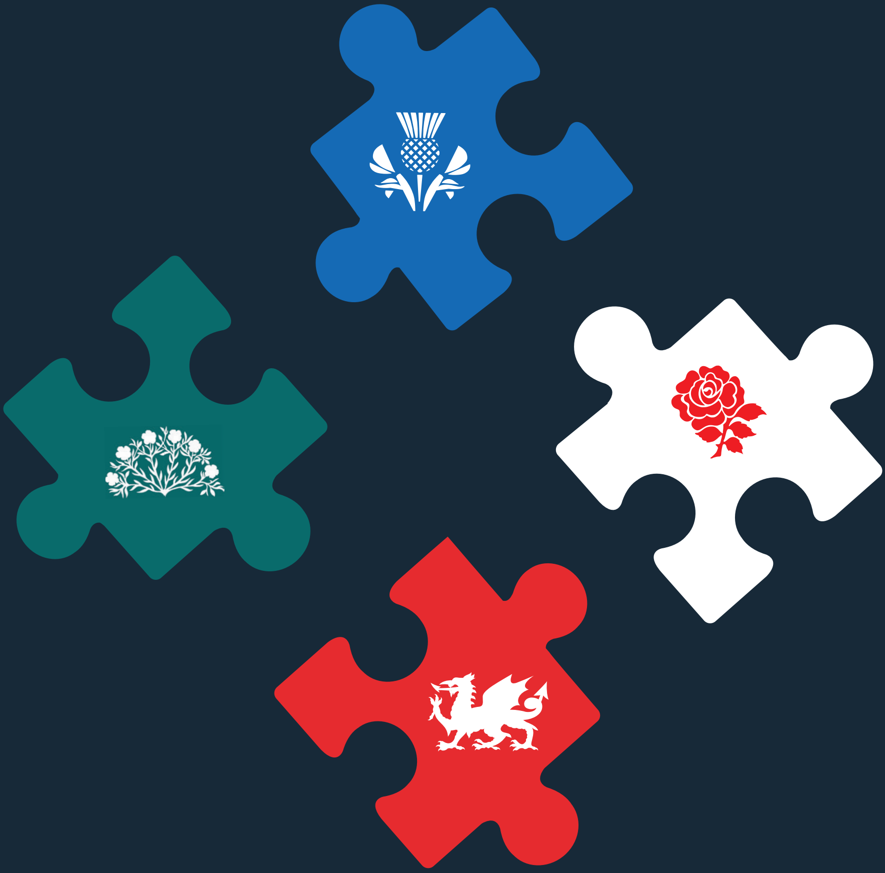
Has Devolution Worked?

The first 20 years



Edited by Akash Paun and Sam Macrory

About this report

Has Devolution Worked? is the latest publication from the Institute for Government's devolution research programme. It includes 10 commissioned essays, each of which addresses a particular question about the success of devolution since 1999. Part 1 of the report comprises essays that consider the success of devolution to Scotland, Northern Ireland, Wales, London and the English regions. Part 2 consists of thematic analyses of the impact of devolution on the economy, trust in politics, policy innovation, diversity and the UK constitution as a whole. The report also includes an exclusive interview with Tony Blair about devolution, Brexit and the future of the Union, and an overview of the whole essay collection by the Institute for Government.

Find out more at:
www.instituteforgovernment.org.uk/devolution-uk-nations

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Overview: Has devolution worked?

Akash Paun and Bronwen Maddox,
Institute for Government

The devolution reforms that began 20 years ago mark one of the biggest changes that the UK has deliberately made to its own government. The separate identities of Scotland, Wales and Northern Ireland are part of the long history of the UK. But the commitment to devolution in the 1997 Labour Party manifesto,[1] coupled with the Good Friday Agreement of April 1998,[2] opened the door to the constitutional changes of the past two decades. Together they gave Scotland, Wales and Northern Ireland more powers to govern themselves and began to give more limited powers to some regions and cities of England.

What should we make of these changes now? How should we judge success? And what should we expect from the future, now that the prospect of Brexit has brought new political and constitutional strains to evolving arrangements? Those strains are of such severity that a new referendum on Scotland's independence and a border poll on the reunification of Northern Ireland with the Republic of Ireland are now entirely imaginable.

To address these questions, the Institute for Government commissioned 10 essays, written by experts on devolution from across the UK, and edited by Akash Paun and Sam Macrory. Part 1 of this report considers the success of devolution in each nation of the UK. Part 2 asks whether devolution has delivered the democratic, economic and policy benefits promised at the outset. The report also includes an interview with Tony Blair, one of the leading architects of devolution, about his aspirations for devolution and his assessment of how it has worked. We are grateful to all the contributors and to the Joseph Rowntree Reform Trust Ltd for their support.

Three ways to assess the success of devolution

The authors suggest different ways to judge devolution's success. The first might be whether it has improved the quality of political representation, governance and engagement, and people's sense of the legitimacy of government overall. A second might be the performance of the economy, the improvement of public services and success in putting policies into practice – the 'devolution dividend', as some call it. Within that, our authors also look at devolution's success in acting as a 'policy laboratory', testing and showcasing policies in one area for the benefit of the rest.[3] A third measure of success might be what devolution has done for the unity of the UK and for the clarity of its constitutional arrangements.

Devolution has won the battle for legitimacy in Scotland and Wales

By those measures, the essays suggest, devolution's greatest success lies in the first domain – in giving people a sense of being governed close to home and in improving public trust.

David Torrance makes this argument in his opening essay on Scotland (Chapter 1), and a similar case could be made for Wales. In Scotland and Wales, 18 years of Conservative government, based on the Conservative Party's popularity in England, had eroded the perceived legitimacy of the UK's centralised, winner-takes-all constitution. Unpopular policies such as the poll tax led to what James Mitchell (Chapter 10) describes as a "legitimacy deficit" in Scotland: "What was being called into question by supporters of devolution were the 'rules of the game', the very constitution itself rather than the result." In Wales, Gerald Holtham (Chapter 3) similarly notes that the case for devolution rested on "the need to restore democracy to a form of government that had acquired a colonial aspect".

The collapse of Conservative support outside England was seen in 1997, when the party lost every one of its Scottish and Welsh seats after campaigning against devolution. That September, a referendum in Scotland saw almost three quarters of voters support the creation of the Scottish Parliament.

Pro-devolution sentiment was initially weaker in Wales. In 1979, devolution was rejected by 80% of voters. In 1997, just 50.3% of voters endorsed the creation of the National Assembly in Cardiff. In 2011, 63% voted to transform the weak Assembly, which could legislate only with UK Parliament authorisation, into a proper Parliament, with law-making powers across 20 broad policy domains. Devolution has won the battle for political legitimacy.

This shows up in polling. As Emily Gray and Ben Page (Chapter 7) note, in both Scotland and Wales people are more likely to trust the devolved governments than they are the UK Government – and also more than they trust their local council. That suggests trust is not simply a matter of the proximity of decision makers to voters, but that devolution works best when it taps into a strong sense of identity. Interviewed for this volume, former Prime Minister Tony Blair argued that the purpose of devolution to Scotland and Wales was "to bring about a new settlement between the constituent parts of the UK so that decision making was brought closer to the people who felt a strong sense of identity". In this aim, we can say that devolution has been a success.

The principle of devolution is popular in Northern Ireland but reality has faltered

Northern Ireland is different for many reasons, with a long history of governing itself and then direct rule from Westminster. Devolution in 1999 was part of the answer to a more profound legitimacy crisis, in which a large minority of the population regarded the entire British state, at least as it extended to the island of Ireland, as illegitimate.

The creation of the Northern Ireland Assembly in the wake of the Good Friday Agreement was designed to share power between unionist and nationalist communities. As Cathy Gormley-Heenan (Chapter 2) notes, "there would be no majority rule in Northern Ireland's bespoke form of devolution". This was crucial for the new settlement to gain legitimacy across the sectarian divide.

Gormley-Heenan also asks whether the success of devolution in Northern Ireland should be measured simply by the absence of violence, or by a fully functioning Assembly and Executive – and positive relations between the communities on top. By that first, limited goal, it has had important success: the scale of violence has dropped a long way (although not to zero). But the devolved institutions collapsed in January 2017 and Northern Ireland has not had its own elected government since then.

Perhaps unsurprisingly, trust in politicians is lower in Northern Ireland than in the other devolved nations, and it has declined since 2007 when devolution was restored after its first lengthy suspension. This reflects public weariness with the failures of the parties to provide good government. Nonetheless, surveys continue to show that the people of Northern Ireland prefer devolved rule by a significant margin over any of the alternatives: direct rule from London, reunification with the South, or independence for Northern Ireland.[4]

Talks on re-establishing the Stormont institutions resumed in May 2019, with a new sense of urgency stemming from the corrosive effect of the lack of government – and fears that this, and disputes over the treatment of the border during Brexit, could undermine the Good Friday Agreement. Devolution is still regarded as legitimate as a system of government even in its absence, and despite its numerous failures. Of course, this situation could change. If the absence of devolved rule stretches on indefinitely, and if Brexit further strains relations between the communities in Northern Ireland, then support for power-sharing might start to fall away.

Expectations that devolution would create a 'new politics' were unrealistic

Devolution was designed not just to bring politics closer to the people, but also to bring about a better kind of politics. In Scotland, David Torrance (Chapter 1) notes, there was "much talk of the 'new politics'", with aspirations that the Scottish Parliament would be more "accessible, open, responsive" than Westminster. In Wales, similarly, Laura McAllister (Chapter 9) points out that "the language of the advisory group set up to establish the working arrangements… for the new Assembly was infused with reference to inclusiveness, participation, equality and transparency".

All three devolved nations broke with the Westminster model in adopting a proportional electoral system, requiring parties to work together to form stable governments and to pass legislation. Only once, in Scotland in 2011, has a single party won a majority in any of the devolved legislatures. Yet David Torrance (Chapter 1) concludes that the actual style of political discourse within the Scottish Parliament has been "every bit as adversarial" as Westminster. Both he and Gerald Holtham (Chapter 3) also question whether devolution has enhanced government transparency.

In Northern Ireland, meanwhile, disputes between the parties have been an ever-present feature of devolved politics. As a result, as Cathy Gormley-Heenan (Chapter 2) points out, "the principle of power-sharing quickly gave way to the practice of power-splitting", while reforms designed to engender collective responsibility across the Government have degenerated into "power-snaring" as the parties veto each other's proposals to the point of paralysis.

Devolution has led to a better gender balance in political representation, discussed by Laura McAllister (Chapter 9). Scotland and especially Wales have consistently elected a higher proportion of women than Westminster. However, the proportion of female representatives peaked in 2003–07 and has fallen since. Northern Ireland, on the other hand, has seen its share of female representatives more than double over the 20 years of devolution, but having started from a lower base. This is nonetheless an area where devolution can be awarded a pass mark if not a top grade.

Devolution has created new space for policy experimentation

Another partial success has been devolution's fostering of 'laboratories of policy'. Pippa Coutts (Chapter 8) cites Wales's treatment of organ donation, requiring people to opt out of the scheme, not in; David Torrance (Chapter 1) gives particular credit to Scotland's ban on smoking in public places. Both these policies were first implemented at the devolved level, before being emulated across the rest of the UK.

In 2007, the first Scottish National Party (SNP) government also reformed the structure of government, abolishing the traditional segmentation into departments, and creating a 'wellbeing framework' that sought to focus the activity of all parts of government on a shared set of objectives. Similar innovations were later introduced in Wales and Northern Ireland. All the same, those who hoped that devolution would energise, inform and unite the policy makers of the UK must surely be disappointed. The picture is more one of local divergence.

In Scotland, David Torrance (Chapter 1) argues, high public spending growth led to a preference for "popular (and expensive) policies that proved hard to reverse" when austerity hit after 2010. In Wales, meanwhile, a strategy of "clear red water" was designed to steer the post-1999 devolved administrations to the left of Tony

Blair's New Labour Government.[5] This was reflected in decisions to avoid policies such as national testing and league tables in education. In light of evidence that Welsh school standards fell behind those in England, Gerald Holtham (Chapter 3) concludes that "initial Welsh policy was an overreaction to prescriptive excesses in English education policy but the cure was rather worse than the disease".

Hamstrung by political disputes, the devolved institutions in Northern Ireland struggled to take radical policy decisions. Devolution has not solved the underlying causes of the long conflict, as reflected in the continued division of much of the population in separate schools and neighbourhoods for the two communities.

The 'devolution dividend' is elusive

On the economic front, and the delivery of public services, the results seem less encouraging. As Leslie Budd (Chapter 6) recounts, one hope was that devolution in the UK would support the hypothesis that federal systems of government create more economic growth and equality than others. But the UK experience is not, as he notes, a simple picture. He concludes that "the inconsistent and underdeveloped set of arrangements that have evolved in the UK to date have tended to both limit opportunities for realising the economic dividend in the UK as a whole and reinforce disparities".

The first decade of devolution benefited from the flood of money that Gordon Brown, as Chancellor of the Exchequer, directed towards public services. Through the Barnett formula, this resulted in increases in spending levels for those services run by the devolved governments. But the second decade saw three big shocks: the 2008 financial crisis, the UK Coalition Government's programme of cuts from 2010, and Brexit. Those on their own, Budd says, have increased regional inequalities in the UK.

That said, Budd offers the tentative conclusion that devolution has benefited Scotland, Northern Ireland and the large metropolitan areas. But other analysts in this collection point out that, on some measures, the public services of Scotland, Wales and Northern Ireland have not fared well compared with those of England over the 20 years of devolution. There is lively debate about whether this is solely a consequence of devolution – and the inadequacies of funding from Westminster – or whether it should be counted as a failing of the elected governments, or both.

Devolution has raised new questions about England's government

Devolution has raised new questions about how England should be governed. As James Mitchell (Chapter 10) argues, in narrowing the democratic deficit elsewhere in the UK, devolution transferred a legitimacy problem to England instead. With no national political institutions of its own, England became in 1999 "the last stateless nation in the United Kingdom", according to the author Richard Weight.[6] The anomalies of the devolved constitution include the facts that non-English MPs can vote on English legislation, that the three devolved nations receive higher public spending per head than England (even though Scotland is wealthier than most regions of England), and that UK ministers must speak for the distinct interests of England as well as the Union as a whole.

Voters in Scotland and Wales are consistently more likely to identify themselves as Scottish/Welsh respectively rather than British.[7] In England, people have tended to self-identify as British rather than English. However, British Social Attitudes surveys suggest that there was a rise in English national identity in the first few years after 1999.[8] The 2011 Census, meanwhile, found that 60% of respondents in England opted to define themselves as English, but not British, although there are suspicions that many mistakenly believed they could only select one option.[9] Nonetheless, this was a striking result, which may explain some of the indifference to preserving the union of the UK that English voters express in polls about Brexit. Voters who identify primarily or solely as English rather than British are more likely to have voted for Brexit, as well as to hold anti-immigration and other culturally conservative political views.[10]

Many English voters also believe their nation receives a raw deal from devolution. As Professor Charlie Jeffery and his colleagues concluded, based on the annual Future of England Survey, "people in England see a democratic deficit in the way they are governed and are looking for a remedy in the form of self-government".[11] The reality is that too few English voters have been exercised by this constitutional anomaly since 1999 for it to matter as England's dominance of the UK means what it wants, it almost always gets. If Brexit is frustrated, however, English support for the union of the UK cannot be presumed.

Devolution within England remains vulnerable, except in London

Successive governments have made attempts to devolve power within England, in pursuit of better strategy at the city and regional level. The process has gone furthest in London, where the creation, in 2000, of the new Mayor of London and London Assembly was endorsed by a referendum with the support of 72% of Londoners. The operation of devolution in London since then has further strengthened its legitimacy. As in Scotland and Wales, there are regular calls for further transfers of powers to the capital.[12]

As Tony Travers (Chapter 4) notes, all three London Mayors have been high-profile and popular figures, and "the legitimacy of the Mayor's huge electoral mandate has been such that even ministers have found it hard to oppose elements of City Hall policy". Travers also details an impressive list of successful policy innovations, from the congestion charge to a public bike scheme, which have demonstrated the ability of London's institutions to set up complex schemes that have made a difference to the lives of Londoners.

Elsewhere in England, devolution has been fitful. In 2004, nearly 80% of voters rejected the proposed North East Assembly, killing off plans for regional assemblies across the whole of England. Since 2015, metro mayors and combined authorities have been created in eight English city-regions, with some executive, spending and strategic powers. This new tier of devolved governance was created without referendums or much public debate about the rationale for the new institutions. Unlike devolution elsewhere, the new bodies were created not to align with historic governmental boundaries or patterns of local identity, but to reflect 'functional economic areas'.[13]

Mark Sandford (Chapter 5) points out that these reforms fit an old pattern in which English devolution is "technocratic and top-down in character", leaving these new institutions with a struggle to establish their legitimacy. The metro mayors also lack the deep public support that underpins devolution elsewhere in the UK: Emily Gray and Ben Page (Chapter 7) show that while there is public support for further devolution to London, elsewhere in England enthusiasm is lukewarm.

Furthermore, since 2016, English devolution has dropped down the agenda at Westminster, and there are signs that parts of Whitehall have started to impose greater constraints on powers and budgets they are releasing to the devolved level. Devolution within England, other than in London, cannot yet be judged a success and lacks the deep roots to protect against future attempts to recentralise power.

Brexit has strained the post-devolution constitution

Devolution is a work in progress, and its implications for the UK constitution are still working their way through the system. As Tony

Blair puts it: "20 years is not long in a new constitutional settlement. I don't think we can judge devolution properly... probably for many decades." On top of an already dynamic picture, there is the new drama of Brexit – "the first serious shock to the constitution since devolution", as James Mitchell (Chapter 10) underlines.

The 2016 European Union (EU) referendum result now hangs over all debates about the prospects for devolution. The referendum – in which Scotland and Northern Ireland voted to Remain – immediately turned Brexit into a huge challenge for the constitution, threatening to undo the achievement of rebuilding a sense of constitutional legitimacy in the non-English UK nations. The strong Remain vote in Scotland added to political pressures for a new referendum on independence. Northern Ireland has been roiled by whether the consequence of the UK leaving the EU will be to recreate a hard border with the Republic of Ireland, or a difference of treatment of regulations with mainland UK.

These problems were not unforeseen. In a prophetic article published in 2015, constitutional lawyer Sionaidh Douglas-Scott warned: "It is difficult to see how the legitimacy of devolved government can be sustained if vitally important decisions on EU membership are taken without consensus."[14]

This is precisely what has happened. Article 50 was triggered without Scottish and Welsh agreement, despite the Prime Minister having promised not to start the Brexit process without first agreeing "a UK approach and objectives for negotiations".[15] The passage of the European Union (Withdrawal) Act 2018 without Scottish consent – as is usually sought for such legislation under the 'Sewel Convention' – marked an unprecedented assertion of parliamentary sovereignty to push through a bill that directly amended the terms of devolution.[16]

This has exposed the lack of a shared understanding of the principles of the constitution. The 1999 settlements appeared to recognise the rights of Scotland, Wales, Northern Ireland and arguably London to determine their own government. But the principle of parliamentary sovereignty remained intact; Westminster had the power to make and unmake any law.

Events since 2016 have made plain that a determined majority at Westminster can prevail, even in amending the terms of devolution. Brexit has raised other questions about devolution, such as what happens over agricultural, environmental and climate policy, devolved in theory but constrained by EU law. How will these areas be affected by new trade deals? How should the UK and devolved governments protect the UK's 'internal market' – the ability of the four parts to trade and work together seamlessly – without undermining devolved autonomy? How should EU funding be replaced and shared out? Is there a need for new legal protections for the devolved institutions – to prevent Westminster changing the rules of the game? And should England be recognised as a distinct political nation within the post-Brexit constitution?

Devolution has delivered benefits for the devolved nations and parts of England. But it has not created a stable settlement, founded on agreed principles about the sharing of power and resources, for the UK as a whole. As the UK moves on from Brexit, trying to reach agreement on these questions will be one of the biggest challenges it faces.

The devolution reforms that began 20 years ago provided answers to many complex questions about the way the UK is governed. Two decades on, they have posed many more. We hope that this collection will illuminate those questions and suggest how they might be answered.

Devolution, Brexit and the future of the Union: an interview with Tony Blair

Bronwen Maddox, Sam Macrory and Akash Paun

Tony Blair reflects on two decades of devolution, and on the threat that Brexit poses to the Union, and sets out what he believes must be done to heal the United Kingdom's divisions.

Bronwen Maddox (BM): Let's jump back 20 years. What did you see as the purpose of devolution?

Tony Blair (TB): The purpose of devolution was to bring about a new settlement between the constituent parts of the UK so that decision making was brought closer to the people who felt a strong sense of identity. And politically, also, to ward off the bigger threat of secession.

BM: And that was why you put it in the manifesto back at that point [1997]?

TB: Yes. I mean, it was the established Labour Party position but, essentially, I took the view that it was right in principle and necessary politically. And before I became Labour leader it was clear that was the pretty established and settled position of the Labour Party. So frankly, it would have been hard to change it even if I had wanted to, but I had become convinced myself that it was basically the right thing to do and that the previous 100 years had been a series of failed attempts to do devolution. And it was important that we succeeded, otherwise I could see a situation, particularly in Scotland, where the support for independence would be unstoppable. And I still think it was basically necessary to prevent that even though it's a continuing debate as to whether Scotland goes for full independence or not.

BM: Let's jump forward 20 years. How does that look?

TB: Well, we're still the UK and we're still together so you've got to put a tick there. Are there still pressures for secession? Well, in Scotland, yes, but I still think they won't succeed unless Brexit pushes us into a position where that kind of gets Scottish independence over the line – if you have a hard Brexit, which is possible. And in Northern Ireland, without Brexit I would be very confident that the Union would stick together but again Brexit is an issue there. I don't think there is a strong move for independence in Wales, but...

BM: Northern Ireland hasn't had a government for more than two years. What does that say about whether that settlement is working?

TB: There's nothing wrong with the basic settlement but it always requires intensive working on by the Government and there's just not the bandwidth in government to do that at the moment. There's just not the bandwidth to do anything other than Brexit. So yes, it's very unfortunate. I still think, however, that once we get through, and hopefully out of, this Brexit imbroglio we can return to normal government there because it's important.

BM: What is the cost of not having a government in Northern Ireland?

TB: The cost of not having a government in Northern Ireland is very simple. It looks like the devolution settlement isn't working. So you then immediately become at risk of the politics being polarised between the extremes again. The Good Friday Agreement and the subsequent 10 years of negotiations and the final settlement with Ian Paisley and Martin McGuinness in government was an enormous thing to do and it basically worked. And now it's broken down over these last few years and you've got to put it back together again. I mean, it can be put back together again but it requires intensive work and people constantly underestimate… the time that we spent on Northern Ireland was immense. I don't know if you've totted up the number of visits I made to Northern Ireland against previous Prime Ministers all the way back to the creation of the Irish Republic… probably I went more times than all the rest of them put together. I don't know – I've never done the calculations. But probably. It was intense. They weren't, you know, glad-handing visits, they were visits that had me deep in negotiations. Because showing that you really care about it is an important part of solving it, funnily enough.

BM: And if there began to be support for a border poll, would you see that as a failure of devolution or the evolution of the community there?

TB: I don't think there will be real pressure for a border poll except for Brexit. It's Brexit that is the new dimension, I'm afraid. There's no escaping that. The thing that I find truly weird is the degree to which the most ardent unionist, Conservative MPs seem to be those most insistent on a Brexit deal that would put the Union at risk. It's an extraordinary thing. Because they want a hard Brexit, which means a hard border and, you know, you can mitigate but you can't eliminate it. That's the thing that will immediately stimulate the mood within the nationalist community. Not the republican community. The republican community in Northern Ireland is always in favour of a united Ireland… but the nationalist community is in favour at a theoretical level, at a conceptual level, but the degree of their agitation for it is intimately connected with their perception as to whether they can achieve nationalist aspirations and the legitimatisation of nationalist feelings within the United Kingdom. If Brexit acts as a destructive force on that, then it will encourage within the nationalist community, and even within parts of the more liberal unionist community, a feeling towards a border poll that just wasn't present during the years that I was in office.

BM: Let's got back to the successes and failures of devolution overall. Some of the cases against would be that it's very expensive, it produces not always the first rank of politicians, and it produces a slate of policies that don't get well tested before they get voted on.

TB: Yes, but, you know, in the end… the people in Wales and Scotland have got the right to elect who they want to elect. By the way, 20 years is not long in a new constitutional settlement. I don't think we can judge devolution properly… probably for many decades. Over time what will happen is that parties adjust and one of the things that I always thought would happen with devolution is that it would mean, particularly on things like public services, whereas, you know, the New Labour Government in Westminster was pushing very hard on reform – education, healthcare, criminal justice, tuition fees – the devolved administration in Scotland had the freedom not to do that, and by and large hasn't. Likewise, where they've got devolved power in Wales. In the end, there will be a market for people who are politicians who are stepping forward and being in favour of reform. The most interesting development in Scotland has been the decline of the Labour Party and the resurgence of the Conservative Party. Now, in my view that has been very simply because the Conservatives have spotted a gap in the market that Labour have left – pro-union, pro-reform…

BM: Pro reform of public services?

TB: Yes. A weakness in the SNP's [Scottish National Party] position and a weakness in Labour's position. And therefore you've literally got a situation where the leader of the Conservative Party in Scotland has brought the party into what, roughly, is second place in the polls.

BM: A weakness in the SNP's position because of public services?

TB: Because of public services and because obviously they're pro-independence and there's not clearly a majority for that in Scotland. Once you've got into a political competition, these things over time start to move. You know, what would be interesting in Northern Ireland is if you ever got to a situation where people stepped forward and fought for election just on the basis of delivery. You might. It's, at the moment, still very much concerned with your positions around a united Ireland or not, but you never know. You've just got to accept with devolution, it's a political market that can take a different turn, and that's probably a good thing.

BM: As you said, we bring Brexit into the picture. Can the Union survive Brexit?

TB: It can survive Brexit but we're underestimating the struggle, I think. I still think it's possible for us to escape Brexit. But if you do it and you do a hard Brexit… I think if this thing is properly dealt with in Parliament, which it hasn't been up to now, it will become very clear to people that actually the choice is stay or hard Brexit. Because the soft Brexit comes from a perfectly sensible space where people want to compromise over Brexit, but it just doesn't work, in my view, ultimately, for the public. And if you do end up with a hard Brexit, if you finally do Brexit and you do a hard Brexit, which is obviously what a large part of the Conservative Party want and what people who voted Brexit probably prefer (it's not clear, but they probably do), then, yes, it will put a strain on the Union. Now, we can overcome it, but you're going to have to work very hard to do it.

Sam Macrory (SM): So if Brexit happens, it will be very hard to resist demands for a second referendum on Scottish independence. The facts will have changed…

TB: Yes, the facts will have changed. I still think we should be very careful doing it unless it's clear that there's a huge groundswell for it. You know, one of the things that Brexit has taught us is the danger of playing around with referendums in our country. These are big decisions, which alter the whole nature of the country. One of the things that we've really got to rediscover after Brexit is out of the way is what makes us the UK, because we really have divided, I think. I'm quite shocked by the amount of people who are Brexiteers in England who, when you put to them that it could cause a strain on the Union, just kind of shrug their shoulders and say, "Well, we don't care." I mean, it's just really shocking, actually. Because that's just profoundly ignorant of our history, what's brought us to here and the way the world is changing outside the UK.

SM: If there were a second vote and different parts of the Union vote in different ways again – England could still vote to leave but the final result could be Remain – isn't there still a risk that the results of a second vote won't unite the Union?

TB: Yes. I mean look, what I say to people now about the Brexit thing is there is no ideal way. If you are looking for the ideal way out of this mess, it doesn't exist. It's what's the least worst option? The least worst option in my view is that you stay in the end because anything else is going to be difficult, and difficult for the Union. But I completely agree, yes, there's risks at every corner of this. I personally think that if we leave now without going back to the people there's going to be a lot of angst and anger on the Remain side of the line. What I keep trying to tell people is there is no compromise on Brexit that is going to heal the divisions. There may be a process around Brexit that can heal the divisions because people think the ultimate decision is fairly reached, but the reason why I think the Brexit compromise, a soft Brexit, doesn't work is in the end it's not, you know... If you're going to do Brexit the only point in doing it is if you're literally breaking free of European regulation. If that's your thing, and if you think it's the thing that undermines the sovereignty of the country, then you have greater freedom. That's the case of the Brexiteers.

But what is without any point at all is sticking to the trading systems of the EU and then leaving the political structures, i.e. a soft Brexit. So that's why I think you can set out a process around Brexit, which I think has to be a very deliberative decision, which should be gripped by the Government now. Right now, the obvious thing for the Government to do is to grip this process back from Parliament, set out a process with a proper structured interaction with hard Brexit people, soft Brexit people, Remain people, so that you get the options. You probably should set it out almost in a kind of white paper form for Parliament. And you get Parliament to come to a reasoned decision in June or July on what form of Brexit they want. That's what you've got to do. You've got to force Members of Parliament [MPs] to take an actual decision.

The whole weakness of the process up to now is that it hasn't really done that. The series of indicative votes sprung up by different roving coalitions of backbench MPs but this is not a satisfactory way to take a decision like this. Government has got to grip it and set up a proper process. And if you do that, I think you will end up with a decision that people consider is fairly reached, even if they don't agree with it. Whereas if you tumble out now with people believing the whole thing is a huge mess where no proper decision-making process has been engaged with, or you suddenly just revoke Brexit, you're going to cause terrible problems. Or you go for a sort of botched Brexit compromise, which is her [Theresa May's] deal, or a soft Brexit, and I think people will just think, "What have we done this for?" This is why there is no way out of this now other than through a process.

SM: Another way out could be an election? If that were to happen, should Jeremy Corbyn be open to working with the SNP?

TB: I think an election is a really bad idea right now. I think an election is a bad idea around Brexit. Look, I know politics is mad nowadays, and there is a section of the Conservative Party that is kind of right-wing Trotskyists, so if you're of that persuasion you might think a general election for the Conservative Party in the shadow of Brexit is a good idea. But on the assumption that you're in full possession of your faculties, you know, why would you as the Conservative Party, that might consider yourself on quite strong ground against the Labour Party on everything other than Brexit, risk an election, which is literally going to be a rerun of your problem in June 2017, when if you were against Brexit you were pushed towards voting Labour to make sure the Tories didn't have a majority. For me, for the Tories willingly to impose a general election from their perspective is extraordinary. But in any event, I think there is a very good reason in principle for not having an election. It is a *sui generis* issue, Brexit. It's decided on its own merits. If you want to test opinion, test it on Brexit.

BM: You mean in a second referendum?

TB: Yes.

BM: And you think that would solve the issue?

TB: I think if it came out of a process. My point is very simple. The way this has been handled by the Government up to now has been trying to get a bespoke Brexit deal that is somewhere between soft and hard and kind of unites the country – "We've done Brexit but we've done it in a way that sort of nods in the direction of the Remainers." In my view, this has always been a futile exercise because on the future relationship with Europe, it is not really a negotiation – it's a choice. And the choice was set out by Europe right at the outset and they've never changed and there's no reason to change because it is a choice.

You're either in the Single Market, or the Customs Union, or you're out of them. If you're out of them, you're in the position of Canada and have a free trade agreement like a normal third party, which, you know, can be a reasonable free trade agreement, but is nothing like the preferential trading system of the Single Market or indeed a Customs Union. Or you can be in the Single Market or Customs

Union, which is like Norway – or Turkey if you're in the Customs Union. So these are the options.

Part of the trouble that has happened for the public is that the public has just been told that Parliament is standing in the way of Brexit. And it has suited the Prime Minister for a long period of time to play on this in order to bounce her deal through Parliament in order to mobilise public opinion supposedly against an obstructive Parliament stopping the will of the people. But what that has done, is it has said to the public, "Look, Brexit is just there to be done but, you know, these Members of Parliament don't want to do it", which is absolutely the opposite of the case.

The truth is there are different varieties of Brexit and you have to choose one. And when you choose one it then becomes apparent what your problem is. Because your problem is: there is a downside to whatever option you choose. And my point is very simple: you won't ever get to another referendum unless it's clear to Parliament that they don't want to take responsibility fully for the Brexit choice. If you force them to make that choice... I think they will say, "Ok, this is what I think but you have the final say."

Because whatever choice you make... if you become like Norway it's obvious what your problem is. You're just a rule taker. If you decide you're Turkey, it's obvious what your problem is. The Turkey Customs Union situation would be a ridiculous thing for Britain to agree to, frankly. Or if you go to Canada, well it's obvious what your problem is – business is going to say, "Ok, you can do that but it's going to be severe disruption"; the financial service people will say, "Well, ok, there's going to be significant job losses." All of that. Those are your choices.

So when Members of Parliament are forced to come to a choice then I think at that point they will say, "Ok, this what I think but I'm not going to take the full responsibility so I'm going to share responsibility with the people", and that allows a referendum to be a healing process. I agree, if you suddenly just had one now without any of that process gone through then people would think, "You're trying to ask us the same question until we give you the answer that you want." But the reality is… the sensible thing… test it in this way: supposing David Cameron had said at the outset, "We're going to have a referendum. After the result, if there is a result in favour of Brexit, we're going to have a negotiation. At the end of that negotiation, we'll put to you the negotiated settlement versus the status quo." People would have said, "Ok, that's reasonable." It's only because it wasn't done that people kind of say, "Oh, no, no, no, you're now just trying to ask us the question again and again and again…" But really, it's obviously sensible that once you negotiate a settlement you say, "Tell us: do you prefer the house you're in or the house you are moving to?" That's reasonable.

Akash Paun (AP): Do you think that devolution to the other UK nations contributed to a resurgence of English nationalism and therefore perhaps to Brexit?

TB: A little bit but I wouldn't exaggerate it. I think that English nationalism has always been quite strong. But again, you've always got to explain devolution to people. You see, it's like when people talk about the West Lothian question. I came to the conclusion that the answer to it wasn't a logical answer, but it was a common-sense answer – which is that because England is so much more dominant in terms of population, GDP [Gross Domestic Product], share of public sending, control of Westminster, than the constituent parts of the UK, then even though logically you could say, "Well how come there is the same number of MPs when you've got devolution?", in common-sense terms it's a sort of compensation. So I think it all depends how the English look at it. If the English think the UK is basically a good thing not a bad thing, then it's a small price to pay for the Union. You need politicians prepared to argue for why the Union is a good thing. And what's weird at the moment is you've got Conservative MPs, like the Boris Johnsons, the Rees-Moggs, who say they're vigorous unionists but are actually really playing on English nationalism.

AP: You mentioned the West Lothian question. When you were PM, Parliament voted to introduce university top-up fees and foundation hospitals in England when a majority of English MPs voted against that, but the votes were carried with Scottish and Welsh Labour support. Did you have concerns with legitimacy at the time – and how do you see it going forward?

TB: Yes, it was always a political problem for really obvious reasons. But in the end, as I say, if you balance up the pros and cons of the Union and how it operates then you can't really end up… if you have MPs not voting on certain things and so on it is very hard, you end up with two classes of MPs at Westminster. So the solution we came out with… it's a bit like the House of Lords… the solution we came out with is a pretty idiosyncratic British solution but I feel it works better than the alternative.

AP: So you're not in favour of English Votes for English Laws reform, which were introduced in 2015?

TB: No, I always thought it's dangerous to do that. But I understand why it's done and the thing still functions, so I guess… But, I was always worried about it because one of the things when you do devolution is you've got to look for ways of binding the UK together. If I have a criticism of our own position on this it's that we didn't look for enough ways, culturally and socially, of keeping the UK feeling we're part of one nation at the same time as being individual nations within that collective. That's why I was always resistant to more concessions to English nationalism because I think the Union only works if you accept that there is an essential imbalance between England, that it is so much more dominant than all the other parts of the UK put together.

AP: Should you have tried harder to create stronger devolved institutions in England, at a regional or city level?

TB: City level. Yes, I mean, people forget this: there was no Mayor for London until we came to power. And I was always in favour of city mayors. And I think that's a good devolution. The trouble with the regional assemblies is, and I know this from my own region up in the North East where I was a Member of Parliament, is... people don't feel themselves part of a region in that way. I used to have this debate within the Cabinet with those people who were very strongly in favour of regional assemblies, and we agreed to have a referendum on one – the North East. I was talking to people in my own constituency and they felt part of County Durham, they felt part of the North East in a way, but Teeside and Tyneside didn't feel part of the same entity as each other – it's just the way it is, ok! It was never rooted in the same way as in Scotland or Wales, so I always thought city mayors was a better way, and unitary authorities where you could do that, was a better way to go.

BM: Do you think devolution makes it easier or harder to be Prime Minister?

TB: I'm tempted to say it depends how it is working at any one moment in time. I think if we hadn't done devolution we would have had an unstoppable pressure for Scottish independence and I think if we hadn't done the Good Friday Agreement, you'd have had a very ugly situation in Northern Ireland. But look, the test of any reform is after it's done – if you fast forward, are people trying to get rid of it? And there's no party trying to suggest that we get rid of any of this devolution settlement now, really.

BM: So if you fast forward 20 years, what do we need to make it work?

TB: Well, apart from the obvious, immediate thing of escaping from the problems of Brexit, I think we should think more carefully about how we have a British and UK identity and not just an English, Scottish, Irish, Welsh identity. I think that's important. People used to think it was a bit trivial when I used to say we should put the football leagues together and things. It's just you need to find ways in which people are realising they have a lot in common, as well as space for the diversity of the UK. I'd do a lot more of that.

I was very struck by the fact that once you did devolution and then you separated, even institutions like the BBC became separated in a very clear way. You just lost that sense of a common agenda that you are waking up to every day. Obviously, that's now happened. We need to be thinking, we need to be more active and passionate in our defence of the Union. And maybe if one good thing comes out, once we get rid of this Brexit thing, is that we really need to think about what is the place of the UK in the world and why is it sensible for countries to be together in the UK.

I think the reasons for that, by the way, are very, very important and sensible. I mean, Scotland as an independent country would immediately lose its ability to influence things through membership of the UK. And actually, I always say that the arguments of the Brexiteers are very similar to the arguments of the Scottish nationalists ultimately. It's just a misunderstanding of what nationhood really entails in the 21st century.

Has Devolution Worked?

The first 20 years

Part 1

1. Has devolution in Scotland delivered what was promised before 1999?

David Torrance, House of Commons Library

Introduction

High expectations have a habit of accompanying Scottish constitutional reform. Those campaigning for a Scottish Office and Scottish Secretary in the mid-1880s believed that it would rejuvenate Scottish life, as did those advocating independence more than a century later. The long campaign for a devolved Scottish Parliament, therefore, was no exception.

"Rarely can such high expectations", judged the political scientists Emma Megaughin and Charlie Jeffery in 2009, "have been invested in a political institution as the Scottish Parliament.[1] There was much talk of the 'new politics' at the time of its establishment in 1999 (as there would be again in 2014); Henry McLeish – a key player pre-1999 and a future First Minister – even spoke of putting "in place a new sort of democracy in Scotland".[2] Donald Dewar meanwhile said that devolution would provide the means "to reinvigorate Scottish life".[3]

Labour's 1997 White Paper, *Scotland's Parliament*, put these aspirations in more legislative terms,[4] although the Constitutional Steering Group spoke of the Scottish Parliament "sharing" power between "the people of Scotland", legislators and the Scottish Executive. It also said the new Parliament should be "accessible, open, responsive", with parliamentary questions not to be used for 'political point scoring'.[5]

In their survey of devolution published in 2009,[6] John Curtice and

Benjamin Seyd summarised the 'objectives and goals of devolution' under three principles:

- improving economic and policy performance
- improving the quality of political representation, accountability and engagement
- strengthening the Union between Scotland and England.

Now that another decade has passed, one in which the Scottish Parliament legislated for one referendum (on independence) and expressed its opposition to the consequences of another (on leaving the European Union [EU]), it is time to reassess whether devolution in Scotland has lived up to the high expectations that preceded its creation in 1999.

Improving economic and policy performance

As Secretary of State for Scotland between 1997 and 1999, Donald Dewar spoke of the Scottish Parliament's potential to "encourage vigorous sustainable growth in the Scottish economy", and predicted that policies on health, housing and education would "respond more directly to Scotland's needs".[7]

The latter proved a more realistic expectation than the former. Although campaigners for devolution had generally assumed that a parliament, if it came, would have wide-ranging fiscal and economic powers,* all major fiscal levers were in fact reserved to Westminster. The new Parliament gained only the Scottish Variable Rate (SVR), allowing it limited scope to vary the basic rate of income tax, as well as control over council tax and business rates. While the Scottish National Party (SNP) fought its first election campaign on the basis of increasing the SVR by a penny ('for Scotland'), this particular lever was never pulled, and was superseded by a more extensive form of tax devolution after 2016.

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* Certainly the Scottish Constitutional Convention believed a devolved parliament would benefit from 'assigned revenues'.

Besides, for the first decade of the Scottish Parliament, there were few dissenters from economic orthodoxy, which assumed more-or-less constant economic growth. In addition, the 'block grant' from Westminster, by which devolved government was funded, grew larger and 'Barnett consequentials' – increases in the Scottish budget resulting from increases in English public spending – continued to flow. As the long-time writer on devolution James Mitchell observed, this presented the then Scottish Executive with an opportunity to do something big in terms of public service reform, but the moment passed, and Scottish politics continued to be "defined in terms of spending and policy outputs rather than outcomes".[8]

In certain respects, Scotland's economy continued to lag behind the UK's as a whole, but that was a long-standing phenomenon masked by high public spending and generally buoyant economic confidence. Early departures from UK public policy reflected this: free personal care for the elderly and the abolition of up-front tuition fees had more to do with campaigning or extending universalism than innovation, while later policies – such as the council tax freeze and the abolition of the graduate endowment, prescription charges and bridge tolls – followed the same pattern.

The ban on smoking in public places (initiated by an SNP Member of the Scottish Parliament [MSP] and taken up by the Labour/Liberal Democrat Executive) stands out, therefore, as a policy both brave and genuinely transformative in its health outcomes. But did voters in Scotland notice? In 2006 (and again in 2009), John Curtice found "only limited evidence" that the Scottish Parliament was seen as providing more effective government. "The majority of citizens and elected representatives", he concluded, "do not believe devolution has improved policy outcomes in Scotland or Wales."[9]

The second decade of devolution brought public spending challenges generally absent during the first. The economic financial crisis in 2008 eventually had an impact on the size of the block grant, although it fared relatively well compared with UK Government departments. As James Mitchell has argued, all three parties in government ended up creating popular (and expensive) policies that proved hard to reverse, while policy debate often revolved around demanding more money – or powers – from Westminster.[10]

All three governing parties meanwhile spoke of 'social democracy' but proved cautious in adopting Scandinavian levels of taxation. In 2009, the economists Jim and Margaret Cuthbert dubbed the SNP's economic philosophy "neoliberalism with a heart",[11] its flagship policy being a cut, assuming independence, in corporation tax. Between 2017 and 2019, however, First Minister Nicola Sturgeon diverged from political orthodoxy by actually increasing income tax (and taxes on property transactions) and even adding bands to Scotland's fiscal architecture. This generated only modest revenue, but was a more decisive move than any of her predecessors had been prepared to make.

After 2014, Sturgeon's administrations put more emphasis on gender equality and child care ('baby boxes'* were their flagship policy), but pressures in the two main areas of devolved responsibility – health and education – became increasingly evident. The last Labour–Liberal Democrat administration had advocated health service reforms deemed necessary (but, inevitably, electorally unpopular) by health care professionals, including consolidation of Accident & Emergency (A&E) units, but these had been shelved by Sturgeon as Health Secretary in 2007. A decade later, successive reports from Audit Scotland suggested that the NHS in Scotland – the promised protection of which had boosted the 'yes' vote in the 2014 referendum on independence – was under significant pressure.[12]

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* A baby box is given to the parents of all newborn babies in Scotland. It contains items such as books, thermometers, a sling, a blanket and baby clothes and the box itself can be used as a sleeping space.

Education also posed challenges. Between 2007 and 2017, the number of teachers declined by 2,800,[13] while, separately, Sturgeon made reducing the 'attainment gap' between richer and poorer students her main priority. Free university tuition became a non-negotiable aspect of Scottish Government policy, perceived as a means of widening access in spite of mixed empirical evidence.[14] In 2015, a Widening Access Commission was established and previous cuts to student support were partially reversed.

Looking back in 2017, Martin Sime, then Chief Executive of the Scottish Council for Voluntary Organisations, said it was "remarkable to note how little has actually changed… there has been little reform of public service over the decade".[15] Reflecting in 2019, former Prime Minister Tony Blair made a similar observation.[16] As First Minister, Alex Salmond had established the Christie Commission in an attempt to tackle this, but its final report, which advocated "preventative" public spending and legal requirements for public bodies to tackle inequalities, was not implemented.[17] As Mitchell also concluded, devolution had been defensive in motivation and remained so in practice.[18]

Improving the quality of political representation, accountability and engagement

In terms of the second of Curtice and Seyd's devolution objectives – improving the quality of political representation, accountability and engagement – the Scottish Parliament's record has arguably been more positive. Holyrood's use of proportional representation had been its most ostentatious break from the Westminster model, and by and large it worked as intended, ensuring that no party (except in 2011) emerged with an overall majority. This compelled parties to work together – Labour and the Liberal Democrats (formally) between 1999 and 2007, the SNP and the Conservatives (informally) between 2007 and 2011 and, after 2016, the Scottish Greens and the SNP (also informally) – delivering on at least one aspect of the promised 'new politics'.

The representation of women was another success story, with Labour and later the SNP proactively promoting female candidates, leading to the election of high numbers of female MSPs (relative to the House of Commons). The apex came in 2015, when the SNP, Labour and the Conservatives were led by Sturgeon, Kezia Dugdale and Ruth Davidson respectively, the last two also ensuring lesbian, gay, bisexual and transgender (LGBT) representation. Sturgeon's first Cabinet in 2014 boasted an equal number of men and women.

Turnout was another matter. Only 60% of the Scottish electorate voted yes or no to a Scottish Parliament in 1997, a figure none of the following five elections matched. Turnout in 1999 was 58%, 49% in 2003 (an election notable for its 'rainbow' of smaller parties) and just a little higher than that in 2011, meaning that the SNP's 'landslide' victory was derived from the votes of under a quarter of the total electorate (902,915 in the constituency vote).

An under-rated reform was Labour's decision to introduce (under Liberal Democrat pressure) the 'single transferable vote' for local government elections in Scotland, which at a stroke (at polls in 2007) ended Labour dominance of town halls and thus radically transformed local representation. The Conservatives called for directly elected Lord Provosts (the equivalent of English Lord Mayors) in Scotland's largest cities, but the idea did not take hold; nor did SNP attempts – although piloted – to elect Scottish health boards.

But while more representative, the Scottish Parliament imitated Westminster in retaining the executive/legislature model, and over time it moved, ironically, closer to the House of Commons, both culturally and procedurally. Initially, there was no dedicated First Minister's Question Time, but in 2000, 20 minutes were set aside each Thursday (Sir David Steel called it 'a caricature of Prime Minister's Question Time'[19]); in 2003, 'FMQs' was decoupled from general ministerial question time, extended to 30 minutes in 2004, and to 45 minutes in 2016.

It also proved every bit as adversarial as its Westminster equivalent, with almost everyone ignoring the Constitutional Steering Group's earlier desire to avoid political point scoring. It and the Scottish Constitutional Convention had underestimated the tenacity of party competition. Sharing power with 'the people of Scotland' also proved elusive, the Public Petitions Committee having only a limited impact and the Civic Forum, an outlet intended for Scotland's great and good, dying a gradual death.

Commentators regarded Holyrood's committee system, also invested with high hopes, to be a relative disappointment.[20] While undoubtedly performing useful work, the committees did not, in the view of the Scottish academic Paul Cairney, provide the "motor of a new politics",[21] instead becoming viewed by the party whips as an extension of party patronage. Tricia Marwick, Presiding Officer between 2011 and 2016, advocated a smaller number of larger committees with elected chairs,[22] but none of the parties appeared interested in taking it forward.

James Mitchell once remarked that devolution appeared to have repatriated not just Scottish politics, but also contempt for politics, politicians and Parliament.[23] Rather than a clean break with Westminster 'sleaze', rows over office sub-lets and lobbying signalled that devolved politics was still politics, although there was a capacity to learn from mistakes, with a row over former Scottish Conservative leader David McLetchie's taxi expenses producing such transparency that the House of Commons could have avoided much pain if it had followed suit.[24] The costs of devolution also caused controversy in the early years. As the 2004 Fraser Inquiry concluded,[25] the huge expense associated with the new Holyrood building was not the responsibility of the Scottish Parliament itself, although the resulting press coverage was certainly unhelpful.

The winners from the devolution era, according to Gerry Hassan and Simon Barrow, could be said to be "insider Scotland, networked and professional groups".[26] A 2013 Jimmy Reid Foundation study found that two thirds of those giving evidence to Scottish parliamentary committees earned more than £34,000, of whom two thirds came from a professional organisation, a lobbying firm or held a business interest. On the other hand, lobbying ministers in Edinburgh was undoubtedly easier (and cheaper) than doing so in London.[27]

When Nicola Sturgeon became First Minister in 2014, she pledged to lead "an outward-looking Government… more open and accessible to Scotland's people than ever before".[28] However, successive Freedom of Information (FoI) commissioners were critical of the Scottish Government's handling of media requests for information,[29] while devolution did not lead, as predicted, to a golden age of Scottish journalism; rather, the fourth estate (the press) continued to decline as it did almost everywhere else in the developed world, with a consequent impact on scrutiny of the devolved Parliament.*

At the same time, the Scottish Parliament bedded down remarkably quickly for a new institution and swiftly became more 'trusted' than Westminster, while at every stage of its existence most voters supported endowing it with greater responsibilities.[30] Voters, according to the eminent Scottish sociologist David McCrone in 2009, were "critical of Holyrood" but much preferred "to give it credit, and allot any blame mainly to Westminster, regardless of the formal division of powers", a 'blame attribution' phenomenon that persisted for the next decade.[31]

Nevertheless, voter turnout at Westminster elections was consistently above that for Holyrood, although the level attained for the independence referendum in 2014 – 84.6% – was the highest at any Scottish poll since universal suffrage. Turnout remained high at the 2015 general election (although less so at the following year's Holyrood contest), while the pro-independence parties experienced a massive boost in membership. Lack of engagement with Scottish politics certainly did not appear a problem as the devolved Parliament reached its 20th year.

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* By 2018, *The Scotsman*, for long Scotland's newspaper of record, had a circulation of under 20,000 copies a day, compared with a readership of 100,000 in 2000.

Strengthening the Union between Scotland and England

Devolution's broader impact on the nations and regions of the UK is more fully explored elsewhere in this volume, but it remains to reflect briefly on Curtice and Seyd's final devolution objective: strengthening the Anglo–Scottish Union of 1707.[32] Two competing narratives accompanied the creation of the Scottish Parliament in 1999, one holding that devolution would kill independence "stone dead" (George Robertson),[33] the other that devolution would constitute a "slippery slope" towards independence (Tam Dalyell).[34]

In the event, neither proved entirely accurate. Devolution certainly did not kill constitutional politics stone dead, but nor was the slope (initially) very slippery. Before the 1997 general election, polls generally found that around 26% of Scots favoured independence, a figure that remained static in the first two terms of devolution. Even the SNP's 2007 and 2011 election victories were not accompanied by marked increases in support for independence; that would occur later, during the 2012–14 referendum campaign.

So devolution in itself cannot really be said to have strengthened or weakened public support for the Union, although as John Curtice has observed, the very existence of a devolved Parliament created an environment in which voters, particularly those sympathetic to self-government, were more likely to vote for the SNP.[35] Proportional representation also boosted the number of SNP MSPs, under-represented in the House Commons until 2015, while after 2007 the then First Minister Alex Salmond skilfully turned

Holyrood into a platform from which he could evangelise about – and therefore increase support for – his ultimate goal of independence.

In general terms, the Scottish Parliament also made voters more likely to support a party – whether Labour, the SNP or the Scottish Conservatives – they perceived as 'standing up for Scotland', a soft-nationalist dynamic long utilised by political actors across the ideological spectrum. It also suited Scottish Governments of all hues to make a point of distancing themselves from the UK Government, something that occurred even when Labour led in both Edinburgh and London. Beyond that, the Scottish and UK Governments generally got along well at the official level, although reports suggested a deterioration, for obvious reasons, after the 2016 EU referendum.[36]

Then there was the UK dimension. Charlie Jeffery observed that the devolution statutes of 1998 "were not considered as a package, but as discrete reforms, each rebalancing the relationship of one part of the UK with the UK centre".[37] And while, for the first decade or so, English public opinion appeared relaxed about devolution, in the second there was evidence of unhappiness with Scotland's perceived disproportionate shares of political attention and public money. This manifested itself in support, not for an English Parliament, but for 'English Votes for English Laws', which became a reality in 2015 and allowed English MPs an effective veto over any bills, or parts of bills, that applied only in England. As Professor Michael Keating argued in 2009, pressure on the Union might come from the centre as well as the periphery.[38]

Importantly, the re-election of the SNP in 2011 had owed more to the perceived 'competence' of the previous minority administration than to increased support for independence; by contrast, the recovery of the Scottish Conservatives in 2016 owed more to their strong opposition to a second independence referendum than a distinct Tory policy agenda. Scottish Labour, the main champions of devolution within the Union, steadily lost support at every election after 1999. Devolution also seemed to have a limited impact on Scots' national identity, most identifying – as they had before 1999 – as both Scottish and British but predominantly the former.[39]

The 'Yes' campaign in 2014 posited that devolution had worked well but needed to be "completed" with independence.[40] The Scottish Government's 2013 White Paper stated that "Scotland's future will be in Scotland's hands" while reviving the 'no mandate' argument that devolution in 1999 had been intended to remedy.[41] Arguments for independence in 2014 in some respects echoed those for devolution in 1997, and were accompanied by even greater expectations.

Conclusion

High expectations – of politicians as well as of political institutions – can lead to disappointment, although after 20 years of devolved government, any that exists in Scotland is balanced with broad contentment with the status quo. Rather, the debate is now between those who want to 'complete' the devolution journey with independence and those generally satisfied with the enhanced post-referendum devolution settlement. The 'middle way' of federalism also attracts more significant attention than in the past, including from a number of Labour politicians such as former First Minister Henry McLeish and former Prime Minister Gordon Brown.

The constitution seems likely to remain a focus of Scottish political debate for some time, with the SNP continuing to balance its day-to-day stewardship of devolved government with its broader goal of independence. Commentators expect the 2021 Holyrood election to become a de facto referendum on holding a second referendum. New powers under the Scotland Act 2016 will continue to take effect, meaning that the Scottish Government faces a political choice in their use: whether to mitigate policies such as the 'bedroom tax' and the 'rape clause' themselves, or to keep up the pressure on Westminster to do so.*

The three unionist parties, meanwhile, could face a challenge when it comes to maintaining the current devolution settlement. Much of their focus over the past decade has been on making the Scottish Parliament more powerful, but there is now a sense that all the low-hanging fruit has been picked. Having already reversed her initial opposition to devolving more power to Holyrood, Scottish Conservative leader Ruth Davidson seems unlikely to revisit that agenda any time soon. And while Scottish Labour leader Richard Leonard has urged the transfer of employment law, his party has now joined the Scottish Liberal Democrats in exploring federalism, a rebalancing of power across the whole of the UK rather than just between Edinburgh and London, as has the Scottish Conservative MSP Murdo Fraser.

Constitutional debate has often pushed aside policy discussions, particularly since 2007, but now that the Scottish Government has made use of its new income tax powers, there are signs of a more holistic fiscal debate, one that can only develop further in a challenging spending environment. Education, too, is getting more attention than ever before. Perhaps at the 2021 Holyrood election the promises of all those competing for power will better manage voter expectations by demonstrating more of a balance between constitutional and policy choices.

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* The 'bedroom tax' was an informal name for a measure introduced in the Welfare Reform Act 2012, which reduced the amount of housing benefit paid to a claimant if their rental property was judged to have more bedrooms than necessary. The 'rape clause' refers to changes to child tax credit, which mean that benefits for more than two children will only be granted if the claimant provides evidence of non-consensual sex.

2. Has devolution brought peace, stability and good governance to Northern Ireland?

Cathy Gormley-Heenan, Ulster University

Introduction

When the 'Belfast/Good Friday Agreement'[1] was signed in 1998 between the British and Irish Governments, it brought about a new, and agreed, constitutional settlement for Northern Ireland. This agreement was made up of three distinct strands:

- a strand that introduced devolved government to Northern Ireland
- a strand that dealt with improving north–south relations between Northern Ireland and the Republic of Ireland through the establishment of a North South Ministerial Council as well as supporting implementation bodies
- a strand that was designed to enhance the east–west relations between Britain and Ireland through the establishment of a British–Irish Council and the British–Irish Intergovernmental Conference.

While devolution settlements had been agreed elsewhere in the UK in 1998 as well, this settlement was quite different. Unique to Northern Ireland's devolved governance arrangements was a system of consociationalism (or power-sharing) between the two main community groupings in Northern Ireland – nationalism and unionism. There would be no majority rule in Northern Ireland's bespoke form of devolution.

Devolution had existed previously in Northern Ireland. With the establishment of the state in 1921, a Northern Ireland Parliament was created, which was responsible for home affairs. This Parliament was in the full control of the Ulster Unionist Party (UUP) for more than 50 years until 1972, when 'direct rule' was reintroduced by Westminster in the wake of increasing civil unrest, violence and disorder. In the period between 1921 and 1972, just one motion tabled by a nationalist politician in Parliament became law – the Wild Birds Protection (Northern Ireland) Act 1931. Outside Parliament, there was evident discrimination in the allocation of housing and jobs in favour of the unionist majority, with no mitigations put in place to protect the rights of the nationalist minority. Because of this democratic deficit for nationalists, power-sharing was critical to the second devolution settlement. Without it, no settlement would have been possible. And a settlement was needed to end the violence that had led to the deaths of more than 3,600 people, with another 50,000 injured and an estimated 200,000 bereaved, between 1969 and 1998.[2]

That settlement has now come of age, with the Good Friday Agreement having 'celebrated' its 21st birthday in April 2019. Coming of age always indicates an important stage of development and gives us an opportunity for reflection, in this case on whether the introduction of a consociational form of devolution actually succeeded in bringing peace and stability to Northern Ireland. But what might success look like? For some, it is measured simply by the absence of violence. For others, it is that alongside a fully functioning Northern Ireland Assembly and Executive. For others still, it is these things alongside positive community relations between the two main communities. But should real success only be considered as all of these things and set in the context of a society reconciled with itself and its past? And given the collapse of the devolved institutions in January 2017, is peace and stability, such that it might have existed, now at risk?

Devolution delivered a reduction in violence

The scale of violence in Northern Ireland has certainly changed since 1998. In the past 20 years, 158 people have died in conflict-related deaths in comparison with approximately 3,500 deaths during the 30 years that preceded the Good Friday Agreement. While the numbers are small, they still tell a story about the type of violence still prevalent in Northern Ireland. Since 1998, neither the British Army nor the Police Service of Northern Ireland (PSNI) has been responsible for any killings in security-related circumstances. The deaths, almost exclusively, have been the responsibility of either republican or loyalist paramilitaries, yet by April 2018, only 11 people had been jailed for murder and five had been jailed for manslaughter for all the killings that have occurred.[3]

A similar downward trend has been evidenced in the number of shootings and bombings since 1998, although there were higher levels of violence in the five years following the signing of the Good Friday Agreement than in 1998 itself, mostly as a consequence of dissident activity by those opposed to the Agreement. At the height of this violence in 2001–02 there were 358 incidents of shootings. By 2017–18, this had dropped to 50. In 2001, there were 318 bombings. By 2017, this had dropped to 18.[4] In terms of 'success' or otherwise, The Detail (a news and analysis website) has estimated that if the troubles had continued after 1998, more than 2,400 people may have lost their lives (and it gives the following figures: 360 paramilitaries, 680 security forces and 1,350 civilians), noting that "for all its imperfections, the Good Friday Agreement was a life-saving turning point".[5] In terms of levels of political violence, then, devolution can be regarded as having succeeded, but devolution has not solved the underlying causes of that violence, as the continued (if reduced) frequency of violent attacks attests to.

Devolution delivered an irregular functioning government

The implementation of the Good Friday Agreement's governance arrangements has been far from perfect. In the first decade, the institutions were more often in suspension than not, not least because the continuing propensity to violence/criminality and the slow pace of movement towards the total decommissioning of paramilitary weapons had directly undermined the functioning of government. Following a period of a shadow/transitional authority arrangement, full power was first devolved to Northern Ireland in December 1999 and lasted for three months before the first suspension in February 2000. Another two short suspensions followed in 2001. In 2002, following a series of political crises, the institutions were once again suspended – this time for more than four years. When devolution was once again restored in 2007, following the 2006 'St Andrews Agreement',[6] a period of relative calm ensued up until the 2011 election (the so-called 2007–11 'mandate'), albeit that the Northern Ireland Executive did not meet for a period of five months between June and November 2008 due to difficulties within the Executive and a boycott by Sinn Féin.

The 2011–16 mandate was marred by various withdrawals from the institutions. The UUP withdrew from the power-sharing Executive in 2015 in response to an alleged Irish Republican Army (IRA) murder, leaving just four parties in the Executive. At the same time, the then First Minister, Peter Robinson, temporarily stepped down from his role in response to the alleged IRA murder, but also because of mounting pressures around the National Assets Management Agency (NAMA) scandal – the £1.2 billion sale of a property portfolio in Northern Ireland involving allegations of high-level corruption. His Democratic Unionist Party (DUP) ministers were also temporarily withdrawn from the Executive, with a 'resignation and reappointment' policy (known as the DUP's 'hokey-cokey policy') to ensure that their vacant seats on the Executive were not offered to any of the other parties in line with the Assembly rules and procedures. In practical terms, this amounted to a resignation lasting almost seven days, a reappointment for a matter of hours and a resignation again for a further seven days. There were more than 20 resignations and reappointments of DUP ministers within a four-week window from September to October 2015 before 'normal' business resumed.

The 2016–21 Assembly and Executive existed for just eight months from May 2016 until January 2017. The then Deputy First Minister, Martin McGuinness, resigned from office in protest over the DUP's handling of the Non-Domestic Renewable Heating Incentive (RHI) scheme crisis and allegations of corruption, incompetence and political interference in the scheme.[7] Because of the nature of the power-sharing arrangements, a resignation by either a First or a Deputy First Minister means that the other automatically loses their role. Elections for a new Assembly and Executive were held in March 2017 and returned the DUP and Sinn Féin as the two largest unionist and nationalist parties once again. Talks on forming a new executive took place although they did not appoint ministers to office within the statutory period required. At least five rounds of talks have taken place since that point, as well as a UK general election, but the Northern Ireland institutions have not yet been able to resume business, a point to which we will return later.

Since 1998, cumulatively speaking, Northern Ireland has been without a fully functioning set of devolved institutions for around seven years, almost a third of its life, indicating only partial success as measured by the term 'functioning'. The rise of the DUP and Sinn Féin post-1998 at the expense of their intra-ethnic rival parties – the Social Democratic and Labour Party (SDLP) and the UUP – and the development of an electoral shift away from the more moderate political parties towards the political extremes within unionism and nationalism have always raised concerns about the viability of the 1998 Good Friday Agreement. For example, how could the DUP, so inimically opposed to this Agreement at the time, subsequently agree to its implementation? An arrangement based on the principle of power-sharing requires the empowerment of those genuinely committed to that principle rather than those who are not. This shift in electoral politics has contributed to the instability of the institutions but at the same time has also been a consequence of the failure of the institutions to deliver in the early days of devolution.

The parties have not shared: they have split and snared

But what did these devolved institutions achieve when they were in post? And did these achievements, if any, help to bring peace and stability to Northern Ireland? If we consider success rather crudely, as reflected in the number of pieces of legislation passed, during the last full mandate (2011–16) 77 pieces of legislation were passed by the Northern Ireland Assembly, in comparison with 86 in Scotland, so there has been no real difference with Scotland in terms of its legislative productivity. However, if we reflect on the principle of power-sharing alongside the practices in the Northern Ireland Assembly and Executive, we can see some clear distinctions and limitations.

Power-sharing, as outlined in strand one of the Good Friday Agreement, consisted of the following features:

- a Northern Ireland Assembly made up originally of 108 members (subsequently reduced to 90), with cross-community consent or parallel consent required of any key decision*
- a Northern Ireland Executive with a mandatory coalition in which Executive seats are allocated in proportion to party size and strength in the Assembly, using the d'Hondt system.

The intent was that such structural arrangements would allow for the emergence of genuine common positions and/or a greater sense of collective responsibility.

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* This means either an overall majority of 60% plus at least 40% of the designated nationalists and 40% of the designated unionists voting for a weighted majority, or an overall majority plus a majority of nationalists and a majority of unionists for parallel consent.

The principle of power-sharing quickly gave way to the practice of power-splitting, particularly between 1999 and 2002. Some ministers developed separate spheres of administrative competence in relation to their various ministerial portfolios and were accused of going on 'solo runs' within their department as opposed to abiding by any sense of collective Cabinet responsibility. The DUP refused to participate in Executive meetings because of the presence of Sinn Féin and their departmental officials were told to withhold all information from the Executive unless explicit approval had been granted by their minister. Sinn Féin's Martin McGuinness, in abolishing the state-run primary school transfer test despite the misgivings of his unionist Executive colleagues, was used as an example of the 'solo run' approach to managing affairs of the state. The autonomy of ministers within their departments, visually as well as practically, suggested that power had been split between Executive colleagues as opposed to being shared between them. This, in part, contributed to the collapse of the institutions in 2002 and was one of the key issues to be addressed in the subsequent St Andrews Agreement in 2006, which led to the re-establishment of the institutions again in 2007.

The St Andrews Agreement made provision for the inclusion of a revised statutory ministerial code, which would ensure that "all sections of the community" were protected. In practical terms, this meant that decisions taken within the Executive would have to have the full consent of the Executive to prevent ministers from going on a 'solo policy run'. If consent was not forthcoming and an Executive vote was required, any three members of the Executive could demand that this vote be taken on a cross-community as well as a majoritarian basis. It also introduced a 'petition of concern' principle by which signatures on a petition from 30 Members of the Legislative Assembly (MLAs) could refer any ministerial decisions taken, back to the Executive for a second review. As a final check on the systems in place, it required that decisions taken within the Northern Ireland Assembly and Executive would have to be ratified at Westminster. While the St Andrews Agreement was negotiated in part to address the issue of 'power-splitting', it appeared to have an unintended consequence: "Power-snaring, in the form of a disposition to frustrate the plans of one's ministerial 'colleagues', was now enshrined in an agreement which was supposed to be about sharing."[8] The public policy consequences of a mutual veto rather than collective responsibility have been pronounced. From 2011 to 2016, the petition of concern veto was used on 115 occasions, in relation to 31 separate bills and motions. These related not only to issues of social and public policy – such as welfare reform legislation, education, local government, marriage equality, criminal justice and planning – but also to a number of occasions when complaints had been made against MLAs and these politicians were due to face sanctions. Of the 115 petitions, 86 were signed by the DUP and 29 were signed by Sinn Féin and the SDLP.[9] This quite clearly demonstrates the limitations of procedural 'fixes' in any political agreement signed in Northern Ireland when the underlying sociopolitical dynamics lead naturally to conflict and dysfunction.

Some attempts at further institutional reform were considered through an institutional review committee, known as the Assembly and Executive Review Committee (AERC). This committee could only work to a very minimalist reform agenda, because of "a combination of the rigidity of the consociational design and the behaviour of the Committee members, not least those drawn from the two major Executive parties, the Democratic Unionist Party (DUP) and Sinn Féin (SF)", which prioritised deference to the party leadership ("party animals") as opposed to the work of the committee ("committee creatures").[10] The 2014 'Stormont House Agreement'[11] did make provision for the establishment of an official opposition, a reduction in the number of ministerial departments from 12 down to nine, following the 2016 election, the agreement of a Programme for Government in advance of the triggering of d'Hondt for Executive seats, as well as a series of enhanced practices to improve Executive Committee business at the request of the smaller parties, again addressing some of the imperfections of the 1998 Good Friday Agreement. Did this create greater stability? The collapse of the institutions in January 2017 would suggest not.

Reconciliation has not mainstreamed

The concept of sharing was not restricted to the Assembly and the Executive. The Good Friday Agreement heralded an expectation that broader peace and reconciliation would come to Northern Ireland as a consequence. As the then President Clinton remarked in a visit to Belfast soon after the signing of the Agreement: "The Latin word for assembly *concilium* is the root of the word 'reconciliation'. The spirit of reconciliation must be rooted in all you do."[12] However, finding agreement on a government strategy to promote peace and reconciliation between the communities proved elusive.

The first attempt, *A Shared Future*,[13] was put in place during the period of direct rule from Westminster in 2005 under Labour. This strategy was not accepted by either the DUP or Sinn Féin. Following the 2010 'Hillsborough Castle Agreement',[14] another attempt was made with the Cohesion, Sharing and Integration strategy.[15] This too was rejected following a public consultation. In 2013, the Government published *Together: Building a united community*[16] as an agreed policy position, although it has been heavily criticised for "assum[ing] the permanence of the two sectarian blocs, for example by retreating from the goal of integrated education in the Good Friday Agreement and *A Shared Future* to the notion of 10 education campuses shared between the continuing denominational systems".[17]

Successive *Northern Ireland Peace Monitoring Reports* make clear that reconciliation continues to be stronger at the grassroots, in terms of a commitment to make progress, than at government level. And despite the efforts of the grassroots, fundamental divisions remain unchanged when it comes to shared housing and shared schooling. More than 93% of children and young people are schooled in exclusively Catholic- or Protestant-ethos schools. Interface walls, barriers and fences still stand to physically separate and divide the communities. The first so-called 'peace wall', built in 1969 to separate the two communities in Belfast, will mark its 50th anniversary this year. It has separated the communities for longer than the Berlin Wall separated East and West Berlin. This again re-emphasises the point that the underlying divisions in Northern Ireland (as symbolised in concrete terms by the walls) have not been solved by devolution.

Devolution is not dead

It is, of course, somewhat odd to be reflecting on the success or otherwise of devolution in Northern Ireland given that the institutions are not operational at this time. Northern Ireland currently holds the world record for the longest period without a government. Since the collapse of the institutions in 2017, not even the gaze of the international media on the 20th anniversary of the Good Friday Agreement alongside visits by former US President Bill Clinton and Senator George Mitchell, has made a difference. Resolution to the latest impasse remains elusive, although all-party talks have intensified recently and are ongoing.

Some have suggested that this means devolution is dead. Or in a coma. Or very ill. If it is the last of these, the diagnosis of the illness is part of the problem. Some believe that its illness is related to the RHI scheme. For others, it is about the Irish Language Act (or lack thereof). It is also about the petition of concern, the NAMA scandal, levels of confidence in policing, dealing with the troubled past and resolving legacy issues such as unsolved murders. And while debate on the diagnosis of the problem continues, Northern Ireland's devolved institutions have effectively been 'put on ice'.

Direct rule has not been reintroduced as happened in the past. Instead, legislation has been passed to give senior civil servants the ability to make some decisions. Budgets have been passed at Westminster instead of in the Northern Ireland Assembly. But the Head of the Northern Ireland civil service, David Sterling, has described a "slow decay" and "stagnation" in local public services as a consequence of the political vacuum and no medium- to long-term planning in place.[18]

While the British Government stresses that it does not want to introduce direct rule to Northern Ireland, any possible return to Stormont and the devolved institutions has been significantly impacted by the extension of the current Brexit negotiations and the implications for the Irish 'backstop'. To recap, Northern Ireland voted to remain in the European Union (EU) in the referendum in 2016. But an analysis of party support and voter choice in the referendum demonstrates a strong relationship between the two, with 75% of DUP supporters voting to leave and 84% of Sinn Féin supporters voting to remain.[19] If the institutions were functioning, consociational power-sharing arrangements at Stormont would mean that Northern Ireland would need to agree a common position on Brexit, something that appears impossible from this analysis of party support and voter choice. Northern Ireland does not speak with one voice, nor do its elected representatives.

Conclusion

There are two conflicting realities that co-exist when considering whether devolution has been a success in and brought peace and stability to Northern Ireland, which can be difficult for people from outside of Northern Ireland to understand. As a society, Northern Ireland is now largely post-conflict but it is not post-sectarian.

Whether devolution has been a success in Northern Ireland mainly depends on the assumptions about what its introduction was intended to do. If its intention was simply to decrease violence, then it has been largely successful. If it was a combination of reducing violence and introducing a functioning Assembly and Executive, then it was initially partially successful and then more recently it has been unsuccessful. If it was both of these things alongside a genuinely reconciled society, then it has been largely unsuccessful. But devolution in Northern Ireland has always been different from devolution in the rest of the UK. It has been neither a process nor an event. To re-coin a well-used phrase, here devolution has been a vehicle and not a destination, but the vehicle has broken down again.

3. Has devolution led to more effective government in Wales? The case of the economy

Gerald Holtham, Cardiff Metropolitan University

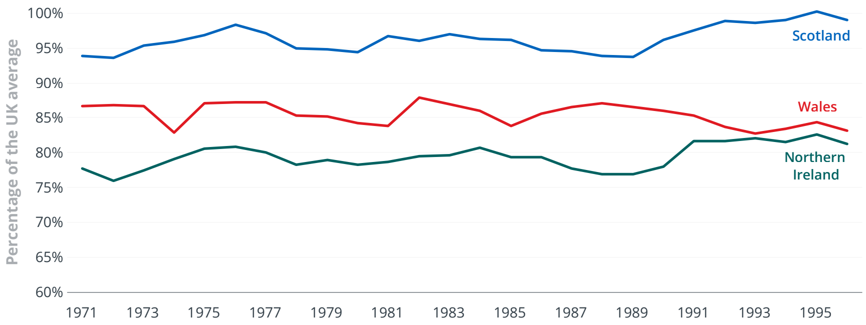
Two narratives of Welsh economic performance

There are two competing narratives of Welsh economic performance since devolution in 1999.[1] The first holds that, given the hand that Wales has been dealt, the performance of the Welsh economy has been reasonable. The second holds that performance has been poor. The debate is less over what has happened than over what could be expected. On the face of it, there has been no material improvement in Welsh relative economic performance or in the growth rate. Yet, given Wales' peripheral position and dependence on manufacturing industry, was it reasonable to expect that a new governing body with limited powers, with no macro-economic levers and, initially, with no control over either primary legislation or tax, would be able to effect a substantial change? Were any expectations that devolution could raise bound to be disappointed?[2]

No changes in trend growth

As measured by aggregate output per head, the Welsh economy has been in a state of gradual relative decline for many decades, both in relation to the UK average and in relation to Scotland and Northern Ireland. Welsh Gross Domestic Product (GDP) per head fell from nearly 87% of the UK level in 1970 to 83% by 1996, while Scotland advanced from almost 94% to over 99%. Northern Ireland, despite political turmoil, improved from 77% to over 81% (see Figure 1).

Figure 1: **Economic output (GDP) per head, 1971–96**



Source: Office for National Statistics, *Regional Accounts Data, 1971–1999*, Office for National Statistics, 2002.

The decline in Wales was associated with the shrinking of the steel industry and the end of the deep-mining coal industry in the 1980s. (The North Wales slate industry had declined earlier.) Wales had some success in the 1980s in attracting foreign investment, mainly in manufacturing assembly plants. Many were established to export to the European Union (EU) following the UK's accession to the EU. Net inward investment suffered a setback in the 1990s, however, with the accession to the EU of lower-cost countries of Eastern Europe. Scotland's rise in the 1970s coincided with the arrival of North Sea oil although its subsequent relative prosperity has more complex causes.

Over the 20 years since devolution there has been little change in these relative trends. Output per head data for the post-1997 period is now measured by Gross Value Added (GVA), which differs from GDP by excluding indirect taxes and subsidies. Even allowing for this difference, the two datasets are not consistent – the relative levels of Wales and Northern Ireland, for example, are reversed.* Yet the trends for Scotland and Wales – a small but persistent rise (Scotland) and decline (Wales) relative to the rest of the UK – continue. Northern Ireland now joins Wales in relative decline (see Figure 2). However, the Welsh decline seems to be concentrated in the period 2006–09 – before and through the great recession of 2008 when there was a step down in the relative level of its GVA. Before and after, the trend is relatively flat. The same period seems to have halted Scotland's relative improvement too, which was registered before 2009. There has been no decline in relative Welsh GVA per head in the past decade, although the numbers are volatile and it is not possible to declare a definitive end to the long decline.

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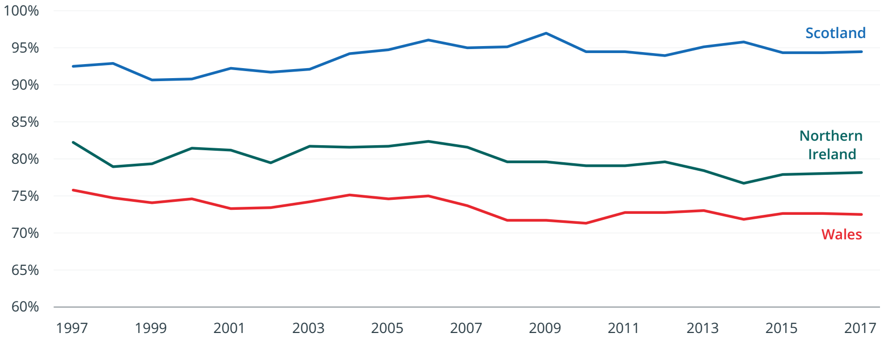
* The current GVA statistics have minor definitional differences in comparison with the GDP statistics published up to 1999. The main cause of discrepancies in the years where the series overlap are data revisions that the Office for National Statistics is no longer able to detail.

Figure 2: **Economic output (GVA) per head, 1997–2017**



Source: Office for National Statistics, GVA reference tables, 2018.

Because the series before and after devolution are not comparable owing to extensive and imperfectly documented data revisions, an effort has been made to publish long series of compatible data at current and constant prices (see Table 1).[3] These data are for total, not per-head, GVA growth rates among level 1 NUTS (Nomenclature of Territorial Units for Statistics) regions.

Table 1: **Average annual growth in real Gross Value Added (GVA) (%), 1970–2018**

	Region											
	North East	Yorkshire	East Midlands	East	London	South East	South West	West Midlands	North West	Wales	Scotland	Northern Ireland
1970–98	1.3	1.6	2.3	1.9	2.0	2.1	2.7	1.4	1.3	1.8	2.0	2.4
Rank	12	9	3	7	5	4	1	10	11	8	6	2
1998–2018	1.6	1.5	1.6	1.9	3.3	2.0	1.7	1.6	1.9	1.6	2.0	1.6
Rank	12	11	9	5	1	2	6	10	4	7	3	8

Source: Office for National Statistics, *Regional Accounts Data, 1971–1999*, Office for National Statistics, 2002; Office for National Statistics, *Regional Gross Value Added (Income Approach)*, Office for National Statistics, 2018.

Table 1 shows the astonishing rise in the growth of GVA in London in the second period (1998–2018) when London went from being an average performer to far outstripping other regions. Welsh growth declined slightly between the two periods although its relative ranking among NUTS1 regions was similar, moving from eighth to seventh. Scotland maintained a superior growth rate while that of Northern Ireland fell materially.

The aggregate numbers therefore show no evidence of a substantial growth dividend in Wales, they indicate a falling off in Northern Ireland while Scotland has maintained its absolute growth rate and improved its relative performance.

The Welsh Government's chief economist, Jonathan Price, has consistently pointed out that Wales performs better on other indicators. Household income in Wales is higher than GVA and higher than in some English regions partly because 6–7% of the Welsh workforce, net, commute to work in England. While they take home their income, their output is not recorded as part of Welsh GVA.[4]

The gap in employment rates between Wales and the UK has also narrowed significantly since devolution. The Welsh employment rate has risen by six percentage points since 1999, more than twice as fast as the UK as a whole. The biggest improvement has been in the deprived areas of West Wales and the South Wales Valleys where inactivity rates have fallen, with more women getting paid work, a change that has taken place at a faster rate than in many other parts of the UK.[5] Better employment growth with similar GVA growth, of course, implies that the productivity trend in Wales is even worse than that for the UK as a whole.

Price ascribes poor relative productivity to two factors: skill levels and the absence of economic mass in the form of large conurbations. Citing analysis by the Office for National Statistics (ONS) and the Welsh Government, he notes that “relative productivity differences across the UK are not strongly influenced by variations in industry mix – productivity differences within industries are much more important”. He also suggests that there is “a strong link between productivity across the UK and qualification levels. There is also a productivity association with ‘economic mass’ – that is, with having larger and more densely-populated centres of economic activity.”[6]

Price concludes that “the success of policies to improve levels of education and skills, and to help to increase effective economic mass by improving transport and communication links, will be crucial to improving Wales’ relative productivity performance”.[7][*]

These observations, however, raise a question about the performance of devolved government. Education and much transport infrastructure have been devolved from the beginning.

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[*] In fact, recent studies by the Organisation for Economic Co-operation and Development (OECD) show that agglomeration effects are not so important in the UK outside London; there is little correlation between productivity and size of town or city. See, for instance, Ahrend R, Farchy E, Kaplanis I and Lembcke A, *What Makes Cities More Productive? Agglomeration economies and the role of urban governance: evidence from 5 OECD countries*, OECD Publishing, 2017, retrieved 11 July 2019, www.oecd-ilibrary.org/docserver/2ce4b893-en.pdf?expires=1562067467&id=id&accname=guest&checksum=C4195A1CCCD24A31DDCCA593A5EB499F

They, together with the approach to executive agencies, should affect economic performance, as Price says. How have locally focused policies in these three areas fared?

Education: easy choices and poor results

The Welsh Government has not given education any special priority in terms of its expenditures. At the start of devolution, expenditure per head on education in Wales was slightly higher than in England but well below the levels in Scotland and Northern Ireland. That no doubt reflected the much higher levels of government expenditure per head allowed in those countries by the Barnett formula.* In the subsequent 20 years, education spending per head in Wales has grown more slowly than that in England so that the gap in levels of spending per head between the countries has almost closed. Education spending in the other devolved countries has grown more slowly still but they retain a significant advantage in terms of the level of spending per head.[8]

Welsh education policy also took a different course from that of England. National testing and the publication of performance statistics for schools were eschewed when adopted in England. The idea was to 'trust the professionals'. That reflected both a view of how to manage public services and the influence of the teachers' unions on a Labour government.

An impression that standards were stagnating or deteriorating in Wales relative to England was reinforced by publication of Programme for International Student Assessment (PISA) results in 2007, showing that in literacy, maths and science, Welsh schoolchildren achieved lower standards than their counterparts in the other UK countries and these were below the average for countries of the Organisation for Economic Co-operation and Development (OECD). Policy was reviewed only when PISA results published in 2010 showed that absolute scores, as well as relative positions, had fallen since the previous PISA results, suggesting an actual deterioration in standards. Numeracy and literacy tests were introduced in 2011 and schools were assigned to broad performance bands, although league tables were avoided. Subsequent PISA results have shown a picture of continued relative decline in science, with variable results in maths and reading.[9] Further policy changes have been made under the Education Minister, Kirsty Williams, culminating in proposals for extensive curriculum reform, although their effects have yet to be determined. There is little doubt that initial Welsh policy was an overreaction to prescriptive excesses in English education policy but the cure was rather worse than the disease.

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* The Barnett formula is a mechanism whereby HM Treasury adjusts public expenditure allocated to Scotland, Wales and Northern Ireland in line with changes in public expenditure in England.

Meanwhile the desire to restrain fees in higher education has left Welsh universities receiving lower income per student than their English counterparts, while a lack of expertise and statutory powers has restrained the Welsh Government from achieving necessary rationalisation of the higher education sector in Wales. The number of universities has increased but they compete for students in an all-UK market, there is a proliferation of some courses while the teaching of other subjects withers and the sector pays little attention to the specific needs of Wales.

All in all, although things may yet change, devolution appears initially to have set education back in Wales and has conferred no evident benefits. The current difficulty is that austerity leaves the Welsh Government with a budget no higher than it was 10 years ago in real terms, despite a rising population, while changes to the Barnett formula have only partly closed the funding shortfall relative to other devolved territories. Reforms that might have been difficult in a period of rapid budgetary growth are now hampered by an acute shortage of resources.[*]

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[*] Many would argue that a similar trajectory has been true in health policy although resources relative to need have been clearly less in Wales than elsewhere in the UK, with an older population and relatively more areas of multiple deprivation.

Infrastructure investment: making haste slowly

The Welsh Government's approach to infrastructure development has been characterised by marked caution, if not inertia. Large-scale infrastructure projects have been put off. Building a new M4 corridor around Newport has been discussed since at least 2005, when it was supposed to cost half a billion pounds, and was dismissed as too expensive. It was still a matter for debate up until 2019 when traffic congestion was worse and the cost had risen to one and a half billion pounds. In June 2019 the plan was finally scrapped by First Minister Mark Drakeford.[10]

Wales did adopt a scheme for rolling out high-speed broadband in a deal with BT although the effectiveness of the programme is contested. Speeds of 24Mbps (megabits per second) are available to nine out of 10 Welsh homes, but average download speeds in 2017 were 64% of those in England and only 47% of those in Scotland – and rising more slowly.[11]

In 2006, the UK Government gave the Welsh Government the option of taking responsibility for the rail network in Wales but the Welsh Government was concerned about the financial liabilities it would incur and did not trust its ability to negotiate a fair settlement with the UK Government.* Responsibility has remained with Network Rail and arguably there has been relative underinvestment in Welsh rail at least until the period of electrification of the Cardiff–London Paddington line. If High Speed 2 (HS2) goes ahead, relative investment in Wales will probably remain less than proportionate.

Official borrowing by the Welsh Government has been severely restricted but for most of the first two decades of devolution the use of private finance has been allowed. The Scottish Government has adopted an ambitious programme of infrastructure investment using private finance, for instance to build new schools, hospitals and roads. Moreover, it has created state institutions such as the Scottish Futures Trust to devise new forms of contract for private finance initiatives (PFIs) to reduce the risk of the public sector paying excessively for assets, such as the 'non-profit distribution method'. Servicing such debt now takes up 5% of the Scottish budget.

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* As a Welsh minister told the author.

In Wales, the equivalent figure is just over 1%. As was true elsewhere, early projects saw the public sector landed with contracts that implied an exorbitant cost of capital. The Welsh response was not the Scottish one, of setting up specialist departments to attempt innovation, but to avoid PFIs altogether. The Scottish Government assumed that it could solve the problems of PFIs if it devoted thought and resources to them. It apparently did not occur to the Welsh Government that it could do so until much later.

In 2010 it was noticed that very low interest rates would permit the Welsh Government to borrow some £4 billion – about three years of the devolved capital budget – using private finance and incur servicing costs that would amount to no more than 1–2% of the budget.[12] That prompted the publication of a Wales Infrastructure Investment Plan (WIIP) in 2012.[13] There was, however, no agreed order of priority for the various projects mooted and Cabinet ministers feared that, with continuing austerity, devoting even 1% of the budget to debt service would be painful. As a result, private finance was ultimately earmarked for just two projects costing about £1.5 billion. More recently there have been improvements. A report on the WIIP in 2018 acknowledged the need for the Cabinet to establish all-government priorities and for longer-term revenue and capital spending projections to be made, indicating that measures were being taken to achieve those objectives.[14] The Welsh civil service has also devised a new way of raising private finance after the Scottish non-profit distribution method was ruled inadmissible by the ONS. The method was termed the 'mutual investment method' and has attracted international interest. An advisory Infrastructure Commission has also been established.

There have been no egregious policy errors in infrastructure development in Wales. However, the absence of an economic strategy detailed enough to establish priorities in this area is evident. The overall level of caution about and reluctance to take on risk compared with Scotland has been marked. This degree of caution is in some respects understandable. However, it is surely incompatible with any ambition to produce marked changes in economic performance over the period of a decade or so. There are clear signs of evolution now in government practice, although six or seven years on from the original WIIP.

Executive agencies: Wales' bonfire of the quangos has had uncertain economic effects

One area of controversy in economic and other policy has been the approach to executive agencies, or quangos. A number of these, including the Welsh Development Agency (WDA) and Education and Learning Wales (ELWa) were abolished in 2006 and merged with Welsh government departments. Scepticism or animosity to quangos was a legacy of the pre-devolution system of Welsh government. One of the arguments made for devolution was the need to restore democracy to a form of government that had acquired a colonial aspect. For 11 years, the Secretary of State, in a Conservative Government with little Welsh support, not even sitting for a Welsh constituency, administered the country via a collection of quangos. Bringing the quango state under popular control was an important part of the case made for devolution.

Both the WDA and ELWa had areas of expertise not to be found in Welsh government departments but both had experienced periods of weak management with financial scandals. The last managing director of the WDA was appointed from within the existing board of non-executives and failed to establish reasonable relations with

Welsh government ministers. The upshot was abolition. Academic studies suggest that far from promoting democracy, the result was a loss of publicity and transparency in the gestation and implementation of policy.[15] Reform of the organisations and the introduction of new personnel were clearly needed but abolition resulted in some of the accumulated expertise being lost to the Welsh public sector as more marketable staff left. It also led to a decline in the level of public scrutiny since the published annual reports and accounts of the agencies were abolished with them.

It is impossible to say how much of an impact the abolition had on the relevant policy areas. But one function of the WDA was to encourage overseas investment flows into Wales and during the 1980s the agency enjoyed considerable success as Wales received more foreign investment proportionately than any other area of the UK. This record was tainted by one or two failures in the 1990s as expensive implants failed. For a period after abolition, inwards investment in Wales failed to keep up with other UK regions although statistical coverage is incomplete.

Conclusion: a government with L-plates

In case what has been described here seems like a record of failure, it should be noted that the Welsh Government has had successes. During the 2008 recession, it acted to establish two programmes – ReAct and ProAct – which encouraged firms to put workers on subsidised training programmes rather than to lay them off and to subsidise the hiring and training of workers who had recently been made redundant. The UK Treasury was sceptical of the programmes but officials later acknowledged that they had probably preserved some jobs at a fairly low net cost.[16]

The Welsh Government has also innovated in other areas. It was the first to introduce a levy on plastic bags and to adopt an opt-out system for organ donation. The first measure has been subsequently adopted across the UK, while the latter will apply everywhere in the UK in 2020, five years after Wales. The Welsh

Government has also received plaudits for introducing a Future Generations Act, passed in 2015, which obliges government departments to consider the influence of any policy development on the long-run future. A Commissioner has been created as a watchdog for the Act. While the intention is benign, the effectiveness of the measure in practice remains to be seen. It is notable that successes have been achieved where responsibilities have been assigned to others and few of them have required extensive implementation by the Welsh Government machine.

So far as the Welsh economy is concerned, the conclusion must be that devolution has not had a perceptible effect. That is not very surprising. For the first nine years of devolution the National Assembly did not have powers of primary legislation. These were granted in 2006, although in a more restricted way than in Scotland. Tax powers began to arrive only in 2018, with partial power over income tax transferred in 2019. Given such limited powers, greater ambition and readiness to take risks with the levers at hand – with the concomitant possibility of a perceptible decline rather than improvement – would have been necessary to 'move the dial'.

Yet Wales had not gone through the same process of consultation with social groupings to build political awareness and consensus before 1999, as happened in Scotland with its Constitutional Convention. The Welsh Labour Party, moreover, generally resisted a potential influx of talent at the time of devolution and rewarded faithful service when selecting the first candidate Assembly Members.[*] Consequently, the Welsh political class was not particularly well prepared for devolution and a learning period was required. That is illustrated by the first Labour manifesto in 2003, four years after devolution began. Its specific promises were directed at relatively small, detailed handouts:

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[*] Among candidates new to party politics who were rejected were a former chief executive of the WDA and the leader of the miners' co-operative that took over Tower Colliery, Wales' last deep mine.

In the next Welsh Assembly term Labour will:

1. Abolish all prescription charges
2. Create a £100 million crime fighting fund
3. Extend free bus travel for over 60s and disabled people – develop a scheme for half-price bus travel for 16 to 18-year olds
4. Rule out Top Up fees in Welsh universities
5. Provide for all primary school children to have free breakfasts in school
6. Set up a Knowledge Bank for entrepreneurs
7. Extend the 20mph zone and Safe Routes to Schools schemes
8. Enable free access to local authority swimming pools for older people
9. Scrap home care charges for disabled people
10. Invest £560 million to improve school buildings, invest £550 million modernising GP surgeries and hospitals.[17]

The approach of emphasising relatively small give-aways was facilitated by a rapid growth of public spending by the UK Labour Government at the time, which resulted in a rapid growth of the Welsh block grant via the Barnett formula. In any case it was the manifesto of politicians seeing themselves as public service providers and concerned with sharing out the cake. It was not the manifesto of a government with a hard diagnosis of the problems of the Welsh economy and with a strategic plan to deal with them. Subsequent manifestos expressed broader ambitions but failed to distinguish aspirations from targets and the detailed policies needed to deliver either.

There are now signs that a new generation of Welsh politicians (and some of the older ones) have absorbed these lessons. The

Welsh Government has set up an independent body to provide research summaries to ministers to ensure that policies are evidence based – now renamed the Wales Centre for Public Policy, housed at Cardiff University. The previous First Minister Carwyn Jones began to talk of "delivery" and set up a 'delivery unit' within government.[18] That was under-resourced and ineffectual but the search for more effective mechanisms continues within the Government under the new First Minister, Mark Drakeford. The evolution of investment planning is a case of improving capability.

Optimists hope that this learning process and the lessons of the first 20 years of devolution will contribute to better policies in the years ahead. Combined with greater powers of tax and legislation, this could lead to the much-desired devolution dividend. Pessimists, however, note the one-party nature of Welsh politics that has seen Labour form every single-party government and be the lead partner in the two coalition governments. They fear that an absence of political competition will militate against innovation. Furthermore, continued restraint of UK public spending and the effects of Brexit will produce powerful headwinds. Welsh companies in the automotive and aeronautical sectors seem likely to be badly hit while Welsh ports and livestock farmers could be devastated. All that will cut the revenue that the Welsh Government is due to receive from devolved taxes. A dividend will certainly be needed but, even if it arrives, it may be hard to discern against such a backdrop.

4. Has devolution to City Hall benefited London and Londoners?

Tony Travers, London School of Economics & Political Science

Introduction

London was the only part of England to receive devolved powers during the Blair Government's constitutional reforms of 1997–2000. It had been envisaged that other English regions would follow the Capital, but a referendum in the North East of England in 2004 put paid to further regional devolution in England, after 78% of voters rejected Labour's proposed regional assembly. Subsequently, a number of 'city-regions' have been given varying degrees of devolved power, with London being a partial prototype. The latter reforms, pursued at the end of the 1997–2010 Labour Government, by the 2010–15 Conservative–Liberal Democrat Coalition Government and by the post-2015 Conservative Governments, perhaps imply that the creation of a Mayor and Assembly for London in 2000 was a policy success. Why else would further city-regional mayors have been created?

But how to assess the extent to which a reform of subnational government has delivered benefits to London, its people and its businesses? In judging this question, a number of possible tests are possible. None would be definitive. Moreover, there are often data limitations and, in addition, there is the problem of not knowing what would have happened if the reform had not occurred. But some quantitative and qualitative analysis is essential to answer the essay question. Indicators of success might include public opinion, official analyses of the services provided by the new system of government, satisfaction with the area and its economic success. What does the data suggest, and can we make an overall assessment of the success of devolution to London?

The Mayor has usually enjoyed higher voter approval than national politicians

Public opinion polling to assess the success or failure of the Mayor of London and the London Assembly as institutions is hard to find. There has been a significant amount of polling about Ken Livingstone, Boris Johnson and Sadiq Khan as elected office-holders. For example, in 2006, Ipsos MORI reported polling, which showed that the public had a net satisfaction rating for Ken Livingstone of 47% (positive) to 35% (negative).[1] At the end of Boris Johnson's eight years as Mayor, YouGov noted: "His approval rating has been remarkably consistent during his second term as Mayor, since 2012, and has been drastically higher than most national politicians[2] throughout. In hindsight, the majority of Londoners (52%) say he has done a good job, while 29% say he hasn't performed well."[3] Sadiq Khan maintained high levels of public satisfaction until 2019 when a number of issues, including a broader Brexit impact on politics, led to a sharp fall in public satisfaction levels.[4] But even at this point, satisfaction figures for the Prime Minister and the leader of the Opposition were far worse.

For virtually all of the period since the office of Mayor of London was created, its incumbents have enjoyed relatively high levels of public satisfaction. Separately, polling undertaken for London Councils in 2018 suggested public support (by 46% for to 13% against)[*] for greater devolution to London government.[5] The fact that the public appears broadly content with those elected as Mayor of London, certainly to a greater extent than national government politicians and institutions, and that there is some enthusiasm for further devolution of power, provides reasonable evidence of public enthusiasm for the creation of the Mayor. Equivalent polling on the impact of the London Assembly suggests less public recognition of the benefits of that part of the Greater London Authority (GLA).

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[*] Londoners were asked whether they supported or opposed transferring more powers to London. Further devolution was supported by 46% of participants, while 13% were against, 34% had no feelings either way and 7% did not know.

Devolution appears to have improved public services in London – although evidence is limited

Independent analyses of the services for which the Mayor of London or other subnational governments are responsible have not been undertaken in any systematic way since the abolition of the Audit Commission in 2015. Transport for London (TfL) publishes performance data. There are also statistics relating to the activities of the Metropolitan Police and the London Fire Brigade (LFB). City-wide planning might, in principle, be judged in relation to data about homes of different kinds started and/or completed, use of land and indicators such as the density of new developments. But many planning decisions are made by the boroughs, so it would be difficult to judge the Mayor fairly by reference to housing data.

TfL performance data shows major increases in bus and Underground kilometres operated since the Mayor became responsible for transport in 2000, with parallel increases in reliability.[6] TfL Rail and London Overground generally perform better than national rail operators. It is important to point out that there was a significant increase in funding (from central government and from fares yield) between 2000 and the late 2010s. But such resources were, at least in part, because of mayoral lobbying (grants) and decision making (fares). Transport in London has, over the two decades since devolution, become so good, relative to other cities, that it has produced a backlash from other parts of the country.

Accountability for Metropolitan Police performance is partly located with the Mayor, although partly also with the Home Secretary and the Metropolitan Police Commissioner. Although the

Mayor sets the budget, there are Whitehall constraints on grants and local taxation, which mean that the Government has more control over funding than the Mayor. Spending on policing in London increased significantly between 2000 and 2010, but then dropped by over 20% between 2010 and 2019. Officer numbers have dropped accordingly.[7] Over the full period since the GLA was created, overall crime has fallen or remained broadly stable, although there have been periods when violent crime has increased and also when it has decreased.[8] The interpretation of crime statistics is prone to a range of challenges, not least of which are changes in counting methods and the difference between public perception and reality. In the years since the Mayor of London assumed some responsibility for the police, there is no evidence of any radical divergence of practice or outcomes between London and the rest of England. What has occurred, however, is more mayoral visibility in relation to police budgets, priorities and joint working between the police service and the Mayor's Office for Police and Crime, which is the oversight body for the Metropolitan Police, playing a similar role to that played by police and crime commissioners elsewhere in England. The Government presumably saw the London reform as successful when it decided to give the new Mayor of Greater Manchester analogous powers in 2017.

The performance of the London Fire Brigade (LFB), which is now directly within mayoral oversight, can broadly be measured by indicators such as deaths and injuries caused by fire. Between 2000 and 2017, numbers were stable or falling until the Grenfell Tower disaster in 2017.[9] As with the police, (at the very least) there is no suggestion that the LFB's performance has worsened since 2000 and some data to suggest better outcomes over the longer term.[10]

Broader satisfaction with London as a place to live and work is hard to measure over time. Periodically, pollsters will ask questions about what people think about life in London but there is no long-term dataset that might allow the impact of the Mayor to be assessed. In recent years, the Office for National Statistics has published regional data about wellbeing and happiness, but again there are no time-series long enough to allow an assessment of London since the GLA was created. Having said this, London scores relatively badly on wellbeing and happiness measures compared with the rest of England.[11]

Another possible way of assessing the impact of the 2000 reform to London government is to compare economic growth in London with other parts of the UK in the period since 2000. Ideally, such an analysis would consider growth trends before and after devolution. But consistent data is really only available for the years after 1997, so comparisons over a reasonably long period are not possible. Table 2 shows that in the period from 2000 to 2017, the growth in Gross Value Added (GVA) per head in London was 81.1%, compared with 61.4% in the rest of England (that is, England excluding London). Interestingly, growth rates were also higher in Scotland and Wales than in England excluding London. There is no way of demonstrating causality in the difference in growth rates between London, Scotland and Wales as compared with England excluding London. But these figures at the very least imply that devolution to London did not impede economic growth.

Table 2: **UK regions and nations: Gross Value Added (GVA) per head, income approach**

	2000	2017	% change
UK	16,588	27,430	+65.4
England	16,720	27,949	+65.4
England excluding London	*15,009*	*24,220*	*+61.4*
Wales	12,091	19,705	+63.0
Scotland	14,710	25,685	+74.6
Northern Ireland	13,195	21,237	+60.9
London	26,339	47,705	+81.1

Source: Office for National Statistics, *Regional Gross Value Added (Income Approach)*, Office for National Statistics, 2018, retrieved 4 July 2019, www.ons.gov.uk/economy/grossvalueaddedgva/datasets/regionalgrossvalueaddedincomeapproach

Devolution has given London distinct policies, image and voice

In terms of public perception, Ken Livingstone, Boris Johnson and Sadiq Khan have pursued a number of policies that have been promoted in ways that make them easily comprehensible to residents and businesses.

Policies that only happened because of the Mayor include the introduction of congestion charging (in 2003), delivery of a public bike scheme (2010), the design, manufacture and introduction of the new 'Routemaster' bus (2012) and the imposition of an ultra-low emission zone (2019). In addition, over a number of years, mayoral action has created a network of cycle lanes. Policies that probably would not have occurred without mayoral support are the city-wide public transport Oyster card ticketing system (in 2003), the London Overground (2007), which has been gradually extended to become an outer orbital rail line, the successful Summer Olympic Games in London (2012) and the east–west Crossrail line (2020/21). Tall buildings (more of them), (greater) density of development and (attempts to reduce) pollution have been the subject of consistent policy by successive Mayors of London. At a more political level, Ken Livingstone helped to kill off the 'public–private partnership' that Tony Blair's Government had forced on London Underground,[12] while Boris Johnson effectively removed Ian Blair as Metropolitan Police Commissioner.[13] The legitimacy of the Mayor's huge electoral mandate has been such that even ministers have found it hard to oppose elements of City Hall policy.

The plans and strategies of each Mayor have encouraged growth, internationalism and diversity.[*] In delivering or lobbying policy, Mayors Livingstone, Johnson and Khan have adopted a London 'brand' or image, which is significantly at variance from that of the

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[*] See, for example, 'Foreword' in Greater London Authority, *The London Plan*, Greater London Authority, 2017, www.london.gov.uk/sites/default/files/new_london_plan_december_2017.pdf

country of which the city is a part. The Mayor of London, in common with leaders in a number of other global cities, has been a cheerleader for a form of 'gorgeous mosaic', pro-development, city policy.*

This evolution of a 'global city' image for London was reinforced by the outcome of the 2016 referendum on the UK's membership of the European Union. London was the only region in England and Wales to vote 'remain', and did so by a wide margin (60:40). Sadiq Khan immediately launched a 'London is Open' campaign to express his desire to differentiate London from the UK-wide vote. In doing this, the Mayor probably captured the mood of a significant number of the capital's residents and, it can be argued, further distanced London from the rest of England. In many ways, London has become a place apart from much of the rest of the country, with a different demography, economy and political make-up. This phenomenon has latterly been researched with a view to rebuilding links between the city and the rest of the UK.[14]

A less quantifiable benefit that the Mayor of London and the London Assembly have brought to Londoners is giving them a more powerful voice in negotiations with Westminster and Whitehall. While it is impossible to measure such an effect, in a country as centralised as England there are good reasons for having a single, visible, representative for the city. Successive Mayors of London have sought to work positively with central government, including when this means working across party lines. This is necessary not least because Whitehall controls virtually all public expenditure in the UK. Ken Livingstone fought the Blair Government over the London Underground public–private partnership, while Boris Johnson had public disagreements with the Cameron Government over issues such as migration policy. Sadiq Khan has faced flak from Conservative Cabinet members over issues such as crime and housing delivery, although generally within the bounds of traditional adversarial politics. Having said this, Khan and senior ministers regularly attend public events together.

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* Former New York Mayor David Dinkins coined the term 'gorgeous mosaic'. See 'The mosaic thing', *The New York Times*, 3 January 1990, retrieved 4 July 2019, www.nytimes.com/1990/01/03/opinion/the-mosaic-thing.html

Perhaps surprisingly, given often-expressed concerns about London's dominance within the UK, the capital is significantly under-represented at the local, parliamentary and European levels of elected institutions. Table 3 shows the population per elected representative at the three levels of UK government.

Table 3: **Population per elected representative, UK and London**

	European Parliament	UK Parliament	Local government
UK excluding London	880,615	99,200	3,125
London	1,100,000	120,500	4,800

Sources: Population: Office for National Statistics, *Estimates of the Population for the UK, England and Wales, Scotland and Northern Ireland: Mid-2018: 2019 boundaries*, Office for National Statistics, 2019.

Notes: Based on the resident population, not on registered voters. London 'local government' excludes the Mayor of London and London Assembly members.

There are a number of reasons why London residents have found themselves relatively under-represented. First, the number of elected representatives at different levels of government is determined by registered voters, not the resident population. London has a relatively younger and more international population, which means that those qualified to vote make up a smaller proportion of the total population than elsewhere. Second, London's population has been growing faster than the rest of the country, meaning that until there are re-allocations of seats to reflect population changes, faster-growing places will increasingly become under-represented. Third, in sparsely populated parts of the UK, some allowance is made for the geographical size of constituencies.

Successive Mayors of London have been known as national political figures. Opinion polling has consistently shown the incumbent Mayor of London as having a high national profile.* Ken Livingstone, Boris Johnson and Sadiq Khan have regularly featured in pollsters' 'best known' and/or 'most popular' measures of political visibility. Terror attacks and major events such as the Olympic Games have given the mayors even greater national prominence. Boris Johnson's personal success in winning for the Conservatives in a Labour-leaning city is evidence of how personality can impact on political outcomes. Indeed, the fact that a former Mayor of London can become a leading contender for national political leadership will not be lost on other politicians. Of course, such visibility cannot be judged as evidence of good government or of success in service delivery, but in an era of personality-driven politics and government, having a civic figurehead must surely be judged better than not having one. The fact that Greater Manchester and other city-regions have followed the London mayoral model is further evidence in this regard.

London's devolution settlement is here to stay

Finally, devolution to City Hall has led to a period of relative stability for London's governance. Successive UK governments have staged subnational reorganisations regularly since the mid-1960s. The Greater London Council (GLC) was created in 1965 and abolished just 21 years later in 1986. Outside London, there has been a series of near-permanent partial reorganisations since the late 1970s. Counties and districts in areas surrounding London have been, and from time to time continue to be, reorganised.

As the 2000 London reform reaches its 20th anniversary, there is no lobby to abolish the GLA, as there was for the GLC during the late 1970s and 1980s. In 2021, the GLA will exceed the lifespan of the GLC, which within British public administration is no small achievement. The 32 London boroughs, created in 1964–65, some of which now have populations significantly larger than many cities elsewhere in England, are under no threat of reform or reorganisation. There is an implied 'constitutional settlement' for London, which involves the Mayor delivering city-wide, metropolitan, provision such as transport, police, the fire brigade and strategic planning, while the boroughs and the City of London deliver neighbourhood services including social care, schools, street cleaning, waste removal and local planning. This 'bottom-heavy two-tier system' appears to work well for a vast city of nine million people covering 1,500 square kilometres.

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* See, for example, YouGov, 'The most popular politicians & political figures in the UK', YouGov, 2019, retrieved 23 May 2019, https://yougov.co.uk/ratings/politics/popularity/politicians-political-figures/all

The Government's decision to hold a confirmatory referendum before creating the Mayor of London and the London Assembly has probably played a role in ensuring the longer-term robustness of the 2000 London government reform. The 1998 poll produced a 35% turnout and a 70:30 vote in favour of reform. Crucially, voters in every borough supported the proposed system. Even doubters had to accept that the public had been properly consulted and that they had voted for a mayoral government model. As more directly elected mayors have been created, including in four London boroughs, this model has become embedded to the point that, while it has opponents, few are lobbying to return to a 'council' model for the GLA.

Conclusion: devolution to London has worked far better than most similar reforms

So, has devolution to City Hall benefited London and Londoners? The evidence assembled here suggests that the reform was originally popular and that the first three Mayors of London have been significantly more favourably judged than leading national politicians. Public services run directly or indirectly by the Mayor have generally improved in quality, with notable successes in terms of major infrastructure projects such as improvements to the London Underground, the Oyster card ticketing system and congestion charge implementation. There have also been problems, however, in particular the collapse of the Garden Bridge project and delays to the opening of Crossrail. It should be said that the Government co-sponsored the latter.

Polling suggests that Londoners might be willing to contemplate even more devolution to the Mayor and the boroughs.[15] The weakness and disarray gripping the UK Government and Opposition in the multi-year struggle over Brexit may cause further public interest in devolving power within England. London has the advantage of a functioning model of devolved subnational government in a relatively compact geographical area. It would be relatively straightforward for central government to hand powers to London over most domestic policy and also over substantively more taxation. Such a change would bring the capital into line with Wales and Scotland, each of which has a smaller population and economy. Other city-regions could be afforded similar powers. Following such reforms, strengthened accountability mechanisms would have to be instituted – the London Assembly has been 'under-powered'.

The office of Mayor and the institution of city-wide government are now embedded in London. People identify with the Mayor and with their city. Looking ahead, the next challenge is to sustain the process of devolution so as to deliver even better and more accessible government to Europe's largest city. Devolution to City Hall has worked as well as any modern governmental reform, and arguably far better.

5. Is devolution to England's cities here to stay?

Mark Sandford, House of Commons Library

Introduction

In December 2018, the Mayor of Tees Valley, Ben Houchen, announced a deal to spend £40 million over several years, bringing Durham Tees Valley Airport back into public ownership.[1] This was a significant marker in the English devolution debate. Here was a 'congestion charge moment': a decision that would likely never have been taken without the existence of a metro mayor. Equally, the decision also captures many of the perceived strong points of English devolution:

- local choices influencing investment
- the pursuit of growth via infrastructure and 'pump-priming'
- a bipartisan approach (between a Conservative mayor and Labour council leaders)
- joining up with local strategies for education, employment and skills, culture and tourism, and transport.

It could, however, be misleading to allow a single, high-profile decision to symbolise the prognosis for English devolution as a whole. What is English devolution, does it work and will it endure? English devolution policy is now focused on metro mayors and combined authorities and, despite facing various structural constraints, I conclude that they have a better opportunity to make an impact than previous 'generations' of English devolution policy. But they are still minor players in a crowded sphere of government.

Third time lucky? English devolution in the 2010s

The story of devolution within England, and the stories of devolution to Scotland, Wales and Northern Ireland, are different from one another in every way. Scotland, Wales and Northern Ireland's status as constituent parts of the UK pervades any discussion about their governmental structures. In England, there is no national, cultural or constitutional pressure to devolve power to local areas. There is no structure of central 'field offices' that could be easily transferred to a new local body. Nor is there even any consensus on what the boundaries of devolved areas should be.

This has allowed English devolution policy historically to be technocratic and top-down in character. Previous attempts have sought to square the same circle: how to accede to demands from local authorities for greater local control over resources and decision making while simultaneously maintaining the UK's essentially centralised system of governance. The answer has always been similar: devolving wide-ranging consultation and strategy-making powers, while retaining centrally most funding decisions and powers to overrule local decision making.

The current policy dates from the publication of the 'Greater Manchester Agreement' in 2014, negotiated by the then Chancellor, George Osborne, and leaders of the 10 boroughs of Greater Manchester.[2] New powers and budgets were to be devolved to a 'mayoral combined authority', headed by a directly elected mayor (the 'metro mayor') working alongside the leaders of the area's local authorities. The powers and budgets would be negotiated on a bespoke basis with any areas seeking devolution. It would be up to the local areas themselves to select a credible geography and bid for powers, explaining to the Government how they planned to use those powers.

Since the 2015 general election, metro mayors have been established in eight areas (six were elected in 2017, one was elected in 2018 and one was elected in 2019). A further devolution deal was agreed in 2015 with Cornwall Council, which did not feature a mayor. Notably, English devolution's structures do not cover all of England, although most parts of England have at one time or another sought negotiations with the Government.

Local disputes have hampered the process. Two deals (Greater Lincolnshire, and Norfolk and Suffolk) collapsed following disagreements among participants. A deal was negotiated in the North East, which subsequently collapsed and was then partially revived in the form of a North of Tyne Combined Authority. There have also been disagreements over boundaries, culminating in early 2019 in the Government rejecting a bid for a devolution deal to cover the whole of Yorkshire[3] – a bid that intended to include the area covered by the Sheffield City Region metro mayor since May 2018.

Although much commentary has emphasised the 'bespoke' character of the devolution deals, many of the powers made available have been substantially similar. Metro mayors have been offered powers over:

- local transport budgets
- the adult education budget, and certain small grants relating to apprenticeships and business support
- planning, sometimes including powers over compulsory purchase, the 'call-in' of planning applications and the establishment of development corporations
- support for long-term unemployed people
- an annual 'investment fund'.

Greater Manchester, generally accepted as the leading mayoral combined authority, has also taken on the police, fire and waste disposal, and a joint arrangement around health and social care, while some metro mayors have been offered funding to boost house-building.

This form of devolution is, at first glance, very different from the model pursued by the New Labour Governments in the 2000s. The 2000s model established regional governance structures covering all of England outside London, bringing together stakeholders and local councillors in each region to devise advisory 'strategies' and monitor the progress of their (unelected) regional development agency. A previous generation of devolution in the 1960s and 1970s was very similar, establishing regional economic planning boards and councils across the whole of England to bring together stakeholders and councillors in an advisory role. But all three generations of English devolution have had much in common:

- creation of devolved institutions with very limited local decision-making power over funding
- a rhetorical emphasis on delivering policy via 'soft power' – joint working, convening and influencing regional/local stakeholders
- minimal engagement with the public, or public awareness of the devolved institutions
- the policy's dependence on its political sponsors (John Prescott in the 2000s, George Osborne in the 2010s), meaning that when they left the stage (in 2007 and 2016 respectively), the devolved institutions struggled to assert a role for themselves.

Today's generation of English devolution has stepped a little way outside these restrictions. Metro mayors are directly elected, albeit rarely on turnouts much above 30%, and attract relatively generous media and government attention. The combined authorities they lead are statutory bodies, managing budgets of hundreds of millions of pounds a year. And even in their first two years they have been able to demonstrate a number of achievements.

The successes so far: generative power, grants and orphan policies

Metro mayors' achievements to date can be summarised according to three broad categories:

- using soft power or what is described in the academic literature as 'generative leadership' – bringing partners on board, using persuasion and envisioning skills, in the absence of substantial powers and resources, and building a consensus about local policy priorities
- spending – funnelling money, mostly from central government, to local priorities
- addressing issues that have long been ignored or have fallen through the cracks of conventional policy making, which I term 'orphan policies'.

To build stakeholder relationships, summits and conferences have been held, on matters such as offshore wind (Tees Valley), skills (West of England), a 'green summit' (Greater Manchester) and mental health (Liverpool). Mayors have established expert commissions to produce policy recommendations on, for example, mental health (West Midlands) and economic development (Cambridgeshire), which have then shaped further policies. Mayors have also published strategy documents, for example an education, employment and skills strategy (Tees Valley), a culture strategy (Liverpool) and an integrated regional strategy (Cambridgeshire). Greater Manchester is producing a non-binding 'Good Employment Charter' in partnership with local businesses.

These types of resource-light initiatives are classic examples of 'generative leadership' in action. They serve to develop the organisational legitimacy of the mayor and the trust of local partner institutions. They also stretch to examples of 'virtue signalling', such as mayors attending charity events and exhorting local employers to pay the National Living Wage; and announcing aspirational policies that are likely to be undeliverable on electoral timescales, such as opening new railway lines.

Spending money, mostly by providing infrastructure-related grants, has also featured highly in metro mayors' activities. These kinds of initiative are important electorally, as they help to demonstrate to local people that the new institutions can make a difference. Mayors have made multi-million pound grants for new housing developments, transport and further education infrastructure, and economic innovation. Examples (all running into the millions of pounds) include:

- an advanced composites centre in Alconbury Weald, Cambridgeshire
- an extension to the West Midlands Metro tram system
- investment in ultra-low-emissions vehicle research at the University of Bath
- regeneration surrounding Darlington and Middlesbrough railway stations in the Tees Valley.

Small allocations of funding are also visible: for instance, the Mayor of Cambridgeshire stepped in with funding for two bus services threatened with closure in 2018. This type of 'quick win' builds public awareness and the legitimacy of the new institutions, providing a sense that the metro mayor is listening to the concerns of local people.

There are examples of metro mayors pursuing 'orphan policies', joining up the capacity of multiple organisations to address local priorities. For instance, in Greater Manchester, the Mayor has sought to crowdfund the provision of additional facilities to address homelessness, supporting some 700 people by March 2019, while also bringing together relevant agencies and developing a strategy document. A number of areas are pursuing policies under the heading of 'digital access': improving fibre networks (Liverpool) and trialling 5G technology (West Midlands and West of England). Mental health has been a frequent focus, with a strategy in Liverpool and a commission in the West Midlands. Greater Manchester is trialling a 'health and diversion' service, seeking to address individuals' mental health at critical points within the justice system. Air quality is an increasingly high-profile issue nationally; initiatives to improve it are under way in Cambridgeshire and the West Midlands.

The constraints: devolution contracts, grant coalitions and democracy

One might reasonably argue that the successes highlighted in the previous section show that this model of devolution works for England. There is a valid role for a co-ordinating body that fills gaps and devotes attention to neglected policy areas, without being distracted by major public service spending responsibilities. The combined authorities also provide a handy local partner for new government initiatives such as local industrial strategies. But is this approach durable? Will it attract public interest and loyalty in the long term? Certain features of the model are likely to work against it.

The first feature is the tightly drawn, contractual nature of the 'devolution deals'. The deal documents oblige metro mayors to develop business cases and evaluations for all devolved powers, and they are subject to detailed financial assurance requirements. The scope for independent policy making in that context will inevitably be limited. This is not to mention the constraints created by the degree to which devolved powers are interlaced with retained powers. For instance, the adult education budget is devolved, but other skills funding is not. Public transport funding is devolved, but funding for trunk roads is not. The substantial Local Growth Fund remains, at least nominally, under the control of local enterprise partnerships, rather than metro mayors. Will voters view the outcomes of the vital but low-key policies that the mayors are empowered to introduce as worth rewarding at the ballot box?

Second, the May Governments have pursued a succession of shifts in policy towards metro mayors since 2016. This period has seen the introduction of local industrial strategies, the Transforming Cities Fund, the Stronger Towns Fund and ring-fenced funding commitments covering matters such as housing and skills. These funds are large enough, in comparison with devolved funding, to oblige metro mayors to devote more attention to them than to the devolution deals themselves. Metro mayors and the combined authorities they lead face an incentive to develop into 'grant coalitions' – institutions targeting their limited capacity towards their relationship with central government, and lobbying to obtain additional funds and extend their formal power. Given the promise of central support, mayors could reasonably conclude that the best way to achieve tangible local impacts is not to build local, consensual priorities but to become big spenders.

Third, the metro mayors have made little attempt to re-engage with their electorates. Alongside stakeholders, one might expect influencing, convening and persuasion skills to be deployed towards members of the public. They would be a powerful voice for weak mayors to have on board. There have been moves in this direction: for instance, Greater Manchester and the West Midlands have established 'youth combined authorities' – consultative bodies formed of local young people – and hold regular public question times with their mayors. But democratic engagement elsewhere has been negligible. Participatory planning approaches such as that adopted in Barcelona in 2015–16 to inform the city's Municipal Action Plan,[4] or methods of deliberative democracy such as citizens' assemblies, remain elusive.

Politics strikes back

It is tempting to imagine that these structural constraints do not matter – that metro mayors do not need major powers, central support and public engagement in order to succeed. That fits nicely with a narrative of energetic local actors setting aside party politics to work together for the good of their area, while the UK Government grinds to a Brexit-induced paralysis. This narrative finds expression in a number of recent local 'models' of leadership. Examples include community wealth-building (the 'Preston model'),[5] compassionate care (the 'Frome model'),[6] the idea of 'changemaking' (of the New Local Government Network),[7] the co-design of services ('power with')[8] and the RSA's 'Cities of Learning' pilot.[9]

But these innovations in local leadership in delivering services, improving public spaces and generating communities – often described as 'place-shaping' – do not provide a permanent escape from the questions of politics: who gets what, where, how and when? In English devolution policy, those questions remain in the domain of central government. But what happens when local leaders run up against them, and begin to challenge the existing patterns and practices of resource distribution and regulation? That is the point at which tough questions will be asked about English devolution's capacity and relevance.

An example of this tension can be seen in an article in *Prospect* in March 2019, written by Jennifer Williams,[10] a journalist with the *Manchester Evening News*. She contrasted the residential property boom in Greater Manchester with its soaring rates of homelessness. A residential property boom, and the associated model of growth, has been a central part of the recent Greater Manchester 'story', which has been accompanied by the devolution of far stronger powers to Greater Manchester than to other English city-regions. Andy Burnham, elected Mayor of Greater Manchester in 2017, made ending homelessness a key part of his manifesto.

What is most striking about the 'Manchester paradox' is that the issues that have the most decisive impacts on local people's lives – a 30% rise in rent levels in five years, the effect of benefit reductions and cuts to addiction support services, the levels of Local Housing Allowance, the obstacles to building new social housing, and tenancy law – all lie outside the reach of the metro mayors. Even though they notionally have power over 'housing', 'skills' and 'employment support', they do not have the funds or the legal powers to change the policies that underlie these difficulties. This dovetails with the contingent and contractual character of English devolution policy. For instance, in March 2019, the Government withdrew an offer of a £68 million housing fund from Greater Manchester after it reduced its housing targets by 11%.[11] This is the downside of 'grant coalitions': metro mayors often find themselves dependent on decisions made elsewhere.

These tensions have not been lost on the metro mayors, who periodically call for more powers.[12] Indeed, discussions about the devolution of, for instance, justice administration, employment support for long-term unemployed people and children's services have taken place. But progress has been painfully slow. These discussions (and implementing their outcomes) proceed in fits and starts. At the time of writing, the Government's 'devolution framework', which is expected to provide clarity on the Government's overall vision for devolution, has not yet appeared, more than 18 months after it was originally promised.

Conclusion

The survival of metro mayors is therefore very dependent on the Government of the day. It is not apparent that metro mayors feature significantly in the local government policies of either major party. The limited 'hard powers' of metro mayors also mean that they pose no challenge to the balance of power in England. The risk of this approach is not so much that metro mayors will fail to make a difference but that they will disappoint; and that they will come to form simply one more addition to the jumble of bodies making up English local governance.

What routes exist, therefore, to making devolution to England's cities work better? 'More powers' is the perennial demand that all subnational governments make to their central government. But in the English case, there really is no other starting point. Statutory powers, and a substantive and regular 'round' of funding, are only one element of this. More important is the willingness of the Government to stand back from the policy fields that it devolves. This has been the norm in Scotland, Wales and Northern Ireland, with few ill effects. It would signal an acceptance of devolved bodies as governments rather than merely as local contractors of choice for central initiatives.

None of that is to underplay the value of joint working, 'generative leadership' and engagement. These behaviours have often been presented as critical to English devolution policy: in a sense, the emphasis that policy makers put on them marks them out as a type of compensation for the relatively thin powers available to metro mayors. Contrary to this, it is possible that devolving more legal powers, and funding, would increase the capacity for metro mayors to exercise 'generative leadership', and increase the benefits flowing from it. Influencers and conveners have more chance of being taken seriously by powerful partners when they can bring substantial power and/or money to the table.

There is a more open question about the benefits for metro mayors of opening up the policy-making process to more deliberative techniques, involving the public in making decisions or at least enabling them to inform local decision making. This type of initiative could help to boost the mayors' democratic credentials, marking them out as a different kind of government. Deliberative policy making would need to be able to point to outcomes, which brings us back to the range of powers. The question also arises of whether English devolution should be made available to further parts of England, and if so, how these parts should be identified – opening up the vexed question of local identity.[13]

The third generation of English devolution has a number of advantages that previous policies lacked. Most importantly, there are elected leaders with media profiles, and tangible devolved powers and budgets. Their greatest weakness is their dependence on the twists and turns of central government policy. If they do intend to be here to stay, metro mayors will need to gain popular acceptance – and this calls for a further strengthening of their role.

Has Devolution Worked?

The first 20 years

Part 2

6. Has devolution delivered an economic dividend?

Leslie Budd, The Open University

Introduction: in search of the 'devolution dividend'

Analysing the impact of 20 years of devolution on the UK economy, and in particular on England, is a challenging task. Finding a direct correlation between devolution and economic growth and development – the so-called 'devolution dividend' that some hoped the changes would trigger – has been made even more complex by a trio of macroeconomic events that have impacted the UK as a whole: the global financial crash, the programme of 'austerity' that followed and, most recently, the UK's decision to leave the European Union (EU).

However, this is not to say that there has been no discernible impact. There may have been some impact, for both the devolved nations and the large metropolitan areas of England. But this has been overshadowed by the three events.

This makes answering the counter-factual question of what would have happened without devolution complicated, as these events have had a major impact on all the regions of England and the devolved nations but were far beyond their control.

There is a three-part test of any idea or concept. Where is the theory? Where is the data? Where is the evidence? In the case of analysing the impact of devolution on the UK economy over 20 years, it fails on theory, the data is variable, and so the evidence is inconsistent. As the UK's constitutional makeup is that of a union state, with varying powers of governance across its four principal territories,[1] these answers might not be surprising.

A good theoretical starting point is the Oates Theorem, first published in 1972, and named after the US academic economist Wallace E. Oates. His theorem concludes that federal systems of government create more economic growth and equality than non-federal ones.[2,3] The Oates Theorem is typically stated as follows: "In multi-level governments, each level of government (including central government) will maximise social and economic welfare within its own jurisdiction." In the post-war period, Germany and the United States stand out as examples that support this contention. However, in 2012, the Organisation for Economic Co-operation and Development (OECD) reported that economic inequality had increased in both countries, for a variety of reasons, in the 20 years from 1992.[4]

The counter to the Oates Theorem is the evidence which shows how large economies generate regressive effects as a result of devolution because richer regions may distort the distribution of potential benefits.[5] The past 20 years of devolution in England appear to support this latter contention: London, boosted in part by its devolved powers and important, albeit limited, decentralised funding, has pulled away from the rest of England. In 2017, London grew at 3.0% compared with 1.6% for the rest of the English regions, with the Yorkshire and the Humber contributing 0.7%.[6]

More decentralised developments in England and the rest of the UK are, to date, still a long way from being federal. Devolution has instead moved from a discourse of 'asymmetrical regionalism' to the reality of what can be described as 'undeveloped and incoherent devolution'. In the case of England, ad-hoc and sporadic devolved governmental changes, the purpose of which is sometimes difficult to discern, have been made. It is important to note that this observation tends to apply less to the rest of the UK, including London, as these other administrative territories have more consistent forms of devolved government and governance, underpinned by more discretionary funding instruments.

Across England, however, devolution has been manifested in initiatives that could be said to be variants of the contract state – city deals, combined authorities and local enterprise partnerships. In these cases, central government sets out a number of contracts with the devolved administrations to deliver public policy, using associated financial instruments, at localised levels. In this environment of limited devolved fiscal powers, coupled with incomplete and sometimes non-existent institutional governance, the prospects of an economic dividend from devolution hit a problematic paradox: decentralisation can potentially reinforce re-centralisation, especially in the case of England. That is, new institutional arrangements – for example city deals and combined authorities – and associated funding streams are conditional on central government approval and continuing oversight, with limited local discretionary powers.[7]

Evidence of the economic benefits of devolution

To assess the results of devolution two decades after its introduction, it is instructive to look back at the original motivations and objectives behind it. What did the architects of devolution hope to achieve? The general benefits of the reforms introduced by the Blair administration were anticipated to be as follows:

- Public service provision would be more tailored to localised need and therefore create efficiencies.
- Policy innovation would generate more revenue.
- Associated institutional changes would increase transparency and accountability by making decision makers more responsive to local citizenry.

On the other hand, risks were thought to include the following:

- The separation of expenditure and revenue between different government departments and agencies at various territorial levels might create inefficiency.

- Territorial competition may promote a zero-sum game. To attract national or international investment, separate regions may try to offer subsidies or grants to businesses that choose to invest in a particular area. However, if this simply draws investment away from another part of the UK, the net effect of offering these subsidies and administering such schemes would simply be that the public resources available for other forms of government spending are diminished.
- There might be greater inequality as territorial devolution of services may undermine central government's objectives relating to redistribution and maintaining welfare standards.

Two decades on, studies have attempted to determine which predicted benefits have been felt – and which warnings were accurate.

At the end of the 2000–06 programme of research on devolution and constitutional change, funded by the Economic and Social Research Council, its director stated:

> There is little evidence to suggest that an 'economic dividend' should be expected from devolution or has yet appeared. There is much to suggest that devolution – even administrative devolution in England – will lead to a widening of regional disparities, and that there is only a limited capacity on the part of the UK government to intervene to secure a UK wide economic balance.[8]

This outcome was, in part, the fault of the proponents of 'new regionalism' and 'new localism', whose ambitious claims for devolution rested on limited evidence, few case studies and a tendency to use anecdotes.[9] However, the relationship between devolution and economic dividend is contingent on changes to the national economy and their geographical impacts.[10,11]

A major study by Pike et al on the wider benefits and costs of devolution was carried out a decade after the 1999 starting point.[12] The authors focused on two significant factors: the performance of the national economy and its structural problems, and the socioeconomic disparities within the UK, and within England in particular. The authors tried to separate out the impact of devolution from national economic growth, which is unevenly distributed across different places, using a database on local and total government expenditure provided by Eurostat, the EU statistics authority. They found that the level of devolved autonomy decreased with the scrapping of the metropolitan councils and the cutting of the revenue support grant for local government in the late 1980s and early 1990s. Given the growing economic disparities between the English regions in the following decades, the key question is whether this relationship between reduced devolved authority and increased regional disparities is symmetrical or not. In other words, does further devolution, underpinned by fiscal autonomy, lessen disparities between regions?

In 2010, the Joseph Rowntree Foundation did some research on employment and employability and faced a similar problem of isolating the impact of devolution from central government labour policy and regulation. With the exception of Northern Ireland, whose devolved powers are greater in this area, the authors found little difference in employability between the devolved nations and the northern regions of England, but the devolved nations had a better record in terms of improving the level of employment.[13]

Of course, any estimates of the potential benefits and risks of devolution are also variable, due to the inconsistency of the data used in the UK's devolved nations and regions. In their analysis of whether devolution has created a dividend for Scotland, for example, economists at the University of Strathclyde concluded that Gross Value Added (GVA) per head increased marginally as a result of the (re)creation of the Scottish Parliament.[14] Their methodology focused on the key economic indicators as well as using the HM Treasury's Public Expenditure Statistical Analyses to model any public expenditure benefits. In their conclusion, the authors added the caveat that their approach may be unsuitable for identifying a causal impact of devolution. This caveat is instructive when examining the position of England, where a micro-level approach may be more suitable, particularly with respect to the impact of devolution on productivity.

More comprehensive analysis includes a wider set of factors, including the positive or negative effects that policies implemented in one devolved area may have on other parts of the UK. An example is improved transport links, which increase accessibility for businesses and households but also noise and environmental costs. There may be greater potential economic benefits from devolving powers to larger urban areas and regions because such areas have the opportunity to exploit economies of scale – that is, to produce multiple products and services in the same place in a way that is cheaper than producing them separately, as part of the overall economies of agglomeration that larger places enjoy.[15]

The economic indicators of regional performance over the past 20 years do not suggest that devolution has had any impact on regional performance. This is illustrated by looking at GVA in the regions and nations of the UK in the two decade-long periods of devolution (see Table 4) and annual change in GVA (see Figure 3, on page 104). The Office for National Statistics (ONS) defines GVA as "the value generated by any unit engaged in the production of goods and services. GVA per head is a useful way of comparing regions of different sizes. It is not, however, a measure of regional productivity."[16]

Regional GVA is sometimes cited as a measure of productivity yet, as the ONS points out, this is a poor indicator. There are two approaches: production (output of goods and services) and income (firms and households). The latter measure is used here. The income approach includes profits but not investment, so that the contribution of investment to an economic dividend, as a result of devolution, will not be directly measured by regional GVA.

Table 4: **Gross Value Added (GVA) and GVA growth by region/ nation (real terms, adjusted for inflation*), 1999–2016**

	Total GVA 2016		Average annual GVA growth (%) in period**				
	£ billion	**% of UK total**	**2015**	**2016**	**1999–2016**	**1999–2007**	**2010–2016**
North East	51	2.9	1.4	-1.0	1.5	2.9	0.7
North West	167	9.5	2.9	1.3	1.9	3.1	1.4
Yorkshire and the Humber	112	6.4	2.7	0.0	1.5	3.0	0.9
East Midlands	100	5.7	1.5	0.8	1.6	2.4	1.9
West Midlands	127	7.2	2.8	1.8	1.5	1.8	2.5
East of England	147	8.4	3.1	1.6	1.8	2.7	1.9
London	408	23.4	2.0	3.0	3.1	4.2	3.2
South East	259	14.8	3.7	0.8	1.9	2.5	1.8
South West	127	7.3	1.3	2.0	1.8	2.5	2.0
England	1,498	85.7	2.6	1.6	2.1	3.0	2.1
Wales	60	3.4	2.9	1.9	1.7	2.6	1.8
Scotland	134	7.7	0.7	1.2	1.9	2.7	1.7
Northern Ireland	37	2.1	3.0	1.1	1.7	3.3	1.2
Extra-regio***	19	1.1	0.1	0.0	-5.0	-4.5	-5.2
UK	1,748	100.0	2.5	1.6	1.9	2.8	1.9

* Approximations as no data exists for regional inflation.

** Annual average rates of growth.

*** Extra-regio refers to output that cannot be assigned to a particular territory (e.g. North Sea oil and gas).

Source: Harari, D, *Regional and Local Economic Growth Statistics*, Briefing Paper Number 05795, House of Commons Library 2018, derived from the Office for National Statistics.

Geographical disparities in the UK, which are being sustained by a lack of fiscal autonomy, is a fundamental issue, most keenly felt in England. In 2012, 13.3% of total local revenue was raised by local taxes in the UK, compared with 60.9% in Sweden, 51.7% in Spain, 48.0% in France, 45.4% in Italy and 39.4% in Germany.[17] The comparative reliance on intergovernmental transfers is also striking. In 2015, 67% of local government revenue in the UK was in the form of government grants – compared with 39.9% in Italy, 37.5% in Germany, 33.9% in Spain, 30.6% in Sweden and 25.7% in France.[18] At the city or combined authority level, the differences become even more apparent, especially in comparison with other large cities in the world. More than 73% of the West Midlands Combined Authority's revenue and almost 69% of London's revenue comes from central government transfers. This compares with 33.2% for Berlin, 32.4% for Madrid, 26% for New York City, 16.3% for Paris, 13.2% for Frankfurt and 12.5% for Tokyo.[19]

What can one conclude from the reviews of the economic dividend from UK devolution? A coherent system of multi-level governance, underpinned by appropriate institutional structures and processes as well as decentralised financial instruments, is an imperative. However, the inconsistent and underdeveloped set of arrangements that have evolved in the UK to date have tended to both limit opportunities for realising the economic dividend in the UK as a whole and reinforce disparities between regions. There has been some economic dividend in some places over the past two decades, but the results have not been comprehensive or evenly distributed.

Institutional intermediation and leadership

Over the past two decades, political support for devolution as a way to create an economic dividend has waxed and waned, hindering attempts to boost the economy across England in particular. Addressing this institutional inconsistency appears to be crucial if the economic dividend is to be realised on a consistent basis. Pike et al's conclusion seems apt:

> Any 'economic dividend' of devolution is likely to be highly variable, and taking different forms and degrees, and may

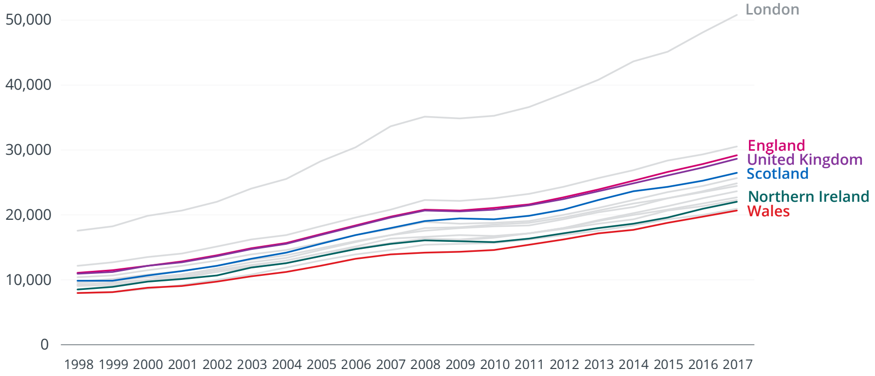
> be episodic or fleeting in its duration. It appears highly contingent upon particular paths of state institutional change across a range of scale and to be strongly shaped by national economic growth, the nature of fiscal autonomy and capacity and willingness for redistribution on the part of national central states.[20]

In the 2002 Spending Review, the Chancellor of the Exchequer announced a new Public Service Agreement target to improve regional economic performance and close the gap in economic growth rates between England's regions. The target used a baseline period of 1990 to 2002 and would be deemed a success if:

- the absolute gap in the average trend growth rate between the three regions with above-average levels of prosperity (London, the South East and the East of England) and the six other regions reduced
- each region's trend growth rate over the period increased.

The chosen measure was growth in GVA per head, which in 2002 was 2.4% in the three leading regions compared with 1.9% in the six other regions. By 2005, the laggard regions had overtaken the leaders: London, the South East and the East of England experienced growth in GVA per head of just 1.1% in 2005, compared with 2.1% across the other six regions. But, given the macroeconomic challenges of the global financial crisis and the public spending cuts that followed, the stronger performance of the six regions did not last long (see Figure 3).

Figure 3: **Regional Gross Value Added (GVA) per head, balanced income approach, 1998–2017 (constant 1998 prices)***



* Current prices adjusted by Gross Domestic Product (GDP) deflators.

Source: Office for National Statistics, 'Gross Value Added', ONS, 2019, retrieved 8 July 2019, www.ons.gov.uk/economy/grossvalueaddedgva

In England, the institutional changes since the abolition of regional development agencies in 2012 have done little to stimulate the economic dividend. They have been described as a 'policy pizza' whose ingredients include enterprise zones, local enterprise partnerships, city deals and combined authorities with elected mayors.[21] With respect to funding, following the announcement of the first city deals in 2014, £286.5 million (m) a year of additional central government funding was announced in 2015, amounting to £7.4 billion (bn) over 30 years.[22]

At the same time, local enterprise partnerships received £461.5m a year from the Local Growth Fund in 2014–15, while local authority funding for capital expenditure was £4.4bn. Local authorities were also granted discretion over 2% of business rates.[23] Other funds include the Regional Growth Fund and the Growing Places Fund. Between 2010 and 2014, central government's contribution to devolved growth funds was £6.2bn, compared with regional development agency expenditure of £11.2bn over the period from 2005/06 to 2008/09.[24] The relative lack of central government funding for devolution since the dissolution of the regional development agencies is now compounded by the loss of €49.1bn in EU regional funding over the period from 2014 to 2020 – with details of a promised UK Shared Prosperity Fund to replace this EU funding still unclear.

The past two decades have seen the creation of elected mayors and combined authorities, and the development of new forms and variants of leadership. This may create new opportunities for economic growth – the work that the Centre for Local Economic Strategies (CLES) has done on community wealth-building shows how more localised forms of leadership can create and sustain socioeconomic benefits.[25] However, without more local and regional discretion over funding and associated instruments, this leadership may fail.

Beyond the regions: the effect of external factors

When the data is assessed, and the reforms and approaches are reviewed, it is important to take account of three powerful macroeconomic contingent factors beyond the control of the regions of the UK:

- the global financial crisis and its aftermath
- the pursuit of fiscal consolidation through cuts in public expenditure (commonly known as 'austerity'), beginning with the Coalition Government of 2010–15
- the impact of the result of the 2016 referendum on the UK's membership of the EU and its prospects for the UK economy ('Brexit').

In the UK, GDP per head grew an average of 2.2% per year between 1955 and 2007 and then dropped to 0.35% per year between 2008 and 2017. Some of this impact has been seen in the spike in regional GVA in 2008 and subsequent lower rates of change, as seen in Figure 3.[26] The OECD has estimated that, among its 19 leading members, the loss of output in 2014 due to the global financial crisis was 5.25%.[27] For the UK, estimates suggest that in 2014, GDP per head was 14% below trend.[28]

A similar story holds for austerity, with cuts in public expenditure reducing national output by 1% for each year between 2010 and 2013 and with projected cuts from 2010–11 to 2019–20 amounting to 22.4% of total public expenditure.[29] Between 2008 and 2016, the UK's cuts in public expenditure were larger than all the EU15 member states, with the exception of Greece, Ireland, Portugal and Spain.[30]

Likewise, in the case of Brexit, the Bank of England, in a report for the House of Commons Treasury Committee, estimates a total loss of 2% of GDP since the 2016 EU referendum, and gives scenarios of the impact up to five years ahead, depending on the terms of the UK's exit from the EU.[31] It suggests a loss of GDP to 2024, from the base case of May 2016, of between 7.75% and 10.5% for a no-deal scenario and between 1.25% and 3.75% for a new economic partnership with the EU.

Clearly, any economic dividend from devolution will be contingent on managing the regional impact of the first two macroeconomic factors – and will be affected by the response to the third. As some of the evidence set out in this essay shows, the global financial crisis and the subsequent imposition of austerity in the UK after 2010 have not been well managed, as is demonstrably the case for the current imbroglio of Brexit.

Conclusion

In one of the most centralised economies in the world, in which socioeconomic and spatial imbalances are greater than in most advanced economies, trying to elicit the economic dividend from 20 years of UK devolution is a complicated task. The impact of the global financial crisis, austerity and the prospect of Brexit have made it all but impossible. What is clear is that devolution has not been able to arrest the increase in regional inequalities across the UK, which these three shocks have reinforced.

While there is evidence that devolution has benefited Scotland and Northern Ireland – before the suspension of the Northern Ireland Assembly in 2016 – and the large metropolitan areas (including Birmingham, London and Manchester), the cuts in local government expenditure since 2010 have not been compensated for by a variety of regional initiatives and there have been limited funding streams.[32,33,34] So, overall, the net effect of cuts to local government budgets appears to have been to reduce the prospect of any economic dividend from devolution.

There are lessons to be learnt from the inconsistent initiatives that have been implemented since 1999. Future governments should also look further back and study the evidence of the 1969 Kilbrandon Commission on regional government[35] and the 1972 Redcliffe-Maud Commission on local government reform.[36]

The EU referendum result has caused a constitutional crisis, but both the threat that Brexit poses to the Union and the reasons that lay behind the vote for Brexit across England provide an opportunity to piece together a new settlement. If based on a coherent and multi-level system of devolved government and governance, including reform of local government, such a settlement could yet see devolution result in an economic dividend that delivers for all citizens and places in the UK.

There is a legacy of 20 years of devolution to build on as the consequences of Brexit play out, in terms of both the English regions and the nations of the UK. Polling evidence suggests that 'left-behind places' – such as Stoke and Sunderland – lay behind the vote to leave the EU, and future governments will need to give serious thought to how regional imbalances in the economy can be tackled.[37]

In terms of relations between the UK nations, Scotland and Northern Ireland voted to remain in the EU. As Brexit increases strains on the Union, future Holyrood administrations may well demand further fiscal powers while the final terms of the UK's departure from the EU will have major consequences for all the devolved nations and their relationship with Westminster. The current Government's *Industrial Strategy: Building a Britain fit for the future*[38] will be ineffective in mitigating the impact of Brexit on the economy if it is not rooted in a coherent institutional framework, with appropriate, devolved, funding instruments. Such a framework could help to prevent the potential "Break-up of Britain" that Tom Nairn warned about in 1977 with regard to devolution,[39] and which may now occur as a result of Brexit.

7. Has devolution enhanced public trust in the political system?

Emily Gray and Ben Page, Ipsos MORI

Introduction

In his speech at the opening of the Scottish Parliament on 1 July 1999, First Minister Donald Dewar said: "[W]e look forward to the time when this moment will be seen as a turning point: the day when democracy was renewed in Scotland, when we revitalised our place in this, our United Kingdom."[1] Similar views about the potential for devolution to bring about democratic renewal were expressed in the context of Wales and Northern Ireland. Secretary of State for Wales, Ron Davies, argued in 1997 that devolution would create "a new democracy, with an Assembly directly elected by and answerable to the people of Wales".[2] And the Good Friday Agreement in Northern Ireland contained a commitment to "a fresh start, in which we firmly dedicate ourselves to the achievement of reconciliation, tolerance and mutual trust".[3] Twenty years later, what does the evidence tell us? Has devolution enhanced public trust in the political system in the various nations of the UK?

It is widely assumed that public trust is indispensable to effective and successful policy making in democracies. As the Organisation for Economic Co-operation and Development (OECD) has argued, "trust is an essential, yet often overlooked, ingredient" in policy making.[4] If the public lose trust in their government and civil service, they are likely to be less supportive of that government's policies and ideas. Support for public sector reforms then proves difficult to mobilise. Low levels of public trust can also mean that citizens are less likely to comply with rules and regulations, which then presents challenges for the everyday functioning of the country and its systems.

A lack of public trust makes it more difficult and expensive for governments to operate successfully. The converse is also true: those governments and political institutions that enjoy higher levels of public trust are more likely to be able to mobilise support for their reforms, and will be better placed to implement them successfully. More broadly, an erosion of public trust risks creating a downward spiral of disengagement, leading to people becoming less likely to engage with the political process, which in turn leads to a further decline in trust.

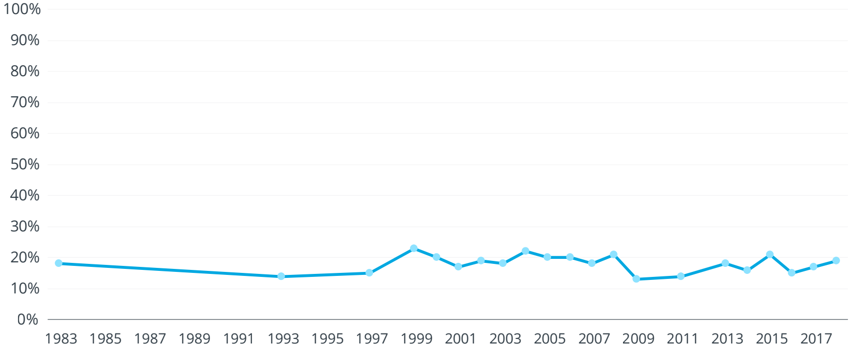
It is a truism that public trust is hard won, but easily lost. In referendums in 1997, the Scottish and Welsh publics each legitimised devolution by voting for the creation of new devolved institutions. The people of Northern Ireland likewise voted to endorse the Good Friday peace deal in May 1998. This essay considers whether the devolved institutions have been able to capitalise on this initial public support by building public trust. We examine how levels of public trust in the Scottish, Welsh and Northern Irish devolved governments, as well as in the UK Government, have changed over the course of the past two decades of devolution.

The pre-devolution context

What was the state of public trust in the political system before devolution? Of course, there is no single measure of trust in the political system, so we examine three aspects of political trust that are important here: trust in politicians to tell the truth, trust in government to act in the country's best interests and trust in government to make fair decisions.

The public in Britain have long been distrusting of their politicians. However, the level of trust in politicians has changed relatively little over time. Over the 36 years that Ipsos MORI has been tracking trust in professions, the proportion of the public in Great Britain (GB) who trust politicians to tell the truth has ranged from 23% at its highest point in 1999, down to 13% in 2009 in the wake of the Members of Parliament (MPs') expenses scandal and the aftermath of the financial crisis (see Figure 4). By 2018, trust in politicians stood at 19%, almost exactly where we found it in our first survey in 1983. So at the GB level, trust in politicians has not got any worse, but it certainly has not improved.

Figure 4: **Trust in politicians in Great Britain to tell the truth, 1983–2018**



Source: Ipsos MORI Veracity Index. Base: c.1,000 British adults aged 15+ per year.

Similarly, British Social Attitudes data[5] tells us that the British public have never had a great deal of trust in government and the political process. Public trust in government declined markedly over the decade that preceded the devolution reforms of the late 1990s. When it came to trusting governments 'to place the needs of the nation above the interests of their own political party', public trust fell sharply between the mid-1980s and the mid-1990s. While 38% of British adults surveyed in 1986 said they trusted government 'just about always' or 'most of the time', by 1996 that figure had fallen to 22%.

Although politicians often suggest that public trust in the political system is lower than it has ever been, the evidence does not support this. It is true that trust in government in Britain remains relatively low, but it has fluctuated over the past two decades (between 16% at its lowest and 29% at its highest), rather than showing any clear decline.

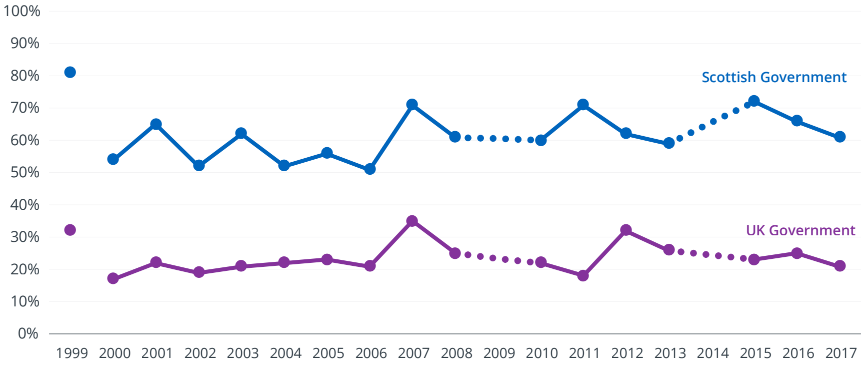
The Scottish and Welsh Governments are more trusted than the UK Government

Has the history of devolution in the UK worked to enhance public trust? Looking at Scotland and Wales first, it should be noted that public appetite for devolution was much stronger in the former than in the latter. In the September 1997 referendum, Scotland voted overwhelmingly in support of a Scottish Parliament being created, and for that parliament to have tax-varying powers, with 74% of the public voting for the Parliament based on a turnout of 60%. Wales, however, voted for devolution with a very narrow margin of 50.3% for 'Yes', based on a turnout of just over half the electorate.

Despite these very different starting points, devolution appears to have been a success in both Scotland and Wales in terms of creating political institutions that enjoy high public trust. In this respect, it has enhanced public trust in the political system. However, it has not succeeded in enhancing trust in other parts of the political system; public trust in the UK Government has remained low in both Scotland and Wales. In both Scotland and Wales, moreover, the public trust the devolved institutions much more than either the UK Government or local councils.

Levels of trust in the Scottish Government – whether to work in Scotland's best interests or to make fair decisions – have consistently been much higher than trust in the UK Government, ever since these questions were first asked in 1999 (see Figure 5).[6]

Figure 5: **Trust in the Scottish Government and the UK Government to work in Scotland's best interests, 1999–2017**



Source: Scottish Social Attitudes Survey for the Scottish Government. Base: c.1,197–1,663 Scottish adults aged 16+ per wave.

In Scotland, more people trust the Scottish Government to work in Scotland's best interests than do not. In 2017, when this was last measured, 61% of people in Scotland said they trusted the Scottish Government 'just about always' or 'most of the time' to work in Scotland's best interests. However, just 21% said they trusted the UK Government to do the same.

How has this changed over time? Trust in the Scottish Government (then known as the Scottish Executive) fluctuated in the years immediately after devolution, with peaks in 2001 and 2003 (UK and Scottish election years). It reached a new high in 2007 – up 20 percentage points from the previous year. It is worth noting, however, that public trust in the UK Government also increased by 14 percentage points over the same time period, which indicates a rise in trust across the different levels of government, rather than the Scottish Government alone enjoying higher public trust.

Patterns of trust in the Scottish and UK Governments diverged in the second decade following devolution, however. In the wake of the financial crisis of 2008 and the MPs' expenses scandal of 2009, Scots' trust in the UK Government fell back over the period 2009–11, recovering briefly in 2012 before falling again in subsequent years. In contrast, public trust in the Scottish Government has remained high post-2008 but has fluctuated, with peaks of trust in 2011 and 2015, following the Scottish Parliament elections and 2014 independence referendum respectively.

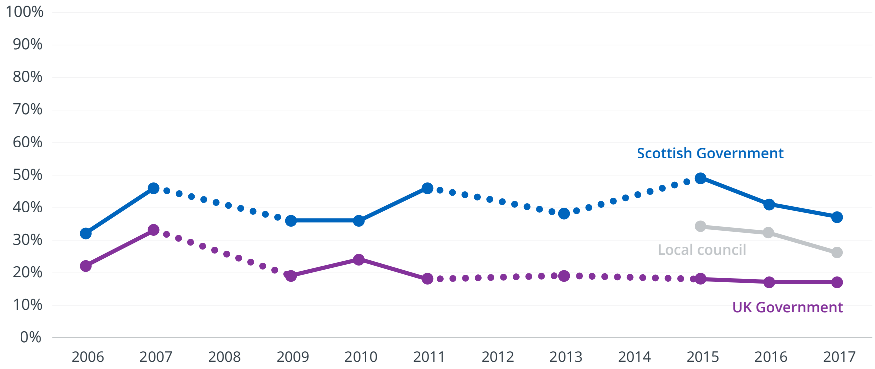
Scotland's independence referendum looked at the time to have been a game-changer in terms of Scots' political trust, interest and engagement. In 2015, trust in the Scottish Government reached the highest level ever recorded, with 73% of people in Scotland reporting that they trusted the Scottish Government to work in Scotland's best interests. However, trust has since fallen back to pre-referendum levels, indicating a 'referendum effect' rather than a sustained uplift in public trust.

Trust is closely associated with political affiliation and identity. Those who trust the Scottish Government are more likely to be Scottish National Party supporters, and to feel more Scottish than British. There is also an age gradient, with young people (those aged 16–39) more likely to say they trust the Scottish Government than their older counterparts (those aged 40+) are. In contrast, those who trust the UK Government are more likely to be on the right of the political spectrum and to feel more British than Scottish.

The public in Scotland have been consistently more likely to say they trust the Scottish Government than they do the UK Government. This is perhaps not surprising given that the question asks about trust in each institution to act in Scotland's best interests. However, a similar pattern is found when the Scottish public are asked about trust in each institution to make fair decisions. In 2017, 37% of the Scottish public said they trusted the Scottish Government to do this, while just 17% trusted the UK Government to do the same (see Figure 6). The gap has typically been wider over the second decade of devolution than it was when it was first measured in 2006 and 2007. It is also worth noting that the gap between trust in the Scottish Government and in the UK

Government to make fair decisions has typically been narrower than the relative gap between trust in the two institutions to act in Scotland's best interests.

Figure 6: **Trust in the Scottish Government, UK Government and local council to make fair decisions, 2006–17**



Source: Scottish Social Attitudes Survey for the Scottish Government. Base: c.1,197–1,663 Scottish adults aged 16+ per wave.

Turning to Wales, we find a similar pattern, with the public trusting the Welsh Government more than the UK Government. Two thirds of the Welsh public (66%) trust the Welsh Government to work in Wales' best interests 'just about always' or 'most of the time', according to the 2011 Welsh Referendum Study.[7] This contrasts with the 27% who trust the UK Government to do the same.

Trust might be expected to be strongest at the local level, where power is exercised closest to people themselves. This is the pattern we find in England, where local councils and councillors are always more trusted than Westminster government and politicians. However, the pattern we see in both Scotland and Wales is that the public are more likely to trust the devolved governments than they are their local councils. In Scotland, just over a quarter of people surveyed in 2017 said they trusted their local council 'a great deal' or 'quite a lot' to make fair decisions; this compares with around a third who trust the Scottish Government to do the same. In Wales, people are also more likely to trust the Welsh Government than they are their local council.[8]

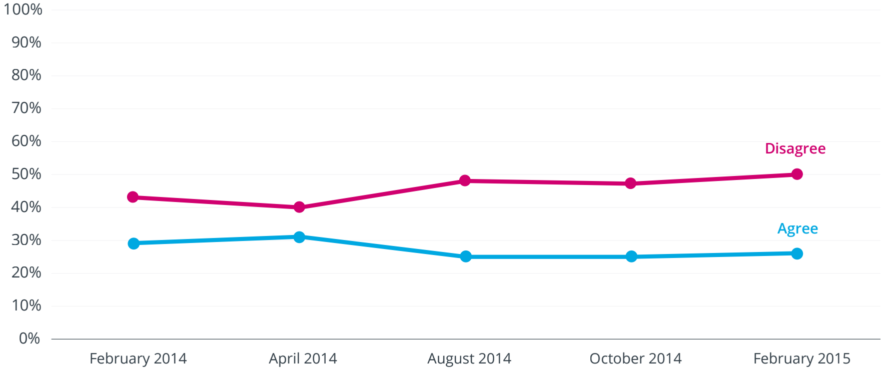
In summary, the evidence indicates that devolution in Scotland and Wales has enhanced public trust, in that it has created institutions at the devolved level that are more trusted by the public than institutions at other levels of the political system. It is clear, however, that devolution has not enhanced trust in the political system overall among the Scottish or Welsh publics. Not all parts of the political system enjoy the same high levels of trust as the devolved governments; for example, the UK Government and local councils are less highly trusted by the public.

Dissatisfaction in Scotland and Wales with how well the system of governing Britain works overall is also clear, and has risen over the two decades during which power has been devolved. Overall, those living further from Westminster are more likely to be dissatisfied with the system of governing Britain than those who live closer to it.[9]

Northern Ireland: a paralysis of trust

Given the findings above, devolution does appear to have enhanced public trust in the devolved institutions in Scotland and Wales. However, it should not be assumed that devolution will always help to foster public trust. This is underlined by the case of Northern Ireland, where trust and confidence in politicians and institutions remain low. Just over a quarter of the public (27%) surveyed by Ipsos MORI in 2015 said they trusted the Northern Ireland Executive to act in the best interests of the country (see Figure 7).

Figure 7: **Trust in the Northern Ireland Executive to act in the country's best interests**



Source: Ipsos MORI (previously unpublished). Base: c.1,000 adults in Northern Ireland aged 16+ per wave.

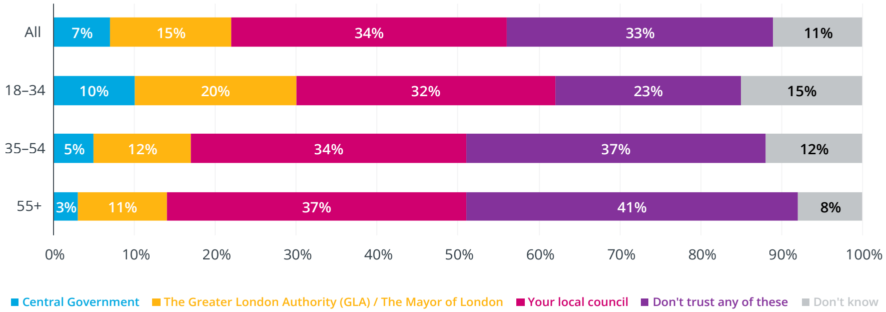
This contrasts with the situation eight years previously in 2007, after devolution had been restored to the Northern Ireland Assembly on 8 May of that year. The 2007 Northern Ireland Life and Times Survey (NILT) found that 60% of the public said they trusted the Northern Ireland Assembly to work in Northern Ireland's best interests either 'just about always' or 'most of the time'.[10] The survey took place during the Assembly's honeymoon period, when public attitudes towards politics and politicians may well have been more positive than if the survey had been conducted six months earlier or later.[11] By the time the 2015 survey was conducted, this figure had almost halved, to 32%. While the 2007 data showed significant differences in public trust by age, with those aged 55–64 having the most trust in the Assembly to work in Northern Ireland's best interests while those aged 18–24 were much more cynical, the same pattern was not apparent in the 2015 data, where variations by age group were much smaller.[12]

Since early 2017, the absence of an Executive or functioning Assembly has created a democratic deficit in Northern Ireland. As Peter Hain commented in 2017: "[T]here is oddly little sense of crisis among Northern Ireland's citizens. Instead there is something more serious: a sense of weary cynicism and resigned hopelessness that the political class has failed them yet again."[13] Recent polling for *The Irish Times*[14] shows low satisfaction ratings for leaders of all the main political parties, underlining that the Northern Irish public hold their politicians in low regard.

London and the English regions

Turning to London and the English regions, would further devolution help to enhance public trust? There is certainly an appetite for further devolution among Londoners; Ipsos MORI's polling for London Councils in 2018 showed that approaching half of Londoners (46%) supported transferring more powers to London local government – that is, to the London Mayor and the London boroughs – compared with 13% who opposed this. When it comes to decision making about local service provision, Londoners trust their local council most (34%), although there is some scepticism about all decision-making bodies, with a third of Londoners saying they do not trust any of the three levels of government (central government, the Greater London Authority (GLA)/the Mayor of London and London councils) (see Figure 8). Meanwhile around one in seven Londoners (15%) say that they trust the GLA/the Mayor of London the most to make decisions about how services should be provided locally. This is not particularly surprising; Londoners are likely to be more directly familiar with their local council's service provision than with the GLA and Mayor, given local government's responsibility for delivering highly visible services such as rubbish and recycling bin collections.[15]

Figure 8: **Who do Londoners trust most to make decisions about local service provision?**



Source: Ipsos MORI, 2018. Base: 1,000 Greater London residents aged 18–75.

In the English regions, devolution has not progressed sufficiently far to be able to say what impact it would have on public trust. However, it might be expected that further devolution in England would only help to enhance public trust if there is a clear appetite for it. This does not appear to be the case; while Ipsos MORI's State of the Nation polling in 2014 showed that those in the North of England are more likely than those in other English regions or Wales to agree strongly that government power in Britain is too centralised, this does not translate into high levels of support for devolution or the creation of regional assemblies. Rather, there is most public support for the status quo. When asked in 2014, 44% of the English public said they would support England being governed as it is now, with laws made by the UK Parliament. This contrasts with around a quarter who prefer each of the English devolution arrangements: 26% said they would support England having its own new Parliament with law-making powers, while a further 23% said they would support each region of England having its own assembly that runs services such as health.[16]

Conclusion: public trust and the future of the Union

We have seen that the devolved institutions created in Scotland and Wales have enjoyed high levels of public trust over the past two decades. Arguably, this simply shows that devolution has fulfilled its aim, given that devolution in Scotland was introduced partly in response to concerns that the UK Government was seen as too distant to be able to act effectively in Scotland's interests, and in Wales in response to renewed calls for devolution following the unpopularity among Welsh voters of the UK Conservative Government and its policies during challenging economic times in the 1980s. However, in Scotland, devolution clearly has not met the additional aim of "killing independence stone dead", as famously declared by Shadow Secretary of State for Scotland, George Robertson, in 1995.[17]

The devolved institutions in Scotland and Wales cannot take public trust for granted, however. Governments' competence – how they implement their policies and programmes – can enhance or undermine public trust. This is especially important for devolved administrations when taking on new functions, which often bring with them implementation challenges. It remains to be seen which powers will be devolved and which will be reserved to Westminster in the post-Brexit settlement. What will be important, from the public's perspective, is not only which powers are devolved, but also how well those new powers are implemented in practice.

As we have seen, devolution does not always work to enhance public trust. In regard to the future of public trust in the political system in Northern Ireland, much hinges on finding a way out of the current political impasse. The absence of an Executive or functioning Assembly has damaged public trust and has worked to deepen the democratic deficit in Northern Ireland. While the Northern Irish public remain in favour of Northern Ireland being part of the UK with a devolved government – the 2018 Northern

Ireland Life and Times Survey shows that 41% are in favour of this arrangement, compared with 21% who prefer direct rule and 19% who favour reunification with the rest of Ireland[18] – there needs to be real change if public faith in politicians in Northern Ireland is to be restored.

Lastly, there are real opportunities to improve public trust further by using ways of engaging the public that go beyond traditional modes of democratic participation such as voting in elections. Northern Ireland saw its first ever Citizens' Assembly held in autumn 2018, to debate people's aspirations for the future of social care.[19] Scotland's Citizens' Assembly, announced by First Minister Nicola Sturgeon on 24 April 2019[20] and set to sit for the first time later this year, will be a high-profile example of the power and credibility of this form of democratic deliberation, whereby a representative cross-section of Scottish society will deliberate and seek views on how best to equip Scotland for the future challenges it faces, in light of Brexit. In many ways, this move builds on Scotland's history of trialling different modes of democratic engagement over the past two decades of devolution, for example consultations, e-petitions and 'mini-publics' such as those recently held in the Scottish Parliament, where a cross-section of citizens deliberate on policy issues to help inform the work of parliamentary committees. At a time of considerable uncertainty about the UK's political future, if devolved institutions demonstrate to the public that they are prepared to do things differently in regard to democratic participation, it may well build public trust in them even further.

8. Has devolution produced successful policy innovation and learning?

Pippa Coutts, Carnegie UK Trust

Introduction

This year marks 20 years since devolution to Scotland, Wales and Northern Ireland. When the new devolved governments took office in 1999, there was anticipation in the policy community that devolution would offer a chance to 'do' government, and develop policy, differently.[1] There was an expectation that devolution would create space for each part of the UK to innovate in the policy process, to test out new ways to address old problems and to develop policy solutions better suited to the local context. Given the possibility for divergent policy, devolution created an opportunity for policy learning[*] between governments and for the UK to become a "living laboratory" for policy.[2]

This essay addresses the extent to which this has happened. I discuss whether the devolved governments have taken the opportunity to develop innovative policy, and cite the example of a 'wellbeing' approach to government. Then, I consider the influence of different political priorities, through the lens of free personal care. Next, I look at the links between evidence, strong leadership and policy changes, through accounts of the introduction of smoking bans and changes to the organ donation

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[*] Professor Paul Cairney defines policy learning as "the use of knowledge to inform policy decisions". In this case, that would be knowledge of policy changes and outcomes in other UK jurisdictions. See Cairney P, 'Policy concepts in 1000 words: policy transfer and learning', 11 November 2013, retrieved 21 June 2019, https://paulcairney.wordpress.com/2013/11/11/policy-concepts-in-1000-words-policy-transfer-and-learning

system. Finally, I discuss whether and how the jurisdictions of the UK have learnt from each other's policy experiments.

I conclude that there has been successful policy innovation, which sometimes influences policy decisions in other UK jurisdictions. The transfer of policy from one jurisdiction to another is constrained by the different contexts (for example, size, population distribution and government structures) and political perspectives, as well as distinctive policy communities and a lack of policy transfer mechanisms.

The asymmetry of devolution limits the scope for policy innovation and learning

The devolution settlements across the UK vary in terms of the powers devolved and the structure of the devolved institutions. As a result, each part of the UK has had a different relationship with Westminster following devolution and different capacities to innovate in terms of policy development.

Scotland and Northern Ireland had their own legal systems, and the National Health Service (NHS), schools and other public services were administered separately, long before 1999. Since devolution, Scotland and Wales have restructured their administrations, and moved away from the departmental structure of Whitehall, which Northern Ireland has retained.* However, civil servants working for the Scottish and Welsh Governments are part of the single 'home civil service' that also supports the UK Government. Only Northern Ireland has a legally separate civil service of its own – a legacy of the earlier period of devolution that ran from 1922 to the early 1970s – and this may reduce the chances of cross-UK learning. Northern Ireland has also been without an Assembly and Executive for more than two years, making it much more difficult to innovate.

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* For a fuller discussion of the differences, see Institute for Government, 'Devolved administrations', in Paun A, Cheung A, and Valsamidis L, *Devolution at 20*, Institute for Government, 2019, retrieved 21 June 2019, www.instituteforgovernment.org.uk/publication/devolution-at-20/devolved-administrations

The most noticeable asymmetry is that England remains without a legislature. The UK Government and Parliament double up as the government and parliament of England, so it is difficult to define innovation emanating from England itself.

At the start, when the devolved governments were bedding in, policy transfer was seen as policy emanating from Westminster and being implemented by the devolved jurisdictions without many changes.[3] However, over time, the devolved governments have taken the opportunity to develop different, and sometimes innovative, policies.

Devolution has fostered differences in policy and implementation between the jurisdictions

A driver for policy innovation by the three devolved jurisdictions is the rationale for devolution: to create local solutions to local problems.[4] Some fundamental differences in policy outcomes and implementation have emerged, such as the devolved governments shying away from the contracting out of public services and payment by results, towards something more collaborative. For example, the Scottish Government's approach to public sector reform is based on four principles: participation, prevention, people and performance.[5]

In certain policy areas, even where the devolved nations have little policy or budgetary control, there are examples of the governments trying to differentiate themselves from Westminster, for example by mitigating the negative effects of UK welfare policy. Significant policy differences have emerged, too, in areas such as health, education and justice, as a result of decisions taken in Edinburgh, Cardiff and Belfast, as discussed below.

One lesson is that, although there was some trepidation about devolution leading to lower standards, there has instead been a push for improved outcomes, in health, welfare and other areas.[6] An example of this is the introduction of a minimum unit price for alcohol, which is clearly linked to the desire to tackle harmful levels of alcohol consumption. This was seen as particularly acute in Scotland, the first place to implement a minimum unit price for alcohol, in 2018 after a considerable legal battle about whether the legislation was within devolved competence.*

Developing a similar approach to government across the UK: wellbeing frameworks

An example of the devolved governments developing a different policy approach from Westminster and learning from each other is the introduction of 'wellbeing frameworks', a strategy used by governments to monitor whether society is moving forward and to measure each of the domains of wellbeing, moving the focus away from narrower indicators such as Gross Domestic Product (GDP).[7] The Organisation for Economic Co-operation and Development (OECD), through its Better Life Initiative, recognises the focus on improving societal wellbeing in the UK, particularly at the devolved level, as innovative.[8]

A shared, political reason for the governments of Northern Ireland, Scotland and Wales to develop wellbeing frameworks has been the need to define their purpose and objectives. As Jennifer Wallace says in her book *Wellbeing and Devolution*: "[T]hese smaller and newer legislatures have sought to codify what they stand for."[9]

Scotland introduced its National Performance Framework in 2007 when the Scottish National Party, which had just gained government as a minority administration, wanted to state clearly what it stood for as a government. This coincided with the desire to streamline and refocus the civil service in Scotland, replacing the traditional division into government departments with a structure of fewer directorates that were expected to collaborate to achieve

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* For an analysis of the challenges, see the Scottish Government's Alcohol and Drugs Policy: Scottish Government, 'Alcohol and drugs', Scottish Government, undated, retrieved 21 June 2019, www.gov.scot/policies/alcohol-and-drugs

a strong overarching vision, including a single government-wide set of objectives and outcome targets.[10] In Wales, the wellbeing framework came from the Welsh Government's commitment to sustainable development and equality. Northern Ireland used the wellbeing approach as a unifying force and to provide a framework for central–local relations, and for relations within the devolved executive itself.

The three devolved jurisdictions have learnt from each other about developing and implementing wellbeing frameworks. The last to evolve was Northern Ireland, which set societal wellbeing at the heart of its Programme for Government in 2016. The development of the wellbeing framework was built on Scotland's National Performance Framework.[11] The learning that led to Northern Ireland adopting a wellbeing framework came from cross-jurisdictional visits of civil servants and politicians as well as structured inputs from the third sector and others on the need for a new, cross-party vision for the Government.[*]

The advent of the wellbeing frameworks in the three jurisdictions illustrates that similar drivers facilitate policy learning between jurisdictions. But also the three jurisdictions share a contextual factor: the devolved governments are small, and recent analysis by the Wellbeing Economy Governments' Policy Lab has highlighted that it is mainly smaller governments that develop wellbeing frameworks across the world.[**][12] The smaller size of government, coupled with Wales and Scotland's changes in government structures, make horizontal linkages between departments/directorates more straightforward to develop, and joining up government is a central pillar of wellbeing frameworks.

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[*] The policy-sharing inputs included a Roundtable on Measuring Wellbeing in Northern Ireland, organised by Carnegie UK Trust, and the National Children's Bureau NI advocacy on outcomes-based accountability.

[**] This theory was presented at the first Policy Lab meeting in Panmure House, Edinburgh, May 2019.

Different political priorities limit the extent of policy learning between the nations: free personal care

Another example of the effect of government structures and priorities on policy change is the introduction of free personal care in Scotland in 2002.* In 1998, the Royal Commission on Long Term Care recommended that the UK Government should meet the costs of personal care in the UK.[13] One argument for this was equity of care. For example, clinical cancer care is available free through the NHS, and so why would the same apply not apply to Alzheimer's disease? However, the recommendation was contentious, even among the commissioners. The Westminster Government was slow to respond, but in July 2000 the idea was dismissed for England and Wales in a new health policy launch.[14]

In an interview in *The Guardian* newspaper about the Commission's work 10 years on, the chair of the Commission, Stewart Sutherland, gave a practical reason for Westminster's rejection of free personal care. He said that the report had been sidestepped, after a rise in influence of certain powerful special advisers, at the expense of independent experts such as those on the Commission. This meant that there was "no place for a Royal Commission" in the Blair administration at that time.[15]

This was not necessarily the case in Scotland, where during 1999 and 2000 the profile of community care policy was growing, which, when coupled with the delay in Westminster deciding, increased the likelihood of a distinctive Scottish response.[16] Those within the Scottish policy community who focused on the care of older people supported the Sutherland Review's recommendations, and free personal care mirrored the Scottish Executive's stated focus on achieving social justice and fairness.[17] In 2001, the Labour-led Scottish Executive, under pressure from opposition parties,

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* This covers all personal care needs delivered in people's own homes, and help with washing and dressing in care homes, for people aged 65 or older.

committed to fund free personal care, in contrast to the Labour Government in Westminster. The Westminster Government was not under the same political pressures and was more concerned about avoiding additional spending commitments, and therefore rejected the policy on cost grounds.[18]

This is an example of policy differentiation you would expect from devolution, because governments will naturally have different political and fiscal priorities. In such cases, the scope for policy learning between jurisdictions is reduced.

However, with increasing demographic pressures and rising care needs, there has been growing scrutiny of free personal care. Recent analysis of the Scottish model has challenged the assumption that the cost of free personal care in England would be prohibitive.[19] In Scotland, free personal care is a fraction of the total cost of public expenditure on supporting older people and it delivers significant benefits, not least lowering overall health and social care costs by keeping people at home.[*] Based on this evidence, two think tanks – The King's Fund and The Health Foundation – have suggested that social care reforms in England should look again at the costs and benefits of free personal care.[20]

The role of leadership and evidence in policy innovation and learning: the smoking ban

The ban on smoking in enclosed public spaces illustrates how a policy first adopted in a devolved territory can then spread relatively quickly across all four UK jurisdictions.

Before any part of the UK adopted this policy, Ireland had introduced a ban on smoking in the workplace, in 2004, which the UK regarded as a type of test case. The UK All Party Parliamentary

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[*] In 2018, David Bell calculated that free nursing care and free personal care combined was around 20% of the total that local authorities spent on care homes in Scotland. See Bell D, 'Free personal care: what the Scottish approach to social care would cost in England', The Health Foundation, 2018, retrieved 21 June 2019, www.health.org.uk/newsletter-feature/free-personal-care-what-the-scottish-approach-to-social-care-would-cost-in

Group on Smoking and Health visited Ireland to see what lessons could be learnt and returned convinced of the need for similar legislation in other parts of the UK. There was a convergent political consensus across the UK on the issue, and in March 2006 Scotland passed a law banning smoking in public spaces, which was followed almost immediately by Wales and Northern Ireland. The ban was much more heavily debated in the UK Parliament, with an apparent split in the Cabinet about how far the ban should go, but was introduced in July 2007 after the Health Act 2006.[21]

Analysis of why and how the smoking ban was implemented first in Scotland and then spread relatively quickly focuses on pressure from health professionals, combined with growing public pressure and effective evidence-informed campaigns by interest groups such as ASH (Action on Smoking and Health). Increasing evidence of the harmful effects of passive smoking on people's health contributed to pressure from health professionals for new policy, across the UK. Although there were cross-UK consensus and drivers for the policy, Ireland and Scotland pushed the bans through earlier, which was probably because of 'strong ministerial leadership' on the need for a ban.[22] The successful policy implementation in the devolved jurisdictions then had a positive influence on the subsequent vote in the UK Parliament to legislate for completely smoke-free enclosed environments in England.[23]

The role of evidence and sharing learning across the UK: an opt-out system of organ donation

In 2015, in an effort to increase organ donations, Wales changed to an 'opt-out' system, meaning that consent to donation would be presumed by default unless the individual had specified that they wanted to opt out.* The other UK nations have retained the previous approach, where people have to 'opt in' to a register in

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* It is called 'deemed consent' because the family does have some say but only in so far as they can comment on their relative's wishes. See NHS Blood and Transplant, 'Organ donation laws: how the law affects you', NHS Blood and Transplant, undated, retrieved 21 June 2019, www.organdonation.nhs.uk/about-donation/how-the-law-is-changing

order to donate their organs when they die. Currently, there is little evidence on the impact of changing to an 'opt-out' system in terms of the number of organs given for transplant.[24] However, organ donation data is collected across the UK and it is hoped that this will be used to analyse the effectiveness of the Welsh reform.

Even without a strong evidence base about the impact of this reform in Wales, the UK Government is now changing the law in England to start an 'opt-out' system from 2020, illustrating that policies may spread for reasons other than the evidence-led model implied by the 'policy laboratory' concept. It is also possible that different parts of the UK reach the same decision for independent reasons. However, it does appear that the Welsh example is having some influence over what has been subsequently happening in England. The Chief Medical Officer in Wales told the BBC in January 2018 that he was in close contact with his counterparts in England and Scotland about the Welsh reforms: "I talk regularly with the chief medical officers of those countries, our cabinet secretary [minister] has written formally to England to support the consultation and at officer level we have a lot of input into helping to shape the consultation that's going on in England."[25]

The enabling factors and challenges around policy innovation and learning

So do these various examples of policy innovation and learning between the territories of the UK suggest that the idea of devolution as a policy laboratory has become a reality? The evidence is mixed, with examples of innovation, but fewer of organised policy learning leading to one government adopting ideas from another.

The devolved governments' desire for distinctive policies to define their purpose and to implement their varying priorities has promoted innovation. For example, their policy narrative has been affected by the introduction of wellbeing frameworks and purpose statements – that is, “promoting sustainable development” in Wales, and promoting “wellbeing, and an inclusive and sustainable economy” in Scotland.[26]

There are structural reasons promoting innovation in the devolved jurisdictions too. Their smaller size means that people know people and there are shorter lines of communication within government and the administration; and between central government, local government and a wider group of policy makers and influencers. This ability to bring different sectors together, to spread the message and agree, has contributed to the early adoption of policies such as the smoking ban, where the medical profession and campaigning groups had so much influence.

The jurisdictional government machinery is tighter too – fewer people have to be involved in decisions in Cabinet, in government and across departments – making these governments more fleet of foot. Whitehall and its civil service is known to be relatively siloed, with more departmental boundaries, which can negatively affect the spread of innovation.[27]

The case of wellbeing frameworks points to a spread of learning between Scotland, Wales and Northern Ireland, which have these shared drivers and attributes. A noticeable barrier to policy learning and diffusion across the UK is differences in the context. Putting policy learning into practice requires policy makers to see its applicability for their context. Unlike the archetypal laboratory, nations are not neutral places of experimentation: it is hard to control for all factors that may have contributed to the change. Decision makers looking in from the outside do not know the extent to which the circumstances, or implementation capacity, in the area of innovation, led to any change in outcomes. For example, knife crime in Scotland has been reduced through the efforts of the Violence Reduction Unit (VRU) in Glasgow, which was established in 2005 before the age of austerity, and designed with a strong emphasis on local knowledge. So policy makers and practitioners are justified in asking questions around whether the context of the VRU in Glasgow (a city of just over half a million people) allows it to be comparable to London (with a population of eight million).[28]

However, the diffusion of policies is not limited to Scotland, Wales and Northern Ireland. For example, as noted, England is now implementing an opt-out approach to organ donation. Where goals are shared, policy changes in one place can ease developments elsewhere, but where there are fundamental political differences, the level of policy learning will inevitably be reduced. This was a contributing reason for the differential adoption of free personal care, with Scotland wanting to be seen as actively promoting equity, while England's main concern was to keep spending under control.

Where goals are shared, the uptake of new policies is not necessarily linked to the evidence of the policy's success. Governments may emulate popular reforms in other nations for primarily political reasons, or as a result of professional leadership, knowledge exchange and networking.

Opportunities for increasing policy learning across the UK

Where policy diverges across the UK because of legitimate political priorities, this is not something that a 'living laboratory' can control for. The UK also struggles to live up to laboratory-type conditions because of the asymmetry in devolution and government structures, particularly between Westminster, which has to govern for all the UK as well as England, and the smaller and newer devolved governments.

Despite these realities, there is an appetite for policy learning, whether between chief medical officers as in the case of organ donation or between politicians in the case of wellbeing frameworks and the smoking ban. A small-scale survey at the end of 2017 indicated that more social policy professionals and practitioners wanted to share and access policy from across the UK (eight out of 10) than currently do (six out of 10).[29]

Yet, during devolution, processes and structures that enable evidence exchange between the four jurisdictions have been overlooked. Few, if any, networks for sharing social policy learning and practice across the UK exist currently, although people recognise that they would be useful.[30] For example, despite the advent of the What Works Network – a group of research centres that analyse evidence on policy effectiveness – to distil and share research and learning in different sectors, there are few examples of these being truly UK-wide. Recently, however, there have been positive advances in housing policy, with the introduction of two UK centres: the UK Collaborative Centre for Housing Evidence (CaCHE) and the Centre for Homelessness Impact.

We can encourage policy learning by filling the gap in mechanisms for gathering and sharing learning around the impact of different policies. Given the key role of leadership in making change, to successfully fill the gap we need to support political and other leaders to engage with policy learning. An example of this, considered in this essay, is the sharing of learning between Scotland and Northern Ireland on outcomes approaches and wellbeing frameworks.

In summary, devolution has enabled some important policy innovations, and offers an opportunity for the different jurisdictions to learn from each other. But we can do more to promote policy learning across the UK, while recognising that the UK will never be a pure evidence-led 'policy laboratory' due to differing political priorities and structural contexts.

9. Has devolution improved gender diversity in politics?

Laura McAllister, Cardiff University

Introduction and background

It is oft-repeated, but remains powerfully true, that there are fundamental differences between almost all aspects of politics in the devolved nations. Aside from the initially significantly different constitutional models of devolution in each, each parliament has a very different profile in terms of representation and diversity. Answering the question 'Has devolution improved gender diversity in politics?' requires us to trace some of the steps in the journey towards a perceptibly more diverse politics that Wales and Scotland, at least, have taken since 1999. This essay discusses how this change came about, its significance, and how sustainable it might prove.

Appropriately, diversity in politics means many different things depending on perspective and position. In the context of devolution, gender has been its significant theme. The focus of this essay therefore is on gender diversity, for two important reasons. First, women have historically been the largest under-represented group in politics and, second, this is the area of diversity where there has been most measurable progress since devolution This is not to ignore other significant identities such as race, ethnicity, age, disability and sexual orientation. However, this essay cannot do justice to the whole range of currently under-represented groups. It focuses on women, from the point of view of both numerical changes (usually termed 'descriptive representation') and any impact from this changed representation on political discourse, behaviour and policy ('substantive representation').

The debates that preceded devolution and the creation of the new elected institutions, especially in Scotland and to a lesser extent in Wales and Northern Ireland, were infused with a desire to improve diversity and equality in the new political spaces.[1,2,3,4] It was significant that, in each devolved nation, organised women and their allies – many of whom were feminists well versed in equality campaigning – were critical in influencing the shape, infrastructure and profile of the new parliaments and assemblies. This created an important expectation that politics would look and feel different.

Analysing progress on diversity, the terms 'hardware' and 'software' are often applied as a way of identifying what underpins change. Hardware refers to the structural framework – the constitutional and institutional factors such as size, electoral system and statutory provisions for equality. The notion of a 'blank slate' in a newly constructed or a majorly reformed institution, where there is potential to design in equality in the foundations of the new institution, is important too. The 'software' refers to the internal procedures, party commitments, behaviour, culture and style of politics that can also promote greater diversity.[5]

One way to show how devolution has improved diversity, especially gender representation, is to compare progress in the devolved nations with that in England. To date, England has only experienced piecemeal, ad-hoc devolution, with no strategic approach. No discernible attention has been paid to structures and opportunities for a more diverse profile for the politicians within these structures and, as of May 2019, all eight metro mayors (as well as the Mayor of London) are male and only three of the 15 directly elected mayors are currently women.

Political parties as the gatekeepers to improved political diversity

In most democratic systems, political parties are critical gatekeepers to elected office. They are, therefore, crucial to improving the diversity of candidates, and their attitudes towards the use of positive action has proved critical in generating more gender balance. In post-devolution Wales and Scotland, this debate has been framed by the fortunes of the Labour Party alongside the parties that, initially at least, were its principal rivals in each nation: Plaid Cymru and the Scottish National Party (SNP). The expectation that devolution would generate a new politics created an environment for the first elections that placed pressure on the parties to actively promote women in their candidate selections.

The first devolved elections in 1999 saw the election of far greater numbers of women in Wales and Scotland than at Westminster, and some progress, albeit less substantial, in Northern Ireland. Women made up 40% of Assembly Members (AMs) in the first National Assembly for Wales, 37% of Members of the Scottish Parliament (MSPs) and 14% of the Northern Ireland Assembly. This propelled Wales and Scotland to the top of global rankings for gender-balanced parliaments, easily overshadowing the House of Commons, where a rise in women's representation from 9% in 1992 to 18% in 1997 had been hailed as remarkable.

There has been progress in gender representation in all three devolved nations but Wales has led the way. In the second elections in 2003, women won exactly half of the 60 seats in the Welsh Assembly. After a 2006 by-election this rose further to 31 (52% – a simple, but remarkable, majority of women). The third elections in 2007 saw a small decline, but the percentage remained high at 47%. In 2011, 40% of AMs were women and, after the 2016 election, 43% (25 AMs) were women. Following some changes in personnel, based on the deaths and resignations of sitting AMs, the figure is now 47%. What makes this consistently high figure of women politicians so striking is that, up to 1997, there had only been four women MPs elected from Wales since some women gained the suffrage in 1918.

Exploring the distinctive profile of each devolved nation, focusing in particular on the political parties as the main actors for diversity, will give us further insight into how devolution has changed diversity.

Wales: the context

The original model for Welsh devolution was so fundamentally flawed that the 20 years of devolution have been largely punctuated by attempts to amend it to establish a model with some basic constitutional principles that was functional. Missing the foundation of wide civic and public debate, devolution gained lukewarm support in the 1997 referendum, delivering a grudging vote with a margin in favour of 0.5% of those who voted (just 6,721 votes). This meant that the institution had to struggle to establish its legitimacy from the outset.

One thing that Wales shared with Scotland was a desire (at least among political elites) to create a new type of politics, with greater diversity. The language of the advisory group set up to establish the working arrangements leading to the standing orders for the new Assembly was infused with reference to inclusiveness, participation, equality and transparency. There was an expectation that the Assembly would not look or feel like the House of Commons or local town halls. Moreover, the Government of Wales Act 1998 was unique in that it contained a statutory equality duty that required the Assembly to promote equality of opportunity in the exercise of all its functions and with regard to all people, creating another potential platform for diversity innovations. This set some fundamental expectations in terms of mainstreaming equality in everything the Assembly did, which has framed the politics of devolution in Wales. Indeed, some argue that much-improved gender diversity is one of the indisputable and most visible successes of devolution in Wales.[6] The larger share of female AMs elected in Wales than in Scotland propelled the Welsh Assembly to third best in the world in gender equality rankings.

Prime Minister Tony Blair declared that the Assembly "puts virtually every other parliament in the world to shame".* Table 5 shows the gender representation in the Welsh Assembly since 1999.

Table 5: **Gender representation in the Welsh Assembly since 1999**

	Female Assembly Members		**Male Assembly Members**	
1999–2003	24	40%	36	60%
2003–2005	30	50%	30	50%
2006–2007*	31	52%	29	48%
2007–2011	28	47%	32	53%
2011–2016	25	42%	35	58%
2016–2021	24	42%	35	58%

* Following a by-election.

Source: This table is reproduced from *The Report of The Expert Panel Report on Assembly Electoral Reform*, 2017, p. 118, Table 14, www.assembly.wales/en/abthome/about_us-commission_assembly_administration/panel-elec-reform/Pages/Assembly-Electoral-Reform.aspx

Given Labour had won every general election in Wales since 1922, there was a clear expectation that, even with a more proportional electoral system employed, its dominance would continue. Set against the commitment to create a different type of politics, both Labour and Plaid Cymru explored ways in which they could deliver a more diverse slate of candidates who also stood a good chance of winning. After some extremely bloody internal rows, many of which became enmeshed in wider leadership disputes, the Welsh Labour Party eventually used the positive action mechanism known as 'twinning'.[7] This paired two neighbouring constituencies, with one man and one woman selected for the pair, generating equal numbers of male and female candidates for the 40 constituencies. Twinning was accepted by Labour as a one-off, time-limited measure and was directly responsible for delivering 14 female and 12 male Labour AMs in the first Assembly.

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* Quoted in Chaney P, Mackay F and McAllister L, Women, *Politics and Constitutional Change: The first years of the National Assembly for Wales*, University of Wales Press, 2007.

Meanwhile, Plaid Cymru, conscious of interventions planned by its main political rival, embarked on a similar debate. Twinning failed to get support from the party's National Executive Committee and, eventually, Plaid settled for the less radical intervention (in the sense that these are 'top-up' lists generating only 20 AMs, just a third of the total) of 'zipping', placing female candidates first and third on the five regional lists. This was used again in the 2003 elections, with women taking the top two places on each regional list. However, it was later eschewed in the third elections in 2007 when, instead of women topping the list in each region, the candidate with the most support took that position, and a candidate of the other sex took second place, representing a potential risk to the future numbers of women elected, given Plaid could realistically expect to win only the first regional seat in each of the five regions.[8] The other two parties – the Welsh Conservatives and the Welsh Liberal Democrats – took no formal or direct positive action.

Lessons from Wales

The diversity profile of devolved politics in Wales appears remarkably healthy. However, this only tells part of the story. There are serious issues of the sustainability of this progress, based on its limited embeddedness within and beyond the Assembly. Positive action and especially quotas do work, but if they are 'one-offs' rather than sustained for a period of time, there is a vulnerability to progress. Of course, they continue to impact positively after an election as there is an 'incumbency overhang', with women elected through twinning or zipping standing a greater chance of re-selection and re-election subsequently. But this has a finite duration. Moreover, there has been limited 'cascade' or contagion across other democratic institutions. Less than a quarter of Welsh MPs (11 of 40, 28%) (which represents a significant increase since 1997) and only 28% of local councillors are women (a figure that has remained quite static), with five of the 22 local authorities registering under 15% women.

Another risk comes from the fact that, if only some parties take positive action, the gender profile of the institution becomes dependent on the electoral success (or otherwise) of those parties. After five devolved elections, we can see some of this playing out, with a higher risk of a decline in women's representation. This is compounded by women having been initially more likely to be defending marginal constituencies, with men overwhelmingly occupying safe seats.

Scotland: the context

Equal representation was a major plank of the 1995 Scottish Constitutional Convention report, *Scotland's Parliament: Scotland's right*.[9] The broader base to the campaigns for Scottish devolution and an altogether greater civic engagement had given a platform to many feminists within the political parties and trade unions, church and civic groups to argue for positive action. These coalesced as the Scottish Women's Coordination Group, who campaigned as part of a 50/50 campaign to ensure that gender balance was mainstreamed within the new devolved politics.[10]

Only one Scottish party adopted positive action – Labour, which, as in Wales, used twinning in all of the Scottish first-past-the-post constituencies (where it expected to pick up most of its seats), excluding the four in the Highlands and Islands.[11] Despite signing up to the Convention report, with big intentions to promote more female candidates, the Scottish Liberal Democrats rowed back from planned positive actions such as zipping. Alice Brown suggested that this had as much to do with rows about candidate selection as concerns about legal challenges under the Sex Discrimination Act 1975.[12]

The Scottish National Party (SNP) was more likely to win its seats on the regional lists and mooted the idea of formal 'zipping' as used by its sister party, Plaid Cymru. This did not materialise after rejection by the party membership and, while the SNP did informally place women towards the top of its regional lists, it had effectively rejected formal positive action. The Scottish Conservatives rejected any special consideration of gender in its candidate selection for the first elections.

The first election results saw Labour achieve perfect equal representation and the SNP (despite not using formal positive action) almost match this. Forty-eight female MSPs were elected (37% of the new Parliament), so above the academically recognised (although contested*) figure of 25–30% for 'critical mass'. Historically, the concept of critical mass has been used to argue (notably by Rosabeth Moss Kanter and Drude Dahlerup) that women politicians are unlikely to impact on political, behavioural and legislative outcomes until there is a significant minority represented in legislatures.[13]

The number of women MSPs hit a high point of 51 (40%) in 2003, falling back to 43 (33%) in 2007, then slightly increasing to 45 in 2011 (35%), which remained disappointingly static in 2016. The Scottish Constitutional Convention targeted equal representation of men and women in the Parliament but "decided against only statutory means to achieve this".[14]

Labour led the way with 43% of its group being female in 1999, rising to 56% in 2003. The proportion of female SNP MSPs fell to 33% in 2003, then to 26% in 2007, before rising slightly to 28% in 2011. After the first elections, there was less enthusiasm from the SNP for positive action, perhaps a sign of a party more focused on electoral success than gender equality.

The fall in women's representation in subsequent devolved elections in Scotland highlights similar issues to those in Wales. Despite having a female First Minister and several female party leaders, there has been a lack of embeddedness in Scotland, similar to Wales, which threatens its sustainability.

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* See, for instance, Childs S and Krook ML, 'Critical mass theory and women's political representation', *Political Studies*, 2008, vol. 56, pp. 725–36, doi: 10.1111/j.1467-9248.2007.00712.x.

Northern Ireland: the context

The devolved Assembly at Stormont has been suspended since 2017. Devolution in Northern Ireland is evidently different and the pattern of gender representation reflects this. The apparatus for power-sharing, framed by the Good Friday Agreement,[15] had established the right of women to "full and equal political participation"[16] – a first for Northern Ireland. But as the Irish political scientist Yvonne Galligan points out, these rights were framed as subsidiaries to national identity and the critical balance between the unionist and nationalist communities drowned out many of the typical benefits of a new institution and the 'blank slate' opportunities for other diverse identities that this normally brings.[17] Therefore, levels of women's representation in the Assembly have fallen short of the goals set out in the Good Friday Agreement. During 20 years of devolution, women's representation has increased, but taken as an average across all five elections, women have comprised just over 20% of elected Members of the Legislative Assembly (MLAs), up from 13% of MPs in the period before devolution. In 2016, just over a quarter of seats in the 108-seat Stormont Assembly were held by women, which was hailed as great progress, but this makes Northern Ireland something of an outlier compared with Scotland, and even more so compared with Wales.

Clearly, the interaction between the parties is framed differently in Northern Ireland and there was no serious debate on using positive action, such as all-women shortlists or quotas, to change Northern Ireland's poor record of electing women to its political institutions. This was reflected in the low numbers of female candidates selected to contest the devolved elections, especially for the two main unionist parties: the Democratic Unionist Party (DUP) and the Ulster Unionist Party (UUP). Furthermore, the system of co-option of members used in Northern Ireland to avoid holding expensive by-elections that might alter the delicate party-political balance within six-member constituencies for example, can mean less control over gender in candidate selection. In the first four elections to the Assembly, women comprised just 17% of all candidates. Interestingly, when women have stood as candidates, they have done well. Yvonne Galligan regards this as a "vote bonus" for women in a relatively conservative society,[18] suggesting that the electorate is supportive of diversity at least.

Galligan also argues that "while parties have given less recognition and inclusion to women than one might have expected in a new political context, the push for democratic accountability will ensure that gender politics will continue to have a place on the political agenda for some time to come".[19] This is probably the most significant lesson to be drawn from Northern Ireland. Despite having female leaders of the two largest parties in Stormont, gender has played second fiddle to what are regarded more significant and deeper identities.

Conclusions

A straightforward answer to 'Has devolution improved gender diversity in politics?' was never going to be easy. That is because there are so many different layers to a measured analysis, based on the quantifiable diversity profiles of the different devolved nations, the material and evidenced impact of this on devolved policy and discourse, how embedded diversity is in each, and the degree of impact or spillover (termed 'cascade' in the academic gender literature) on both other elected tiers and the exercise of power in each nation.

Furthermore, all of this is compounded by essential political and constitutional differences between each nation. As has been demonstrated, there are also different party-political landscapes, although each was influenced by a sense that, without diversity improvements, the much-vaunted 'new politics' ushered in through devolution would be undermined. Given there are leaders and laggards in terms of which parties embraced and drove improvements in gender representation, another important consideration is which parties are most electorally successful and which were already active in the 'equality space' before devolution. Parties are unreliable gatekeepers as the rhythms of party electoral success jeopardise more embedded advances towards equality and diversity.

Looking simply at the visible 'politics of presence', our answer to the question 'Has devolution improved gender diversity in politics?' might be yes. This can be evidenced by higher numbers of female members elected to the parliaments of Wales and Scotland especially. However, as has been pointed out: "Whilst high proportions of women may increase the probability that political institutions and agenda will be more responsive to women's perspectives and concerns, there are no automatic guarantees."[20] This is a fair account of how diversity has been improved through devolution. It is best summarised as having normalised women politicians, thus providing a platform for change, but with no certainties as to its sustainability and development.

Evidently, there have been some changes to behaviour, styles of working and the focus of political agendas, and some perceptible cultural shift in discourse, especially at the outset of devolution. Of course, this was symptomatic of a general enthusiasm for a new type of politics. Some studies demonstrate that devolution has had some substantive gains for the broader women's agenda and the beginnings of some tangible policy around domestic violence, child care and nursery places, health and equal opportunities.[21] However, latterly, a generally more divisive and aggressive politics has re-established itself, creating a context against which it is hard to distinguish any discernible difference based on gender.

Neither has devolution's progress on the representation of women proved contagious, either between the devolved institutions across the UK, or to other elected and non-elected tiers in each nation. This underlines concerns about the sustainability of gender progress.

Looking to the future, and based on concern as to the lack of security of these advances in representation, it is difficult to imagine that the question of quotas – at least in terms of gender – will not be raised again. A recent Expert Panel on Electoral Reform in Wales, chaired by the author, recommended legislative and prescriptive gender quotas as part of a revised and more proportional electoral system to elect a larger Assembly in future.[22] This underlines the significance of changes to the hardware of devolved politics as well as allowing the software to develop organically. In Scotland, the debate continues over how the Parliament might better represent all citizens. So long as the Stormont Assembly remains suspended, it is clearly more difficult to judge its prospects for encouraging greater gender diversity.

Overall, devolution can be seen as a partial success story for diversity and more clearly successful in terms of gender representation. Undoubtedly, some of this progress has been a matter of taking advantage of the 'blank slate' or 'fresh start' that devolution offered.

In some respects, 20 years is a relatively short period against which to judge significant social and cultural shifts. The nature of such change means that a linear trajectory is always unlikely and the process is clearly not cumulative. It is fair to say that the foundations for improvements in gender representation have been laid and this will assist a drive for further, wider diversity. However, decisions on the next steps in the journey towards greater equality rest largely with the dominant political parties in each nation, making them inherently fragile.

10. Has devolution strengthened the UK constitution?

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Introduction

By definition, the territorial integrity of any state is central to its constitution. The UK territorial constitution – meaning how it governs the distinct communities that constitute the state – has long involved accepting, even celebrating, the existence of these distinct communities. How this acceptance has been manifested in specific institutional arrangements has changed over time. The relationship between the centre and its components has never been 'settled', although the myth of the UK as a 'unitary state' obscured the fact that there was a continuing and continuous renegotiation of those relationships. In accepting the existence of distinct communities, the UK may stimulate demands for more autonomy or a more powerful voice at the centre and indeed may heighten the sense of difference. Concessions can appease but may also whet the appetite.

The creation of elected devolved administrations 20 years ago was a significant innovation in the territorial constitution. While Scotland, Wales and Northern Ireland each already had a territorial ministry in Whitehall, devolution provided a degree of autonomy for these components of the UK. There were different rationales for devolved government for the different parts of the UK, as well as competing views about the purpose of devolution within each territory. There were those in Scotland and Wales who saw devolution as a stepping stone to even greater autonomy, even independence, while others saw it as a means of confirming the place of Scotland and Wales in the Union. The Good Friday Agreement[1] allowed both supporters of a united Ireland and supporters of Northern Ireland's place in the Union to support the measure. Constructive ambiguity was inherent in each reform.

Devolution was a response to grievances. This was the known known. But responses to grievances could create counter-grievances. Opponents of devolved government from the time of the famous 19th-century constitutionalist A.V. Dicey had noted the implications of introducing Home Rule (in this case, for Ireland) for the rest of the UK and the Union as a whole. Dicey identified that asymmetric devolution should be understood not simply in terms of the implications for the devolved areas, but in terms of the potential imbalances that would arise. Dicey's classic work was not entitled *England's Case against Home Rule* for nothing.[2] The key foreseen challenges that devolution created were the potential centrifugal consequences of devolution and the unbalancing of the constitution. These were the known unknowns of devolution but the unknown unknowns would prove at least as challenging.

Devolution had no single constitutional logic

All policies have a logic. The logic of devolution varied depending on who supported or opposed it. A section of supporters in Scotland, Wales and Northern Ireland saw devolution as a constitutional stopping point *en route* to federalism, confederation, independence or a united Ireland. For others, devolution was an end in itself, although it might be amended in time, and was seen as a way of preventing independence or other potential endpoints. Mirroring the perception of devolution as part of an onward journey was the anti-devolution view, which saw dangers ahead. It was never clear how this forward march or descent into chaos would occur. But, as Michael Forsyth, former Conservative Scottish Secretary, warned, devolution was not just for Christmas.[3] The post-devolution UK constitution would have to withstand many challenges, some predictable, others less so. But first, we need to set this in historical context.

Devolution (a power-sharing Assembly and Executive) was one of three constitutional strands (north–south institutions and east–west institutions) of the Northern Ireland peace process. The Northern Ireland Assembly proved the least resilient, or most expendable, element of the process and has been suspended off and on since its establishment without any discernible impact on the rest of the UK. The office of Northern Ireland Secretary of State continued to exist and filled the institutional gap, attracting little attention at Westminster. Northern Ireland remains the embarrassing relative kept in the UK's constitutional attic. Britain's ability to insulate itself from the UK remains one of the most remarkable features of the constitution. It is difficult to imagine a constitutional situation in which Scotland and Wales might be kept out of sight in a constitutional garret.

The logic of devolution in Scotland and Wales was defensive, a conservative measure to limit Conservative rule. Margaret Thatcher had been the great recruiter for the devolution cause. The perception that Conservative Governments in London imposed unwanted policies (such as the poll tax) on Scotland and Wales gained ground after 1979 when the Scottish Question was polarised along party lines. The logic was simple: there was a 'democratic deficit', with increasingly unpopular Conservatives governing on the basis of votes cast elsewhere imposing policies on Scottish and Welsh people against their wishes. The rules of the game meant that, while components of the state were acknowledged administratively, they had no distinct authoritative voice, other than one appointed by the Prime Minister. The UK Government was losing public support in Scotland and Wales although it was elected according to well-established constitutional rules. This may have been expressed as a democratic deficit but it was accurately described as a legitimacy deficit. Legitimacy lies at the heart of any liberal democratic constitution.

What was being called into question by supporters of devolution were the 'rules of the game', the very constitution itself rather than the result. Labour, as the electoral winners in Scotland and Wales, were losers in the battle for government. Losers' consent for the constitutional rules was being eroded. This was far from a legitimacy crisis, as witnessed in many polities when people take to the streets or engage in civil disobedience, but a slow-burning grievance questioning a constitution perceived to marginalise majority opinion in Scotland and Wales. That Scotland and Wales, rather than the north of England, were deemed to be legitimate polities within which grievances could be mobilised owed much to their acceptance as distinct polities within the historic 'state of unions', a country formed through a series of unions between England and its neighbours.

We can only speculate on what might have happened had the Conservatives continued to govern after 1997 with few, if any, Conservatives returned in Scotland and Wales, but it is likely that the legitimacy deficit would have grown. Devolution's main achievement was the restoration of constitutional legitimacy in Scotland and Wales. Debate has continued on the constitutional status of the devolved nations, but few now question the legitimacy of existing arrangements even in Wales, despite the tiny majority that voted in favour of devolution in the 1997 referendum.

Constitutional *ad hocery* had long informed the evolution of relationships involved in the state of unions. Devolution had, however, been formulated parochially with little consideration of its implications beyond the devolved polities typified in Lord Chancellor Irvine's response to the West Lothian Question in 1999: "I think the best thing to do about the West Lothian question is to stop asking it."[4] On this occasion, there was an effort to portray devolution as part of a coherent UK package. Devolution would be part of the 'modernisation' of the constitution, that perennial catch-all. The observation frequently made is that the constitutional package lacked coherence and had inherent contradictions but the modernisation packaging papered over these contradictions. Labour could not admit that its real logic was negative and party political – not only to block Conservative measures but also to shore up Labour's support from any potential threat posed by the Scottish National Party (SNP). While a similar set of considerations existed in Wales, there was never the same electoral threat from Welsh nationalists. Devolution to Wales as well as Scotland also allowed the UK Government to claim that these reforms were part of a wider agenda of modernising the territorial constitution and not pandering to Scottish nationalism.

The danger in changing the rules without considering the long-term implications is that it can lead to those who feel that the rules have changed to their disadvantage feeling aggrieved. If there was a legitimacy deficit in Scotland and Wales when the UK's governing party was not the same as the largest party in Scotland or Wales, then a legitimacy deficit could arise if England had policies imposed on it by a governing party at Westminster that was not the same as the largest party in England.

Almost 40 years ago, the political scientist Richard Rose argued that England was a "state of mind, not a consciously organized political institution".[5] So long as either Labour or the Conservative Party was the largest party in both England and the UK then there was no legitimacy problem and England would remain a state of mind. But the prospect of England becoming a distinct political community with a grievance was now possible due to asymmetric devolution. In 2005, the Conservatives got more votes than Labour in England but fewer seats – Labour in fact won a majority of English seats with just 35% of the vote. There was the odd parliamentary vote when decisions affecting England alone were decided on by Members of Parliament (MPs) from devolved polities – specifically, university top-up fees and National Health Service (NHS) foundation hospitals were introduced in England despite a majority of English MPs having voted against them in the proposals (in 2003 and 2004 respectively).[6] But there has been nothing approaching the 18 years of rule by a party at Westminster with minority or diminishing support in England to fuel the sense of grievance that had developed in Scotland and Wales after 1979. A reform called English Votes for English Laws (EVEL) – meaning a process to ensure that English MPs have a decisive say on legislation only affecting England – has been considered since 1999, and a form of EVEL was implemented in 2015 by the Conservative Government, but ultimately the grievance and thereby legitimacy transfer remains a potential constitutional problem. In essence, devolution transferred a legitimacy problem to another part of the constitution and to a later date. In the early years, at least, devolution appeared to have 'settled' an old problem, but that may have had more to do with the context in which it operated than devolution itself.

The constitution has faced increasing strains in the second decade of devolution

One important constitutional question is whether and how conflict between the component parts of the UK is managed. Three key factors assisted in giving the impression that devolution had strengthened this aspect of the constitution in the first decade of devolution, when conflict was at a minimum: party congruence (in the shape of Labour dominance in Westminster, Edinburgh and Cardiff), fiscal good times and the absence of any major shock to the system. Devolution appeared to work reasonably well. But that owed much to the benign context. The real test of devolution would come in the second decade, with party incongruence, fiscal challenges and Brexit. What these changes have highlighted is evidence of diverging understandings of devolution's logic.

Since 2010, there have been different parties in power in each part of the UK. This party incongruence is not in itself important. There has been a tendency for the parties to exaggerate their differences, and to engage in 'shadow boxing', but the constitutional arrangements appear robust. Ideological incongruence is far more significant. Tensions will arise if governing parties have different aims and/or different means of achieving these aims. But tensions are to be expected and were the reason for devolution.

Scrape away the adversarial rhetoric between the parties in power in London, Edinburgh and Cardiff and we find that policy divergence has been limited. Rhodri Morgan's "clear red water"[7] – the slogan used to signal that the Welsh Government would steer to the left of New Labour at Westminster – may have been clever electoral politics but had little substance in policy terms. Likewise, the SNP Governments since 2007 have been cautious policy innovators, following broadly the same course set by the Labour–Liberal Democrat coalition, and with most divergence caused by refusing to follow London's policy lead. Behind the rhetoric of clashes and disagreements, devolution and intergovernmental relations have operated constructively. Conflict is not a problem *per se* but is inevitable in any democratic system with competing interests and ideologies.

There had been few serious plans for devolved government to be 'laboratories of democracy',[*] innovating and experimenting in public policy. There have been some important initiatives, such as the care for older people policy adopted in Scotland, which strained relations between Edinburgh and London. Care for older people was an unusual example of Scotland as a laboratory of democracy, and it came as a shock to those in London who assumed that devolution had a more limited logic, much the same as administrative devolution, in modifying policy rather than following a new path. But this reform is so often cited as an example of significant policy divergence precisely because it is the exception rather than the rule.

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[*] The term 'laboratory of democracy' was initially used by US Supreme Court Justice Louis Brandeis in 1932 and is used in much discussion of federalism and intergovernmental relations. Brandeis maintained that a state may "if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country". See New State Ice Co. v. Liebmann, 285 U.S. 262 (1932).

The changing fiscal context and the shock that Brexit potentially poses will test the constitution. The phenomenal growth in public spending that all levels of government experienced in the first decade of devolution allowed for new spending commitments that came to be associated with devolution, although they were made possible only because of UK fiscal decisions. A key distinction here is between mandatory and discretionary spending. The former spending includes commitments made in advance through legislative and other policy commitments. These may fluctuate depending on demand although even if demand declines, such as with declining school pupil numbers, savings do not automatically follow as many commitments remain in place in the form of school teachers and infrastructure costs. But costs can and will increase with, for example, the care for older people policy as the population ages. Without additional resources, this mandatory spending eats into discretionary spending available for other policies. If there is a golden rule of public spending for governments everywhere, it is that as money gets tighter, governments devolve penury, seeking to make others make painful and difficult choices. A fiscal blame game will do little for the territorial constitution.

The mandatory commitments – free university tuition is another high-profile example – that helped the new devolved bodies become accepted as part of the everyday constitutional furniture may, in time, make Scottish and Welsh devolution 'factories of grievances'* as the money runs dry while spending commitments continue to rise. The growing older population will contribute to the strain on public finances and limit policy options as resources are already spoken for due to past decisions. There is nothing new with costs increasing beyond what was expected when initially launched but the constitutional context has changed with devolution.

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* This term is borrowed from Buckland P, *Factory of Grievances: Devolved government in Northern Ireland, 1921-1939*, Gill and Macmillan, 1979.

The promise by the post-1997 Labour Government of the end of "boom and bust"[8] created an environment where it was assumed that future demands would be met by rising tax returns in a growing economy. The policy commitments that helped embed devolved government now look unsustainable without significant cuts in discretionary spending. The devolved institutions may be acquiring new powers to make them more fiscally responsible. However, this will not guarantee policy autonomy but result in temporarily filling the fiscal gap between devolved spending commitments and income, which will continue to widen. Blame games and grievance politics arise all too readily in such scenarios. The question ahead is whether the constitution is capable of dealing with these challenges.

Scott Greer's observation that devolution was a 'fragile' divergence machine[9] placed emphasis on the weak institutional arrangements for intergovernmental relations. But no amount of formal institutional machinery can overcome fiscal challenges and shocks. New formal intergovernmental machinery, especially more ministerial meetings, will simply invite grandstanding. Far more important than intergovernmental machinery will be the fiscal constitution of the UK, meaning the fiscal relationship between different levels of government, including the distribution of tax, borrowing and spending powers between national central and devolved bodies.

Brexit is the first serious shock to the constitution since 1999

When devolution was being conceived, much effort was spent considering the implications of European Union (EU) membership. The civil service papers prepared for the incoming Labour Government in 1997 identified the need for "mechanisms to ensure that with devolution there is effective Scottish and Welsh involvement in policy formulation and the EU negotiating process", including Scottish and Welsh participation in European Council meetings, while retaining a coherent UK position.[10] EU relations were seen as a potential flashpoint. But before Brexit, the joint ministerial arrangements for EU affairs were commonly accepted to have operated more effectively than intergovernmental bodies in any other area.

Brexit is the first serious shock to the constitution since devolution. The combination of Scotland and Northern Ireland voting Remain, the perception that the devolved administrations in Cardiff and Edinburgh feel excluded from negotiations, and the fears that London will use Brexit to roll back devolution, are unsettling the territorial constitution. Traditional notions of how the 'Westminster model' operates have been challenged: the executive has lost control of the legislature; relations between representative and direct democracy have been strained; and citizenship rights are set to be altered significantly. But despite much excitable commentary and considerable political rhetoric, there has been little evidence that Brexit will lead to the break-up of the UK with Scots voting for independence. While the Brexit referendum result has shown a significant divergence of opinion between Scotland and the rest of the UK, as illustrated in Scotland's 62% vote in favour of Remain in June 2016, Brexit creates problems for advocates of Scottish independence. The border between Scotland and England will assume greater significance in the event of an independent Scotland becoming a member of the EU while the rest of the UK leaves the EU. This might make many Scots feel that it is necessary to remain in the UK while being frustrated that this choice has been imposed on them – indeed, there is no evidence that Brexit has led to a surge in support for independence. However, the prospect of Scotland remaining in the UK in such circumstances may produce a sense of grievance. The key issues to be addressed concern how competences returning from the EU should be allocated – whether to the UK Parliament or to devolved bodies. This is certainly a constitutional question and in a charged atmosphere it has proved difficult to resolve, as demonstrated by the failure of the UK and

Scottish Governments to reach agreement on the terms of the European Union (Withdrawal) Act 2018.

But Brexit's impact on the UK constitution as far as the components of the state are concerned will be felt most significantly in Northern Ireland. The problem that an independent Scotland in the EU would face will be faced by the Republic of Ireland after Brexit. Devolution in Northern Ireland will be less affected than the north–south arrangement of the Good Friday Agreement. Sellar and Yeatman famously suggested that: "Gladstone spent his declining years trying to guess the answer to the Irish Question; unfortunately, whenever he was getting warm, the Irish secretly changed the Question."[11] On this occasion, it has been Britain that has changed the question and unsettled Northern Ireland's constitutional arrangement.

Conclusion

Devolved government in the UK is highly asymmetrical, conforming with the development of the UK over time. But there was and remains little demand for a symmetrical approach in which each part of the state receives the same devolved competences. The strength of devolution lies in asymmetry even if it creates potential new problems. Devolution's greatest success, as great successes often are, has been little remarked on, just taken for granted. Legitimacy has been restored to the governments of Scotland, Wales and Northern Ireland, although in the case of Northern Ireland, devolved government has not been the most significant reason for legitimacy.

People in these parts of the UK might not always like the governments that emerge after elections, but few have questioned their legitimacy. Even the return of a minority SNP Government in 2007, with almost 88,000 fewer votes than the Conservatives won in Scotland in 1992, was accepted as legitimate as it had won under an electoral system (designed by its rivals) that gave it one more seat than Labour. But while legitimacy has been restored, devolution has created potential new legitimacy deficits elsewhere in the constitution. The unintended consequences of devolution may simply kick the legitimacy problem into another territory and time.

Devolved government has focused on autonomy for the non-English components of the state, but neglected how these components should be given voice at the centre. This has been highlighted in the Brexit debate. The implications of Brexit for Northern Ireland have been either ignored or deemed to be unimportant, in keeping with its status as the embarrassing relative kept in the UK's constitutional attic. Brexit has once more brought the Irish Question to attention.

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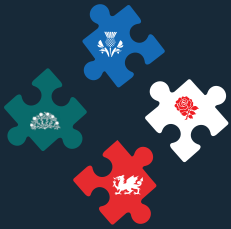

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