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Abstract. The Scottish Government has developed a reputation for a particular 'policy style', which refers to the way in which it makes and implements policy in an era of 'new politics'. A key point of comparison is UK policymaking: academics and practitioners use it to identify a new, improved, and relatively consensual policy process. This chapter provides a critical analysis of that claim, identifying common processes in Scotland and the UK, alternative explanations for the Scottish style, and its unintended consequences, such as a tendency for the Scottish Parliament to be peripheral to policymaking.

Introduction

The Scottish Government has developed a reputation for a particular 'policy style', which refers broadly to the way in which it makes and implements policy, and specifically to a comparison with the 'British policy style'. In this sense, the Scottish Government makes policy following *relatively extensive* consultation and negotiation with 'pressure participants' (Jordan et al, 2004) such as interest groups, local government organisations and unions. Further, when focused on implementation, it signals a *relative ability or willingness* to devolve the delivery of policy to other organisations in a meaningful way. It produces a national strategy, invites local bodies to produce policies consistent with it, and measures performance using broad, long term outcomes. In particular, it now encourages local authorities to cooperate with a range of other bodies in the public sector (including health, enterprise, police, fire and transport), private and 'third' sector (voluntary or charitable organisations) via 'Community Planning Partnerships' (CPPs), to produce a 'strategic vision' for each local area.

For some commentators, including the last two Scottish Government Permanent Secretaries, this approach marks a major departure from UK government policymaking (Elvidge, 2011; Housden, 2014). In turn, this departure may reflect great expectations for a new culture of politics and policymaking in Scotland, following devolution-inspired political reforms based on a rejection of 'old Westminster' (Cairney and McGarvey, 2013). Certainty, the post-devolution Scottish Government has become the hub for a meaningful level of policymaking in concert with interest groups: a 'territorial policy community' (Keating et al, 2009). Further, these developments in policymaking culture have the potential to make a major impact on Scottish politics and policy.

However, it is difficult to appreciate the significance of these developments with a limited focus on Scottish distinctiveness. The UK comparison, and the idea of 'new Scottish politics', can be useful *initial* points of reference, but a sole focus on the Scottish style in relation to the UK can distract us from more important discussions, such as the extent to which:

- all governments face the same policymaking constraints, and tend to respond in similar ways;

- a 'Scottish style' takes place in a complex multi-level policymaking system, of which the Scottish Government is one of many important actors; and,
- key organisations such as the Scottish Parliament are peripheral to the policymaking process.

In other words, we need to know what to expect of *any system* to be able to identify distinctly Scottish elements, and we should not assume that the 'Scottish policy style' produces relatively good outcomes simply because political reforms in Scotland produced alleged advantages over UK policymaking (Cairney, Russell, and St Denny, 2015).

Consequently, in this chapter I examine critically the idea of a distinctly Scottish style of policymaking, in four main ways. First, I outline academic descriptions of the 'Scottish policy style', as a broad way to describe the ways in which the Scottish Government makes and implements policy in a new 'territorial policy community', and the 'Scottish approach to policymaking' (SATP), as the specific way in which the Scottish Government describes its approach. Second, I compare two main explanations for the development of a new policymaking culture in Scotland: does it reflect the impact of political reforms and/ or more practical reasons, such as the size and scale of the Scottish Government and its responsibilities? Third, drawing on policy theory, I examine the extent to which this approach is distinctly Scottish or consistent with the expectations that we would have for any government. Fourth, I consider the potential unintended consequences of this kind of policymaking, focusing on the wider Scottish political system, new issues of accountability, and the Scottish Government's relationship with the Scottish Parliament and 'the people'. In the concluding discussion, I use these points to consider the likely effect of future constitutional changes such as further devolution in 2015.

Territorial policy communities and the Scottish policy style

Keating et al (2009: 54) use the term 'territorial policy communities' to describe the development of new policy networks in Scotland, caused by the devolution of new responsibilities to the Scottish Government, which prompted significant levels of UK interest group devolution, the proliferation of new Scottish groups, and the involvement of other 'pressure participants' such as businesses, unions, and public bodies. These new arrangements were characterised initially by:

- a *period of adjustment*, in which ministers and civil servants adapted to their new policymaking role and groups sought new opportunities or felt obliged to lobby Scottish political institutions

- *'cognitive change'*, in which policy problems became defined increasingly from a territorial perspective

- a *new group-government dynamic*, in which groups formed new relationships with their allies (and competitors).

Participants increasingly followed a devolved policy agenda. These arrangements replaced those associated with the pre-1999 Scottish Office which, as a UK government department, was responsible primarily for policy implementation: the tendency of groups to form coalitions to oppose or modify UK Conservative government policies at the margins. Now, participants respond to Scottish Government demands for new policy ideas, and often compete as well as cooperate with each other to draw attention to and define policy problems. Interview evidence suggests that some groups addressed that task more quickly than others (Keating, 2005; 2010; Keating et al, 2009; Cairney and McGarvey, 2013: 159). Some groups improved on links that were already partly established (in areas such as health and education), some reinforced the links that they developed with the Labour government from 1997 (including 'third sector' groups in areas such as social policy), some maintained dual UK and Scottish links, to reflect limited devolution in their areas (such as unions focusing primarily on employment policy), and others took time to get over their opposition to devolution and find a clear role (including businesses and business groups).

Still, in general, participants report a positive image of devolution and an improvement in meaningful access to policymakers and policy discussion. They refer to two aspects of a 'Scottish policy style' identified in the academic literature:

1. *Consultation*. The Scottish Government's reputation for pursuing a consultative and cooperative style with pressure participants (Keating, 2005; 2010; Cairney, 2009a; 2011b; 2013; Cairney and McGarvey, 2013).

2. *Implementation*. Its pursuit of a distinctive 'governance' style, or a relative ability or willingness to devolve the delivery of policy to public bodies, including local authorities, in a meaningful way (Cairney, 2009b).

They are generally positive about Scottish policymaking, describing low barriers to access, their ability to engage with the Scottish Government frequently, and the sense of a close network or the 'usual story of everybody knowing everybody else' (Keating et al, 2009: 57; see also Tisdall and Hill, 2011, 33–35).

Many contrast these arrangements with their perception of the UK policy process as less consultative, more top-down, less reliant on professional groups or policy networks, and with more willingness to encourage groups to compete with each other. The Scottish and UK governments may also exhibit different 'governance' styles, in which the former relies more on traditional forms of public service delivery (placing its trust in bodies such as local authorities), and the latter has traditionally sought to manage a larger and more fragmented public sector landscape by relying more on 'new public management' methods such as quasi-markets and competition between service providers, and short term policy targets and relatively punitive forms of performance management (Cairney, 2009b: 360-1).

Greer and Jarman (2008: 172-3) make this argument most strongly in a comparison of Scottish and British styles, in education, local government, and health, from 1999-2007 (when Labour was in office in the UK, and led a coalition government in Scotland). The UK government encouraged a range of different schools, relatively independent of local authority

control, to compete with each other, using mechanisms such as pupil testing to help build up league tables of school performance. It introduced tuition fees and encouraged Universities to compete with each other to recruit students. It set specific and rigid targets for local authorities and used an audit and inspection regime to make sure that they were met. Further, in health policy, it set targets on aims such as reducing waiting times for treatment (backed by strong punishments to chief executives for non-compliance) and encouraged relatively independent 'foundation' hospitals to compete with each other for business (2008: 173-8). In contrast, the Scottish Government oversaw a 'comprehensive' schooling system, relatively subject to local authority control, with less competition based on pupil testing. It rejected the introduction of tuition fees to Scottish students. It set targets for local authorities but used fewer punitive measures to ensure delivery, and it set health policy targets but without competition within health service markets or a punitive regime (2008: 178-83).

Notably, these developments took place before the election of an SNP-led government which, from 2007, criticised its predecessors in the Scottish Government for being obsessed with short term targets and performance management. The wording used by former First Minister Alex Salmond to signal a new Scottish governance style - 'The days of top-down diktats are over' - was largely rhetorical, but it signalled an intention to redefine the relationship between central and local government (Cairney, 2011a: 130; Cairney and McGarvey, 2013: 142; Cairney, 2014: 9).

The 'Scottish Approach to Policymaking'

These developments, before and after the election of an SNP Government in 2007, can be linked strongly to the ways in which the Scottish Government has described its own policy style. An early version of the 'Scottish approach' developed before 2007. The Scottish Government's former Permanent Secretary Sir John Elvidge (2011: 31-5) describes a 'Scottish model of government', linked to the potential to exploit its relatively small size, and central position in a dense network of public sector and third sector bodies, to pursue a form of 'holistic' government, in which ministers – and their equivalents in the civil service - had briefs which spanned traditional departmental divides and came together regularly to coordinate national strategies (see also Parry, 2001; Parry and Jones, 2000).

Elvidge (2011: 31) describes 'the concept of a government as a single organisation' and "the idea of 'joined up government' taken to its logical conclusions". He links this agenda to his belief that 'traditional policy and operational solutions' based on 'the target driven approach which characterised the conduct of the UK Government' would not produce the major changes in policy and policymaking required to address major problems such as health and educational inequalities and low economic growth. Instead, they required 'more integrated approaches, such as the approach to the early years of children's lives … which looked across the full range of government functions [and] offered the scope for some significant and unexpected fresh policy perspectives' (2011: 32).

Elvidge (2011: 32) suggests that this approach took off under the SNP-led Scottish Government, elected in May 2007, partly because his ideas on joined up government complemented the SNP's:

> manifesto commitments to: i) an outcome based approach to the framing of the objectives of government and to enabling the electorate to hold the Government to account for performance; ii) a reduced size of Cabinet, which was an expression of a commitment to an approach to Ministerial responsibilities that emphasised the collective pursuit of shared objectives over a focus on individual portfolios with disaggregated objectives.

By 2007, the 'Scottish approach' combined the pursuit of joined up government with the SNP's 'outcomes based approach to delivering the objectives of government', a 'single statement of purpose, elaborated into a supporting structure of a small number of broad objectives and a larger, but still limited, number of measurable national outcomes' (2011: 34).

The Scottish Government introduced a government-wide policy framework, the *National Performance Framework* (NPF), based on a single 'ten year vision' and a shift towards measuring success in terms of often-long term outcomes (Scottish Government, 2007; 2014). The NPF has a stated 'core purpose - to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth'. It seeks to turn this broad purpose into specific policies and measures of success in two main ways. First, it articulates in more depth its national approach via a 'purpose framework' - linked to targets gauging its economic growth, productivity, labour market participation, population, income inequality, regional inequality and (emissions based) sustainability - and five 'strategic objectives':

1. Wealthier and Fairer - Enabling businesses and people to increase their wealth and more people to share fairly in that wealth.

2. Healthier - Helping people to sustain and improve their health, especially in disadvantaged communities, ensuring better, local and faster access to health care.

3. Safer and Stronger - Helping communities to flourish, becoming stronger, safer places to live, offering improved opportunities and a better quality of life.

4. Smarter. Expanding opportunities to succeed from nurture through to lifelong learning ensuring higher and more widely shared achievements.

5. Greener. Improving Scotland's natural and built environment and the sustainable use and enjoyment of it.

These objectives are mapped onto sixteen 'National Outcomes' and fifty 'National Indicators'. It then works in partnership with the public sector to align organisational objectives with the NPF. In some cases, this involves public sector reform and/or some attempts at centralisation: it obliged non-departmental public bodies (NDPBs, or 'quangos')

to align their objectives the NPF, after reducing their number, and it created a single police force and single fire service.

In the case of local authorities, its approach was different. It required them to produce 'Single Outcomes Agreements' (SOAs), in partnership with their stakeholders (and public sector partners), but with local government discretion to determine the balance between a range of priorities as long as their outcomes were consistent with the NPF's vision (Keating, 2010: 123-4; Matthews, 2014). The Scottish Government reinforced this sense of discretion by signing a Concordat with the Convention of Scottish Local Authorities (COSLA) which contained a package of Scottish Government aims, but also its agreement to halve the amount of 'hypothecated' budgets and reject a tendency to 'micromanage' local government – albeit within the context of a system in which the Scottish Government controls almost all of local authorities' total budgets (Scottish Government and COSLA, 2007; Cairney, 2011a; Cairney and McGarvey, 2013: 139-40; Housden, 2014: 68).

Since 2013, the Scottish Government has sought to reinforce the 'Scottish approach' with reference to three broad principles (Scottish Government and ESRC, 2013: 4):

1. *Improvement*. The pursuit of improvement in public services, to help it deliver on its holistic government agenda, in partnership with stakeholders. For example, it has overseen the development of the 'Early Years Collaborative', in which the Scottish Government identifies promising policy interventions and asks practitioners to experiment with their own projects in their local areas (Housden, 2014: 68). This approach is designed partly to address the idea that local policymakers are more likely to adopt interventions if they are developed locally and/ or tailored to local circumstances.
2. *Assets*. A focus on the 'assets of individuals and communities, rather than only focusing on perceived deficits' (Scottish Government and ESRC, 2013: 4). Housden (2014: 67-8) suggests that, 'we look always to build on and strengthen the assets and resilience of individuals, families and communities. Community grant schemes and devolved budgets can build assets and stimulate local action and decision-making. Recovery programmes for those seeking to exit drug use look to draw on the resources and potential of those in recovery themselves to assist others on the journey'.
3. *Co-production*. The 'co-production' of public services 'by both service providers and the citizens and communities who receive and engage with those services' Scottish Government and ESRC, 2013: 4). Housden (2014: 67) suggests that, 'we put a real premium on the idea of co-production, with services designed and delivered with service users and organisations. This ranges from self-directed care for elderly people and those managing chronic conditions or disabilities, to the networks of support for children with learning difficulties with parents and voluntary organisations at their heart'.

Overall, the 'Scottish approach' began as a broad idea about how to govern by consensus in a new era of devolved politics, but developed into a way to pursue: holistic government, an

outcomes-based measure of policy success, greater local authority discretion in the delivery of national objectives, and several governance principles built primarily on localism and the further inclusion of service users in the design of public policy. According to Elvidge (2011) and Housden (2014), this approach contrasts markedly with UK policymaking and, in particular, the UK Labour Government's approach from 1997 (as described by Greer and Jarman, above).

Why is there a Scottish policy style?

It is easier to identify the sense, among participants, that they are part of a new policymaking culture in Scotland, than to describe it in detail and explain its origin. There are two main potential explanations. The first is that Scottish policymaking now reflects the 'new Scottish politics' agenda, which refers to an extensive series of political reforms made possible during the establishment of new Scottish institutions in 1999. The phrase 'new politics' should be understood with reference to 'old Westminster'. These phrases represented important reference points for the 'architects of devolution', or the reformers keen to present devolution as a way to transfer policymaking responsibilities *and reform political practices* (Cairney and McGarvey, 2013: 12). These aims can be associated with two foundational documents. The Scottish Constitutional Convention's (1995) influential document, *Scotland's Parliament: Scotland's Right*, made a general case for political reform:

> the coming of a Scottish Parliament will usher in a way of politics that is radically different from the rituals of Westminster: more participative, more creative, less needlessly confrontational.

To all intents and purposes, it drew on an understanding of politics associated more broadly with Lijphart's (1999) distinction between Westminster-style 'majoritarian' democracies and 'consensus' democracies associated with countries such as Switzerland. In a majoritarian democracy the plurality voting system exaggerates governing majorities by (generally) granting a majority of seats in the legislature to a party which commands only a plurality of the vote. Lijphart (1999: 2–3) associates majoritarian democracies with an 'exclusive, competitive and adversarial' mentality in which parties compete within Parliament, interest groups are more likely to compete with each other than cooperate, and governments are more likely to impose policy from the top down than seek consensus. In a consensus democracy, the proportional electoral system generally produces no overall majority and power is dispersed across parties, encouraging the formation of coalitions based on common aims and a spirit of 'inclusiveness, bargaining and compromise'. This spirit extends to group–government relations, with groups more likely to cooperate with each other and governments more willing to encourage corporatist alliances (see also Cairney and McGarvey, 2013: 157; compare with Jordan and Cairney, 2013; Cairney and Widfeldt, 2015).

Then, the report of the Consultative Steering Group (CSG) (1998), which designed the operation of the Scottish Parliament with regard to four key principles - 'power sharing', 'accountability', 'equal opportunities', and 'openness and participation' – reinforced the idea that Scottish Government policymaking would take place in a new political context. For

example, the Scottish Parliament would represent a key hub for new forms of participation – including a new petitions process – and monitor the quality of draft legislation with regard to the Scottish Government's consultation process.

Yet, we should not expect too much from the agenda set by each document. For example, the SCC effectively describes its *hopes* for a new political culture to develop from political reform, but without the introduction of specific measures – beyond a new and more proportional electoral system – to deliver that aim. Further, in many ways, the CSG describes a fairly traditional Westminster system of government, in which popular participation is often peripheral to the policy process and parliamentary engagement is generally restricted to the scrutiny of government policy (Cairney and Johnston, 2014).

In that context, the second explanation may seem more convincing: the Scottish policymaking culture generally reflects a pragmatic response to the size and scale of the Scottish Government and its responsibilities. The Scottish Government can do things differently because the public sector landscape is smaller, which allows its government to develop closer relationships with key actors, and develop relatively high levels of trust in other bodies to deliver public services (Cairney, 2013). Further, the small research capacity of the Scottish Government prompts civil servants to rely more on external experts and the organisations with experience of policy implementation. Indeed, the Scottish Government's relative willingness to trust policy delivery to those organisations may reflect its reliance on them to make policy work. In that sense, a move from UK to Scottish government added a new 'territorial' dimension to 'universal' drivers in policymaking.

Policymaking in Scotland: which aspects are territorial, and which are 'universal'?

Most policy theories identify key processes that are common to political systems. They are abstract enough to be considered 'universal', or applicable to any time period or political system. The most relevant concept is 'bounded rationality' (Simon, 1976: xxviii), which contrasts with the ideal-type, 'comprehensive rationality', in which a policymaker has a perfect ability to translate her values and aims into policy following a comprehensive study of all choices and their effects. Instead, policymakers have limited resources: the time to devote to research, the information to inform decisions, the knowledge to understand the policy context, and the ability to pay attention to issues.

Policymakers cannot process issues comprehensively. By necessity, they have to make decisions in the face of *uncertainty* and *ambiguity* (Kingdon, 1984; Zahariadis, 2007: 66; Cairney, 2012: 234). Uncertainty relates to the amount of information they have to inform policy and policymaking: policymakers use short cuts to gather information and understand complex issues, such as by relying on particular sources and types of information. Ambiguity relates to the way in which they understand policy problems: policymakers use emotional or 'gut level' shortcuts to understand issues, and pressure participants compete to draw attention to certain problems and determine the main way in which policymakers understand them (Schneider et al, 2014; Dearing and Rogers, 1996: 1; Baumgartner and Jones, 1993; 2009).

A common response to the limits of bounded rationality, in many if not most political systems, involves policymakers developing the routines that we might be tempted to attribute specifically to Scottish policymaking: they consult and form relationships with pressure participants. The establishment of 'policy networks' or 'sub-systems' is widespread, because the same logic of policymaking exists across a wide range of countries. The size and scope of most states is so large that their responsibilities are potentially unmanageable: policymakers only have the cognitive ability to pay attention to, and manage, a small proportion of their responsibilities. Consequently, governments break their component parts down into more manageable policy sectors and sub-sectors, with power spread across government and shared with pressure participants.

Ministers and senior civil servants devolve the bulk of decision-making to less senior officials who consult with participants such as interest groups, professional bodies, unions, businesses, public bodies and service providers. In a sense, they share power or responsibility for policy because they are able to exchange or combine their resources: civil servants offer access to policymaking, while participants offer resources such as information, advice, expertise, and the ability to generate wider support for, or smooth the implementation of, policies. This exchange encourages group 'ownership' of policy and maximizes governmental knowledge of possible problems.

'Policy community' often describes well this relationship between civil servants and certain groups (Jordan and Cairney, 2013). A sense of 'membership' of that community is often based on the willingness of its members to follow and enforce the same 'rules of the game'. When civil servants and groups form relationships, they recognize the benefits – such as institutional stability and policy continuity – of maintaining regular dialogue based on past agreements, which can produce the sense that they 'insulate' their decision making routine from the wider political process. For example, inclusion within the community might depend on gaining the personal trust of policymakers, built on providing reliable information or acting in a reasonable way when you don't secure the policies you favour. Or group–government relationships might become based on a 'common culture' in which there is strong agreement on the nature of, and best solutions to, policy problems. In other words, policymakers develop networks to generate information and reduce uncertainty, and they interact with participants to agree on the nature of the policy problem, to reduce ambiguity.

We can derive two main conclusions from this basic insight. First, since this process is common to political systems, we need to identify more than the Scottish Government's reputation for consultation before we conclude that Scottish policymaking is distinctive (Cairney, 2008: 358). Indeed, Richardson (1982) originally used the term 'policy style' to challenge us to rely on more than policymaking reputations. His edited volume, on styles in Western Europe, identified policymaking similarities in ostensibly different political systems: a tendency to build on past policies and engage in regular consultation, even in the UK. This argument has been reinforced regularly in the literature which focuses on the UK or compares its policymaking with other countries (see, for example, Jordan and Cairney, 2013; Kriesi, Adam and Jochum, 2006: 357–8 Adam and Kriesi, 2007: 140; Cairney, 2011b; Cairney, 2012: 88-91; Cairney and Widfeldt, 2015).

Second, a focus on 'communities' helps us examine a different image of policymaking in systems such as Scotland: as being relatively closed or insulated. If policymaking is built on factors such as resources and trust, built up through regular discussion, then time-strapped Scottish policymakers may often rely on the 'usual suspects' rather than a wide and inclusive process to gather information and advice (Cairney and McGarvey, 2013: 163). Not all groups have the resources to engage on a day-to-day basis, or to develop long term links with policymakers. Many groups can participate in set-piece events, designed to gather as many responses as possible in a short period of time, but not the more regular interaction in which policymakers and participants generate agreement on which problems to solve first, how to understand them, and how to turn a broad policy aim into detailed objectives.

This limitation takes on greater significance when we consider that policymaking takes place in a multi-level system. The idea of a 'Scottish policy style' is often misleading when so many policies affecting Scotland take place at other levels of government. This complication provides a major dilemma for interest groups seeking influence but recognizing the need to maintain multiple channels of access. For example, some groups only have the resources to lobby the Scottish Government, and rely on their networks with other groups to lobby UK and EU bodies. Other groups are regional branches of UK organizations and can focus on Scotland in the knowledge that their colleagues maintain other important links.

Much depends on the policy issue or area and the extent to which policy responsibilities can be contained primarily in one level of government (Cairney and McGarvey, 2013: 164-7). For example, major banks, businesses, and unions maintain Scottish links but focus their attention largely on issues – such as macroeconomic policy, export regulations, and employment laws - reserved to the UK Government and/ or influenced by EU bodies. Groups seeking influence over environmental or agricultural policy recognise that they are heavily 'Europeanised'. This leaves key examples of devolved areas, such as education, health, local government, and housing, in which groups are most likely to direct their attention primarily to the Scottish Government.

Yet, even in such cases, there is a tendency for devolved issues to contain many aspects of UK and EU responsibility. For example, public health is largely devolved, but responsibility for alcohol and tobacco control spans the three levels (Cairney et al, 2012; Asare et al, 2009). Further, the Scottish Government's legislation to introduce a minimum unit price on alcohol (Holden and Hawkins, 2012) has been challenged by the alcohol industry in the courts, providing a good example of an imbalance of resources – to support or challenge policies – among participants.

The multi-level nature of policymaking has also taken on new significance following the Scottish Government agenda to produce broad strategies, in consultation with participants, then delegate a meaningful level of responsibility for policy decisions to local public bodies, such as local authorities, which are expected to develop their own policymaking arrangements and policy strategies with stakeholders. Participants now face the need to maintain multiple channels of access with many local public bodies, to monitor and further influence the progress of policy. This new requirement produces new imbalances of influence

and may undermine the sense of a uniformly 'Scottish' style of consultation and delivery when power is devolved locally.

Overall, while the Scottish Government oversees an open and consultative system, this process is situated within a complicated set of multi-level arrangements, in which groups may only be effective if they have the resources to engage in many arenas. The 'Scottish policy style' may be distinctive, but it still produces winners and losers, favouring some groups and excluding others.

The new Scottish political system: the role of the Scottish Parliament and 'the people'

These arguments, about the potential for insulated decision-making, and the complications of multi-level policymaking, also have a particular relevance to the 'new politics' inspired idea of 'power sharing' between the Scottish Government, Parliament, and 'the people. In practice, the 'Scottish style' operates within a Westminster-style political system in which the Scottish Parliament is often peripheral to the policy process and meaningful levels of wider public participation are hard to find. There may be specific examples of public participation in policy design, but they are generally managed by the Scottish Government, not the Scottish Parliament (with the exception of some high profile petitions). Further, developments I described in relation to Scottish governance have the potential to further undermine the role of Parliament.

This issue is best demonstrated with a focus on accountability. Like all members of the 'Westminster family', the Scottish Parliament is part of an apparently simple accountability process: power is concentrated in the hands of ministers, who are accountable to the public through Parliament (Cairney and Johnston, 2014). With this model, power and responsibility go hand in hand since, if you know who is in charge, you know who to reward or punish in the next election. Until then, you know who to hold to account through parliamentary processes. In Westminster systems, this 'parliamentary tradition' - of the transmission of electoral opinion and consent to the executive via a representative institution - has persisted over time as the foundation of the British state (Judge, 1993: 5). In a system 'with a dominant executive and without legal checks provided by a constitutional court', ministerial accountability to Parliament is the main way in which the government legitimises its actions (Woodhouse, 1994: 3). The 'presumption of the ultimate authority of Parliament', delegated to ministers, allows a government to portray its policies as 'authoritative' and 'binding' (Judge, 1990: 29-30; 1993: 2; Norton, 1990: 178).

As in Westminster, this simple picture of ministerial accountability is increasingly misleading. Ministers are not accountable to Parliament in this way because they are not in control of the policy process. Instead, they can only pay attention a fraction of the issues for which they are responsible, and delegate the remainder to policy communities. This informs our understanding of the 'Scottish policy style' in relation to consultation: these relatively open, consensual, and sometimes superficial processes take place in one arena, conducted by the Scottish Government and overseen by the Scottish Parliament. However, the more day to

day consultation and negotiation, associated with policy communities, takes place out of the parliamentary spotlight, often with minimal scrutiny.

Further, parliamentary scrutiny does not operate well alongside the Scottish Government's *governance* style. The Scottish Government inherited a large and complicated public sector landscape, consisting of government agencies, quangos, local authorities, health boards, and service delivery organisations in the third and private sector. While it has an extensive regulatory and audit function to address this proliferation of bodies and arrangements (Cairney and McGarvey, 2013), there is little clarity about what is responsible to who in any meaningful sense. There is no simple diagram to visualise the public sector accountability landscape. Instead, as in the UK, we can identify Scottish Government attempts to develop a strategy to balance potentially contradictory aims:

1. To maintain Westminster-style democratic accountability which requires a strong sense of central government and ministerial control.

2. To further the role of institutional accountability, through performance management measures applied to the chief executives of public bodies, such as elected local authorities and unelected agencies and quangos.

3. To advance the idea of shared 'ownership' of policy choices, partly through consultation, and partly through delegation and the encouragement of 'community planning partnerships' to bring together local authorities, public bodies, and stakeholders in local areas.

4. To develop user based notions of accountability, when public bodies and users 'co-produce' and share responsibility for the outcomes.

This is a difficult balancing act, to recognise the realities of 'complex government' over which ministers have limited control (Cairney, 2015), but take responsibility for how they address this problem. The pursuit of institutional accountability could help clarify the responsibility of public bodies, or it could produce a fragmented public landscape in which no one seems to take responsibility. A move away from hierarchy and central targets, to focus more on 'co-production' of services with users could promote user-based accountability and/or diminish a sense of democratic accountability (Gains and Stoker, 2009). A focus on community partnerships could diminish the sense that we can hold any of the individual actors to account.

Many of these issues could be addressed by a Scottish Parliament focused on holding ministers to account and developing direct relationships with public bodies. Yet, the evidence to date suggests that Scottish Parliament committees have limited resources to scrutinise policy and question ministers effectively. They rarely engage in meaningful or direct contact with civil servants, they struggle to gather information on the work of public bodies, and, local authorities generally argue that they are accountable to their electorates, not Parliament (Cairney, 2011a: 56). Consequently, no Parliament can hope to monitor the entirety of the policy process over which it has official control. For example, to focus on the areas of most

visible ministerial action is to pay attention to a tiny fraction of public sector activity. To go beyond this focus requires resources that no Parliament possesses.

At the heart of this issue is a double-sided puzzle that all governments face: how do you strike a balance between central government control and local government discretion (Cairney et al, 2015)? In the case of the Scottish Parliament, the question relates to a balance between traditional Westminster-style democratic accountability, and new forms of institutional, local and individual accountability. In broader terms, the trade-off is between 'loaded' terms, such as 'local flexibility' versus a 'postcode lottery' in the delivery of services within the same political system. It should prompt us to consider what 'Scottish policy' or a 'Scottish style' means when important decisions are made at local levels. It should also prompt us to reflect on the extent to which our focus on high stakes Scottish Parliament elections, based on the Scottish Government's record and its delivery of specific policies, accords with this chapter's focus on new governance relationships, based on a national strategy, broad and long term measures of outcomes, and local discretion.

Concluding discussion: what is the future of Scottish policymaking?

The academic phrase 'Scottish policy style' sums up the ways in which the Scottish Government makes and implements policy. Most academic accounts, and particularly those based on interviews with participants, describe a relatively high willingness to pursue consensus through consultation and place their trust in public bodies, such as local authorities, to deliver policy. To many participants, this setup compares favourably with that of the UK government, which they describe as less consultative and based on mechanisms, such as punitive performance management and market-based measures, which demonstrate a relatively low level of trust in delivery bodies. The Scottish Government tells a similar story of devolved policymaking in which there is a 'Scottish approach' that is more inclusive, strategic, joined up, and better equipped to solve policy problems than its UK government equivalent.

It is important to question how accurate this story is. For example, it is tempting to relate it to the idea of 'new Scottish politics' and conclude that a tendency towards consensus reflects political reforms which reinforced a Scottish tradition of inclusive and participative politics. Yet, other explanations often seem more convincing: the logic, generated from a wealth of policy studies, that the 'Scottish' style actually operates, in similar forms, in many political systems; and, a sense that a distinctively Scottish policymaking culture relates more to the size and capacity of Scottish Government and its public sector.

It is also important to consider different interpretations, or less positive aspects, of these arrangements. For example, there are alternative stories about the limited extent to which the Scottish Government 'lets go' and encourages local discretion, focusing on a budget system with little local input and a tendency to centralise or reform many of the parts of the public sector (in other words, the bodies which tend to be local government's key partners). Further, as in any political system, there are clear winners and losers, not only in relation to policy decisions, but also the ability of pressure participants to engage in multi-level politics. Some

groups only have the ability to engage with the Scottish Government, and struggle to respond to a new governance agenda in which local authorities are expected to produce their own policy strategies in concert with stakeholders.

Perhaps most importantly, these arrangements have a clear impact on the Scottish Parliament and its role as the embodiment on democratic accountability. They reduce the ability of the Scottish Parliament to monitor Scottish Government policy in detail, and introduce new forms of accountability – institutional, community, service user – to compensate for a diminished parliamentary role.

In other words, there are good reasons to maintain and reinforce the use of policy communities and local policymaking arrangements, but they make it increasingly difficult to know who is responsible for policy outcomes and, therefore, who or what to hold to account. In the Scottish political system, the Scottish Government processes the vast majority of policy, but delegates a large part of that responsibility to other organisations, the Scottish Parliament is generally peripheral to that day-to-day policy process, and the public has limited opportunities for direct influence.

This is important background which should inform debates on constitutional change, such as the further devolution afforded by the *Scotland Act 2015* (or indeed the prospect of Scottish independence in the future): are they accompanied by measures to ensure a meaningful degree of accountability or, for example, will the Scottish Parliament have to scrutinize more ministerial activity with the same paltry resources? As things stand, people already struggle to know who to hold to account in a relatively simple system in which there is a quite-clear list of devolved powers and tax/ welfare powers stay with the UK. When more powers become shared between the UK and Scottish governments, the idea of Scottish ministerial accountability to the Scottish Parliament may become even more misleading or limited.

Such developments may prompt discussions about three types of reform. The first relates to a greater need to develop local participatory capacity, to take on the functions performed less by national organisations. For example, the ERS Scotland's (2014) suggestion is that more local devolution could produce a more active local population. Even so, we still need to know more about how and why people organise. For example, local communities may organise in an *ad hoc* way to address major issues in their area as they arise; to engage in a small part of the policy process at a particular time. They do not have the resources to engage in a more meaningful way, compared to a Parliament and collection of established groups which maintain a constant presence and develop knowledge of the details of policies over time.

The second relates to governance reforms which focus primarily on the relationship between elected local authorities, a wide range of unelected public bodies, and service users. There is some potential to establish a form of legitimacy through local elections but, as things stand, local authorities are expected to work in partnership with unelected bodies – not hold them to account. There is also some scope to develop a form of user-driven public service accountability, but separate from the electoral process and with an uncertain focus on how that process fits into the wider picture.

The third relates to parliamentary reform. The Scottish Parliament has begun to respond significantly to governance trends and a shift to outcomes-focused policymaking (largely via inquiries and procedural reforms by its Finance Committee). However, in many ways, its main role is to scrutinise draft Scottish Government legislation as it is introduced and its committees devote two to three months per year to the scrutiny of the annual budget bill. In general, this scrutiny has a very narrow focus, with a limited emphasis on pre- or post-legislative scrutiny, and its value is unclear. It has the potential to change its role. It can shift its activities towards a focus on Scottish Government policy in broader terms, through the work of inquiries in general and its finance and audit functions in particular. However, its role will remain limited as long as it has a small permanent staff. The devolution of greater responsibilities to the Scottish Government, without a proportionate increase in Scottish Parliament research capacity, could simultaneously *enhance and undermine* the Scottish Parliament's powers.

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