



# Devolution in Practice 2010

Edited by Guy Lodge and Katie Schmucker

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# Devolution in Practice 2010:

## Public policy differences in the UK

Edited by Guy Lodge and Katie Schmuecker with Adam Coutts

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# 1. Preface

*Guy Lodge, Katie Schmuecker and Adam Coutts*

This is the third volume in the series which analyses the impact devolution has had on public policy across the UK in the first full decade of devolution. The two earlier volumes, *Devolution in Practice* and *Devolution in Practice 2006*, were published in 2002 and 2005 respectively<sup>1</sup>.

The approach adopted in this volume is similar to that in previous editions. Leading academic and policy experts have been asked to address the following key questions in their specialist area:

- What policy approach has each devolved administration adopted?
- Has policy diverged, and if so why?
- What can we learn from the different approaches taken by the devolved nations?
- What impact have different approaches adopted across the nations had on policy outcomes?

Contributors to the project were asked to present papers to an expert audience at four major conferences held across the UK in 2009. The first conference, *Devolution and life chances*, was held in February 2009 in London. The second, *Devolution, communities and regeneration*, took place in Cardiff in May. The third, *Devolution in a downturn: responding to the recession*, was held in Belfast in June. The final conference, *Devolution, governance and delivery: does difference matter?*, was held in Edinburgh in October. At each conference a panel of practitioners, made up of senior officials from the devolved administrations and relevant Whitehall departments, responded to the papers presented by the policy experts. We are very grateful to all those who participated in these conferences.

The conferences also allowed us to cover some policy areas that are not explicitly captured in the final book. For instance we do not have chapters here on transport policy or education policy but both were important themes of the conferences. All the presentations are available from the ippr website.

*Devolution in Practice 2010* is divided into four parts.

- **Part 1: Devolution and social citizenship** looks at the impact policy divergence is having on accounts of social citizenship and how the devolution settlement needs to be reformed to respond to this dynamic. It locates this analysis in the radically transformed political context in which devolution now operates. The UK is now made up of four distinct centres of political power, each governed by different political parties.

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<sup>1</sup>. Both are available to order from [www.ippr.org/publicationsandreports](http://www.ippr.org/publicationsandreports)

- **Part 2: Devolution in a downturn** looks at how the recession has affected the devolved administrations and how they have responded to the first major economic downturn in the history of devolution. It also covers approaches to economic development and skills policy.
- **Part 3: Public services and social policy** covers a number of major policy areas.
- Finally, **Part 4: Devolution and delivery**, covers the different approaches the devolved administrations have pioneered in terms of public administration and delivery.

## 2. The devolution paradox

*Charlie Jeffery, Guy Lodge and Katie Schmuecker*

Devolution remains one of the most radical and important set of reforms undertaken by the 1997 Labour government. The creation of the Northern Ireland Assembly, Scottish Parliament and National Assembly for Wales amounted to a decentralisation of power unlikely to be overturned by any future UK government. Devolution had multiple rationales. On the one hand it was an expression of Scottish and Welsh identity, creating elected institutions to embody the difference of those nations and to recognise them formally as components of the UK's multi-national state. On the other it was a sort of insurance policy, providing protection against rule by a Westminster government with little mandate in those nations. In Northern Ireland the narrative was one of building a sustainable peace through locally accountable, cross-community institutions.

What was less central to the devolution debates of a decade ago was the likelihood that creating new centres of political decision-making with significant powers would allow territorially distinctive policy agendas to emerge, and result in variations in policy outcomes from one part of the UK to the next. Indeed, the fact that devolved governments might want to do things differently than had been the case at Westminster appeared to surprise and annoy the UK Government, with Paddy Ashdown's diaries noting an exasperated Tony Blair telling him, 'you can't have Scotland doing something different from the rest of Britain' with regard to tuition fees (Ashdown 2001: 446). Similarly, Henry McLeish, Scottish First Minister from 2000–1, recalls how difficult the discussions with UK government were (and the 'pit language' used) when the then Scottish Executive resolved to introduce free personal care in Scotland (McLeish 2004: 142).

But the emergence of distinctive devolved policies did not surprise anyone with knowledge of how devolved or federal systems of government operate elsewhere. Managing policy differences and associated resource distribution issues across territories is simply everyday politics in devolved and federal states, and as the contributions to this book demonstrate, policy variation is increasingly evident across the UK. This is not a new phenomenon as such – there were policy differences prior to the creation of the devolved administrations – but it is more visible now as a result of direct election.

This book has been written against a backdrop of considerable political and economic change. Devolution was born in benign times: the same party was in power or leading a coalition in all parts of Great Britain (the party political system has always differed in Northern Ireland), and was able to take advantage of a sustained period of economic growth and rising public spending. The conditions for the next 10 years, however, could not be more different.

In 2007 the nationalist parties entered government for the first time, in coalition with Labour in Wales and as a minority government in Scotland. This put different parties in power in different parts of the UK for the first time since devolution, and increased the likelihood of policy divergence. The establishment of a Conservative–Liberal Democrat coalition government in Westminster following the 2010 general election has transformed this situation further still.

This political upheaval has mirrored a rapid transformation in the economic sphere (see David Bell in this volume). In 2008 the UK entered its worst recession in decades, heralding the prospect of deep cuts to public spending, a development that is likely to put questions about resource allocation high on the public and political agenda.

Making these cuts will fall to the coalition government. But with only 23 of its 342 MPs coming from Scotland and Wales the new government is likely to face serious questions about its ‘mandate’ to govern all parts of the UK. This will be particularly acute for the Conservatives – the leading coalition partner – who have only one MP in Scotland. Indeed the 2010 general election underlines the extent to which the UK is divided electorally: with Conservative support largely confined to England (or more accurately to the South of England and the Midlands) and Labour dominant in Scotland and Wales. Political imbalances in the make-up of the UK government at Westminster and its representation across the nations are likely to test the devolution settlement in the coming years, particularly in an era of significant spending cuts.

This edition of *Devolution in Practice* also comes amid a vigorous debate about the further evolution of the institutional arrangements for devolution. The All-Wales Convention reported in November 2009 with a recommendation that a referendum be held on the transfer of full legislative powers to the National Assembly for Wales, with the National Assembly resolving in February 2010 to begin the process of calling the referendum. The coalition agreement signed by the Conservative and Liberal Democrat parties commits the Government to holding a referendum, though they have yet to specify when this will take place. In June 2009 the Calman Commission on Scottish Devolution recommended a modest set of changes to the Scottish Parliament’s legislative powers and a substantial – if controversial – measure of fiscal autonomy. The new Westminster coalition government has also said that it will implement the Calman proposals. In the same month that Calman was published the Scottish Government published its own White Paper – *Choosing Scotland’s Future* – which argued for two alternatives to the status quo: independence, the Scottish National party’s historic aim; or ‘devolution-max’, the full devolution of legislative and tax-raising powers in domestic matters. In February 2010 the Scottish Government launched a consultation on a draft referendum bill, with the intention of holding a referendum in November 2010. In Northern Ireland – in its characteristic stop-start way – agreement was finally reached in February 2010 about the devolution of powers in policing and justice first envisaged over a decade ago.

In England, there are some signs that the hitherto subterranean debate on English identity and governance is now gathering momentum, although it is far from clear where it will end up (Kenny and Lodge forthcoming). The overwhelming strength of the Conservative party in England – it now holds 297 of the 533 English seats – means that there is less pressure to address the so-called West Lothian Question (a reference to the anomaly created by devolution which allows non-English MPs to vote on matters only affecting England). Indeed, given the weak mandate of the coalition government outside of England, David Cameron is going to need to tread carefully in the way he handles relations with the devolved nations. He is pushing a ‘respect’ agenda, which purports to achieve greater dialogue and openness between the Westminster and devolved parliaments. He also appears to have rowed back on measures that might provoke tension with the devolved nations. The party’s policy of introducing a version of ‘English votes on English laws’ (which would restrict the voting rights of non-English MPs at Westminster) has been kicked into the long grass with the establishment of a commission to consider the West Lothian question, and Cameron has also offered a short-term deferral of spending cuts in Scotland and Wales. However, while he will be anxious to appeal to Scottish and Welsh sensitivities so as not to undermine the union, Cameron is also going to come under serious pressure from the growing English nationalist wing of the Conservative Party to address English grievances with the devolution settlement. Conservative MPs tend to think that England has suffered as a result of asymmetric devolution and that the devolved nations are too generously funded (Kenny and Lodge forthcoming).

What we clearly do not have is the ‘settled will’ that some felt the initial devolution reforms would realise. It is not yet clear which directions the devolution debates in the different parts of the UK will take in the coming years. Much will depend on the attitude of the new coalition government – and the response from the devolved nations – to questions of further-reaching devolution, the issue of how to govern England, and the meaning of ‘union’ in the post-devolution era. But the general tendency has so far been a centrifugal one: each part of the UK is the locus of a largely compartmentalised, even insular debate about the appropriate structures for governing that part of the UK and there are still no effective mechanisms for systematic coordination across jurisdictions, whether as means of conflict resolution or of identifying common purpose.

The consequence is a gradual differentiation of how policy is made in each part of the UK, and of the outcomes experienced by citizens. As this book demonstrates, there do exist some powerful forces for convergence, such as the UK’s common market, the generally shared set of values and policy preferences, the sheer weight of current policy commitments and the impact of policy overflows (see also Schmuecker and Adams 2005, Keating 2002). But devolution has also unleashed countervailing forces that allow for significant divergence, resulting in a growing number of policy differences opening up across the UK. There are of course the headline divergences, such as different approaches to tuition fees, prescription charges and in Scotland, free



personal care for the elderly (see Birrell in this volume). Beyond these well known cases, this book identifies a number of other areas of divergence, for example in the approach to criminal justice policy (see Muir), social housing (see Wilcox), adult skills policy (see Keep), approaches to managing healthcare and defining its priorities (see Greer) and the different approaches to public administration and delivery (see Parry and Alcock). Such differences are to be welcomed: they demonstrate that devolution is working.

This chapter provides a context for exploring and understanding these instances and consequences of policy variation. It does so by considering the idea of shared 'social citizenship' and its meaning – or meanings – in a devolved UK. Ideas about social citizenship are at heart ideas about the territorial scale at which citizens express solidarity with one another. Most ideas of this nature have focused on the scale of the postwar state; devolution opens up the scope to express and secure solidarity on smaller – and multiple – scales. We explore the possibilities of a 'rescaling' of social citizenship by focusing on what the UK's citizens think. The scale and content of shared citizenship may depend on how the public view territorial policy variation between different parts of the same state. We set out below – and offer some explanations for – a 'devolution paradox' in public opinion. Citizens appear to want devolved institutions to have more powers yet they appear also to be uncomfortable with territorial policy variation. We conclude by considering some of the difficult issues that policymakers might need to confront in addressing this devolution paradox.

### **What kind of union?**

Does it matter if one part of the UK has free personal care for the elderly while the others do not? Or that a prescription has to be paid for in England but not in Wales? Or that a patient may spend less time waiting for a hospital appointment in England than in other parts of the UK? The answer is: it might, but that depends on the wider set of beliefs about community and solidarity that citizens might have. It depends in particular on understandings of 'union' in the UK – and what role and purpose is attached to union after devolution. Some understandings of union propose that there should be some limits to (or in certain cases no) variations in policy outcomes by territory, with commonality giving meaning to an overarching sense of British community. Others propose that policy should vary from one part of the UK to the next in line with the differences in preferences that Scottish, Welsh or Northern Irish communities have, as expressed through devolved democratic processes. The current devolution settlement treads something of a middle line, with core welfare entitlements reserved to the UK level, and therefore held in common, while other areas – most notably public services – are devolved with few legal constraints.

The idea of emphasising shared entitlements and rights for all citizens has been central to the debate that Gordon Brown has sought to promote over the last decade on 'Britishness', by highlighting the values and interests that might bind all UK

citizens in common cause. For Brown, these values are embodied in the institutions that underpin the union, citing the BBC and NHS, to which all have equal access regardless of geography or income (Jeffery 2009b). In practice, however, the appeal to these particular UK institutions is complicated by the fact that the *British* National Health Service (if there ever was such a thing) has now been superseded by four NHSs and the BBC is characterised more by four national conversations than by one (Fraser 2008).

The Calman Commission came to similar conclusions regarding the importance of emphasising some shared UK-wide entitlements and rights. Its first report was pointedly titled ‘the future of Scottish devolution *within the union*’ (our emphasis). In that report the Commission highlighted the dimension of ‘social union’, asking ‘how uniform or integrated a welfare state the UK should be, and just how much of a common social citizenship should be shared across the UK’ (Commission on Scottish Devolution 2009: 35). Its answer was clear in its final report: ‘The Scottish Parliament and the UK Parliament should confirm that each agrees to the elements of the common social rights that make up the social union and also the responsibilities that go with them’ (ibid: 64).

The notion of a ‘social’ union is a novel one in the UK which has attracted novel criticism. Michael Keating calls it a form of ‘neo-unionism’ (Keating 2009: 130-2). Traditional unionism opposed devolution, but accepted difference among the component parts of the UK. Neo-unionists by contrast, according to Keating, are pro devolution, but seek to limit differences between the different parts of the UK by establishing commitments or regulations for common policy standards. This conception would seem something of a caricature, since it is difficult to find any serious political actor arguing in favour of imposing common standards in devolved policy areas. Nonetheless it does raise important questions for unionists, in particular about the appropriate balance between UK-wide and devolved accounts of citizenship and social rights.

As Keating notes, the ‘neo-unionism’ of Brown and Calman has seized on the terminology associated with T.H. Marshall’s conception of ‘social citizenship’ (Marshall 1950 [1992]). Marshall – whose most influential work on this subject was written in the late 1940s, in the period when the postwar UK welfare state was established – identified different and inter-related components of citizenship. First came civil rights, which emerged in the 18th century; these then became a platform for the achievement of political rights (most notably the extension of the suffrage) in the 19th and 20th centuries; and these then became the platform for the establishment of social rights in the form of the welfare state after World War II.

Marshall understood citizenship rights as ‘national’. Though he was curiously ambiguous on what the ‘nation’ was (he appeared at times to focus solely on England and to ignore the rest of the UK), his work was fundamental to a tradition of postwar writing on the welfare state – in the UK and in comparative analysis – and has

underpinned widespread and powerful normative assumptions that welfare *should* be delivered on the same terms to all citizens across the whole of the state territory. If it is not, if devolution undermines common statewide standards, then it ‘threatens the Welfare State’, marking the end of ‘the belief that a benign government at Westminster can secure the distribution of benefits and burdens on the basis not of geography but of need’ (Bogdanor 2001: 153-4). There may even be, as US and Canadian scholars have put it, a risk of a ‘race to the bottom’ as devolved regions compete on (lowering) welfare standards (for example, Peterson 1995, Harrison 2006).

So, ‘*obviously*’, according to Dietmar Braun, ‘social policy and health policy are areas which *need* a high degree of standardisation and harmonisation’ (Braun 2000: 15, our emphasis). Elsewhere Keith Banting and Richard Corbett (2002: 19) tugged the heartstrings to ask the rhetorical question: ‘Does a sick baby in one region have access to the same level of care on similar terms and conditions as a sick baby in another region of the same country?’ We are left in no doubt as to what our answer should be. Strikingly, the Calman Commission echoed the very point, minus the sick baby, in its arguments for common, UK-wide social rights: ‘It does not matter whether an individual who is ill is in Caithness or Cornwall: he or she has free access to health care when and where they need it, supported by the UK taxpayer’ (Commission on Scottish Devolution 2008: 36). Of course it should be noted that beyond a commitment to free access to health care, this does not preclude health *policy* varying between Caithness and Cornwall.

Although it may be ‘obvious’ to some that the state should do the same things for its citizens no matter where they live, it is clearly not so to others. McEwen and Henderson (2005), Beland and Lecours (2007) and others (c.f. Jeffery 2006) have identified attempts in devolved nations and regions in the UK, Belgium, Canada and elsewhere to enlist social policy to agendas of maximising sub-state autonomy, in some cases including independent statehood. A distinctive social policy agenda can become part of a ‘nation-building’ project – ‘welfare nationalism’ – at territorial scales smaller than the state, just as it did at the statewide scale in Marshall’s understanding: for Marshall social rights secured the inclusion of disadvantaged social classes into a ‘national’ citizenship. For welfare nationalists – a category that can encompass both supporters of independence and of fuller autonomy within the state – a distinctive agenda on social rights may be a vital underpinning of distinctive territorial community within (and in some cases against) the state.

Mooney *et al* (2006: 492), for example, point to the scope devolution has created for the renegotiation of welfare arrangements in Scotland and Wales and the questions this raises about ‘the nature of UK citizenship – and of citizenship in the devolved nations’. And Simeon (2003: 232), reflecting on post-devolution innovations in social policy, noted that the devolved administrations understood the ‘appropriate boundaries of social citizenship ... more broadly than London’. Indeed, the tendency in Scotland and Wales since devolution has been to restore some of the universalist principles that (perhaps mythically) evoke the original premises of the postwar welfare

state. It may well be argued that universal entitlements to long-term care, free university tuition or prescriptions are questionable subsidies for the middle classes but they are clearly not evidence of a ‘race to the bottom’.

Such a distinctive, universalist approach may, however, provide evidence of a rescaling of the territorial community at which citizens seek to express solidarity with one another. Nations and regions within the state may be perceived as a better locus for guaranteeing social rights than the state as a whole. There is some evidence to suggest that Scottish support for devolution in the run-up to the 1997 referendum was based on a desire of Scots to insulate themselves from UK-level governments that did not share Scottish traditions of social solidarity (McEwen and Henderson 2005). There is a similar pattern in Quebec in Canada of seeking to contract out from the social policy jurisdiction of a central government no longer trusted to deliver traditional understandings of social rights. In other places the perceived problem is not the centre, but other devolved regions, typically where economically stronger regions – such as Flanders, or Bavaria, or parts of northern Italy – resent ‘their’ tax revenues being transferred to other regions in the interests of guaranteeing common, statewide social rights (Jeffery 2006). In each case a smaller scale of ‘solidarity community’ is presented as more in the interests of the devolved region than a statewide one.

This is certainly the kind of case made by the Scottish Government in its 2009 White Paper, which argues that there are ‘traditional Scottish values’ – by implication not British ones – ‘of striving for a fairer and more inclusive society, combining equality of opportunity to thrive and excel, with support for those in need’ (Scottish Government 2009: 59), and that maximising Scottish autonomy is the way to guarantee their expression. Significantly, even the Scottish Government can envisage these ‘traditional Scottish values’ being achieved within UK ‘union’, even if it would prefer independence. But this would be a union in which social rights would, and in the Scottish Government view *should*, vary from place to place in the UK.

A milder form of the same argument – presented amid much rhetorical flourish, but in the end with little substance – was Rhodri Morgan’s imagery of ‘clear red water’ between what he saw as ‘traditional’ Labour values in Wales and the pro-market policies in the public services promoted by ‘new’ Labour under Tony Blair (Jeffery 2006). The thrust is the same: to challenge understandings that social rights have to be the same everywhere and to argue instead that they may and should differ where values differ, even with the same state.

To put this another way, even if social citizenship was something that was guaranteed in uniform ways across the whole state territory, there is no reason that it should continue to be. One of the key insights of Marshall’s seminal work on social citizenship was that different kinds of citizenship rights interacted with one another to produce shifts in the content of citizenship. Devolution entails the recalibration of political rights: the establishment of rights of political participation in devolved

democratic processes. If the establishment of statewide political rights in the 19th and 20th centuries became a platform for statewide social rights after World War II, should it surprise us that devolved political rights become a platform for arguments that (at least some) social rights are something to be achieved at devolved scales? Equally, it should not surprise us that while significant political rights also reside at the UK level, arguments will continue to be made for (at least some) social rights to be achieved at the UK-wide level. Social citizenship in Marshall's terms might well, in other words, be multi-levelled.

Neo-unionism and welfare nationalism offer important, and polarising, perspectives on how to conceive social citizenship in a devolved UK, but in practice neither of these positions adequately reflects mainstream public opinion. Indeed the shortcomings of both of these positions are exposed by the complexities and paradoxes of public attitudes towards devolution and social citizenship, which we explore in the next section.

### **Unravelling the devolution paradox**

Whether or not territorial policy variation matters is, then, a moot point. The debate on policy variation is inherently normative, based on deep-seated beliefs about different scales of community, and reflected in seemingly irreconcilable claims that follow from those beliefs about the right constitutional architecture. In that sense we cannot say there is a right or a wrong answer to the question 'does variation matter?' What we can do is explore public opinion to identify what resonance these different claims have among those in whose name they are made: the UK's citizens.

The UK has, relatively speaking, very good data on post-devolution public attitudes through the findings of the British Social Attitudes Survey and related surveys in Scotland, Wales and Northern Ireland,<sup>1</sup> with more recent international public attitudes work placing our knowledge of Scotland and Wales in a comparative context.<sup>2</sup> But what they reveal is a contradiction. On the one hand, people consistently claim to want greater devolution and the power to take more decisions in devolved settings. Table 2.1 shows that clear majorities of the Scots and Welsh think their devolved administrations rather than the UK government should make 'most of the important decisions' on the NHS, schools and welfare benefits (that is, the heartland issues of Marshallian social citizenship), while on defence the preference flips to the UK government.

At a more general level, surveys have also shown repeatedly that while the Scots, the Welsh and Northern Irish think the UK government does have most influence over the way their territory is run, majorities think that the devolved administrations should

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1. The Scottish Social Attitudes Survey, the Wales Life and Times Survey, and the Northern Ireland Life and Times Survey.

2. The Citizenship after the Nation-State (CANS) survey, coordinated from the University of Edinburgh was fielded as a common, translated questionnaire in 14 European regions in five states in spring 2009. See [www.institute-of-governance.org/major\\_projects/citizen\\_after\\_the\\_nation\\_state](http://www.institute-of-governance.org/major_projects/citizen_after_the_nation_state). Unfortunately the CANS data does not cover England or Northern Ireland.

Table 2.1: Who should make the most important decisions for Wales/Scotland (2007)

	Scottish Parliament/Welsh Assembly Government (%)	UK Government (%)
Scotland		
NHS	63	25
Schools	63	14
Welfare benefits	63	18
Defence and foreign affairs	34	58
Wales		
NHS	61	26
Schools	56	18
Welfare benefits	58	22
Defence and foreign affairs	21	72

have the most influence (for example, Jeffery 2009a, Curtice and Seyd 2009). Data from the new Citizenship after the Nation-State (or CANS) survey, which measured attitudes across 14 European regions<sup>3</sup>, shows that respondents in all but one region thought that the regional level of government should have more influence than it currently does. As Table 2.2 shows, Scotland and Wales are strongly of this view, showing the biggest gap between those who think the devolved administrations should have most influence and those who think it does.

In similar vein Table 2.3 reports responses from the CANS survey on constitutional options on a five-point scale ranging from no regional government to independence, ranking them by the total of those whose preferences is to move beyond the current status quo, either with more regional powers or with independence. Again Scotland and Wales are towards the top of the table among a small group – also including Catalonia, Brittany and Galicia – with more than 50 per cent of respondents arguing for more powers than the regional level currently has. However it is important to note that while Scotland and Wales (along with Catalonia and Bavaria) display the strongest support for independence, in each case at least twice as many people support more powers than independence.

On the other hand, and despite wanting more powers and influence for their devolved administrations, it is less clear that people want this to lead – as it logically ought – to differences in policy outcomes. Table 2.4 reports on a broadly phrased question fielded across Great Britain, with variations in Wales and Scotland in 2003, showing

3. We use 'region' in this context as shorthand, but acknowledge that some of these 'regions' would be better described as 'nations'.

**Table 2.2. Which is correct in your opinion? Regional government does have most influence or regional government should have most influence?**

	a) Regional should (%)	b) Regional does (%)	a) – b)
Scotland	73	38	35
Wales	70	40	30
Catalonia	79	58	21
Brittany	76	58	18
Salzburg	89	73	16
Upper Austria	82	67	15
Vienna	79	65	14
Alsace	75	61	14
Thuringia	76	63	13
Lower Saxony	73	60	13
Galicia	65	54	11
Ile de France	66	53	9
Bavaria	75	67	8
Castilla la Mancha	55	58	-3

**Table 2.3: Level of support for different constitutional options (%)**

	a) No reg. government	b) Fewer powers	c) Status quo	d) More powers	e) Indep'ce	d) + e)
Catalonia	2	7	15	51	21	72
Scotland	7	4	28	39	20	59
Brittany	1	2	31	52	5	57
Wales	9	6	28	42	14	56
Galicia	5	8	26	51	3	54
Alsace	1	2	42	41	6	47
Bavaria	3	8	41	29	15	44
Thuringia	9	13	28	39	5	44
Salzburg	3	7	45	42	2	44
Upp. Austria	3	5	47	41	2	43
C. la Mancha	7	10	37	40	1	41
Ile de France	3	3	35	38	0	38
Lower Sax	6	13	40	30	4	34
Vienna	5	12	51	27	2	29

that the English are most in favour of policy uniformity, but also that majorities in Wales and Scotland are too, even in areas like tuition fees (Scotland) and prescriptions (Wales), where different devolved policies have been introduced. The 2009 CANS survey has added further nuance to our understanding of this preference for uniformity. It showed that with one exception (juvenile crime in Catalonia) majorities of respondents in all regions felt that a series of policy issues – alongside juvenile crime, unemployment benefits, tuition fees and long-term care – should be dealt with uniformly across the whole of the state concerned rather than being a matter for each region to decide itself.

**Table 2.4. Attitudes towards territorial policy variation in Britain, 2003 (%)**

	Should be the same in every part of Britain	Should be allowed to vary
<b>England</b>		
Standards for services such as health, schools, roads and police	66	33
<b>Scotland</b>		
Standards for services such as health, schools, roads and police	59	40
Level of unemployment benefit	56	42
University tuition fees	56	40
<b>Wales</b>		
Standards for services such as health, schools, roads and police	55	44
Level of unemployment benefit	57	41
University tuition fees	58	40
Cost of NHS prescriptions	63	37

Sources: Data collated by John Curtice from British and Scottish Social Attitudes Survey 2003; Wales Life and Times survey 2003

The CANS survey also showed that majorities in all 14 regions surveyed favoured a role for central government in evening out economic disparities (Table 2.5). Unsurprisingly, those regions with enduring economic weaknesses – including Wales – are most in favour of government intervention. But Scotland – which is close to the UK average on key economic indicators – and even places like Bavaria and Salzburg which are net contributors to inter-regional transfers effected by central governments – also favour a role for central government in evening out economic differences.

The above discussion has revealed what the CANS team has labelled the ‘devolution paradox’: an apparent contradiction between the desire for greater powers for



Table 2.5: Responses to question: ‘Should central governments step in to even out economic differences between regions?’ (%)

	Yes they should	No they should not
Castilla la Mancha	90.3	5.8
Brittany	85.4	8.0
Galicia	84.4	9.2
Ile de France	84.1	12.5
Wales	81.1	17.3
Thuringia	80.8	15.6
Alsace	77.8	16.2
Vienna	77.7	20.5
Lower Saxony	75.1	20.6
Scotland	71.4	25.2
Salzburg	71.0	28.4
Catalonia	70.8	26.2
Upper Austria	67.6	30.8
Bavaria	57.8	38.4

devolved government – implying a greater likelihood that the policies delivered by devolved governments will vary from place to place – and the desire for uniformity of policy outcomes. It is not yet clear how to interpret this paradox. It may be that while people want more decisions to be made at the devolved level, the fear that other people might ‘do better’ under such a system results in people opting for uniformity. It may be that they understand ‘uniformity’ as to be delivered at the standard of the policy that applies in their jurisdiction. But it may also be that other factors intervene to lend greater weight to one aspect of the devolution paradox so that it outweighs the other. Two such factors appear possible.

The first concerns community: whether people give priority to Scottish, or Welsh (or Catalan, or Bavarian) community over that at the statewide scale. One route into this question is to explore how citizens balance senses of sub-state identity (Scottish, Welsh and so on) over statewide (British) identity. There is now a very substantial time series for Scotland, Wales and England on the so-called ‘Moreno’ question, which shows that the Scots have the strongest sense of exclusively or predominantly sub-state (Scottish) identity, the Welsh less so but there is still a substantial sub-state Welsh identity, and the English the least, although even here a significant minority identify themselves as predominantly or exclusively English (Table 2.6).

Table 2.6: Trends in Moreno National Identity 1992–2007 (%)

	1992	1997	1999	2000	2001	2003	2005	2006	2007
<b>Scotland</b>									
Scottish not British	19	23	32	37	36	31	32	33	37
More Scottish than British	40	38	35	31	30	34	32	32	30
Equally Scottish and British	33	27	22	21	24	22	22	21	28
More British than Scottish	3	4	3	3	3	4	4	4	5
British not Scottish	3	4	4	4	3	4	5	5	6
<b>Wales</b>									
Welsh not British	n/a	17	17	n/a	24	21	n/a	n/a	24
More Welsh than British	n/a	26	19	n/a	23	27	n/a	n/a	20
Equally Welsh and British	n/a	34	37	n/a	28	29	n/a	n/a	32
More British than Welsh	n/a	10	8	n/a	11	8	n/a	n/a	9
British not Welsh	n/a	12	14	n/a	11	9	n/a	n/a	9
<b>England</b>									
English not British	n/a	7	17	19	17	17	n/a	n/a	19
More English than British	n/a	17	15	14	13	19	n/a	n/a	14
Equally English and British	n/a	45	37	34	42	31	n/a	n/a	31
More British than English	n/a	14	11	14	9	13	n/a	n/a	14
British not English	n/a	9	14	12	11	10	n/a	n/a	12

Table 2.7. Identity using the Moreno scale

	Just 'region'	Region > state	Equal	State > region	Just state
Scotland	19	41	26	4	7
Catalonia	16	29	37	6	6
Wales	11	29	33	10	15
Upper Austria	10	16	38	11	22
Bavaria	9	19	36	11	19
Thuringia	9	18	44	9	17
Salzburg	9	17	50	9	10
Vienna	7	14	38	15	19
Galicia	6	25	57	6	4
Lower Saxony	6	11	34	15	27
Brittany	2	23	50	15	9
Castilla la Mancha	2	4	52	18	20
Alsace	1	17	42	20	15
Ile de France	1	7	30	42	12

Note: To use Scotland as an example, those selecting 'just region' identify themselves only as Scottish and not at all British; those selecting region>state identify themselves as more Scottish than British; those selecting equal identify themselves as equally Scottish and British and so on.

Table 2.8. Percentage 'very' attached to region/state

	a) % region	b) % state	a) – b)
Scotland	80	43	37
Wales	69	49	20
Catalonia	55	25	30
Brittany	65	49	16
Thuringia	57	42	15
Galicia	58	44	14
Bavaria	53	42	9
Alsace	60	60	0
Vienna	52	61	-9
Salzburg	52	64	-12
Upper Austria	51	62	-11
Lower Saxony	36	51	-15
Castilla la Mancha	33	52	-19
Ile de France	26	53	-27

The CANS dataset again helps put the Scottish and Welsh findings into a fuller context. It shows that Scotland has the strongest exclusively 'regional' (and the strongest predominantly 'regional') identity, followed by Catalonia then Wales, with other regions having a substantially less strong sense of regional identity (Table 2.7). The CANS questionnaire also asked how 'attached' respondents felt to Scotland (or Catalonia, and so on) as compared to the UK (or Spain, and so on). Once again Scotland and Wales, split by Catalonia, top the table. Table 2.8 shows the percentage of those who professed 'very strong' attachment to the state concerned, subtracted from those who professed 'very strong' attachment to the 'region'. There appears to be an especially powerful, distinctive sense of community in Scotland and Wales when compared with other European regions. This powerful sense of community may be an important factor which 'weighs' on the side of the demand for devolution and the acceptance of growing policy variation.

A second factor that may lend greater weight to one aspect of the devolution paradox is the way that territorial political debates are 'compartmentalised' in each part of the UK. This sense of compartmentalisation has become evident in research on devolved elections. The common denominator of most research on devolved elections has been to test the assumption that these would be 'second order' elections, that is reflections of and responses to the issues and personalities that drive voting behaviour in the more important, 'first order' UK elections (Hough and Jeffery 2006). Though it is clear that 'first order' issues do play a role – for example controversies over the Iraq War, or Tony Blair's increasingly unpopularity in the mid-2000s – UK-level issues certainly have no systematic impact on devolved election processes, and are often marginal to them. In their modelling of voting behaviour in the 2003 Scottish and Welsh devolved elections Wyn Jones and Scully (2006: 129) found that:

*Voters in Scotland and Wales can, and often do, make different electoral choices for devolved elections from Westminster ones ... they are often guided by factors specific to Scotland and Wales when making such choices ... Significant numbers of voters in Wales and Scotland appear to recognise Westminster and devolved levels as distinct political arenas, to evaluate parties differently for those respective arenas, and to vote accordingly.*

Johns *et al's* (2007) rather different approach to analysing the 2007 devolved election in Scotland confirms broadly the same point. They applied a 'valence' model of voting to that election, using a public attitudes survey to explore how far questions of performance, competence and leadership of the leading parties in Scotland dealing with Scottish issues shaped voting behaviour. They found that these valence variables, focused on the Scottish context, were important determinants of how Scots voted, with the SNP holding leads over Labour on issue competence, leadership and campaigning. UK-level factors by contrast were subordinate in explaining the election outcome (or, to put it another way, UK factors were second order; the devolved election was in this instance a first order contest).

These accounts of devolved elections confirm a sense that devolved politics has become increasingly self-contained, focused, as Bromley *et al* (2003) put it, on ‘Scottish answers to Scottish questions’. This is further evidenced by the patterns of media content across the UK, with its component parts increasingly consuming media that is tailored to their national context, and hearing little about one another’s national conversations. This is strikingly illustrated in Scotland, where British ‘national’ newspapers ‘put a kilt’ on, producing Scottish editions with different news coverage and comment, enabling them to strip this content out of their English editions (Fraser 2008).

So even if people dislike cross-jurisdictional policy variation, there appears to be a tendency to reframe politics, through the lens of the democratic process, at smaller, distinctive devolved scales. The possibility that emerges from this is that statewide social citizenship may be eroded by default, as policy changes introduced by devolved institutions accumulate, as these are judged in compartmentalised, jurisdiction-specific terms, and in the absence of political structures which facilitate UK-wide thinking and comparison. Greer for example concludes that devolution, for such reasons, has ‘already had an impact on the meaning and rights associated with citizenship in the UK’ (2007: 159). Jeffery echoes the point, arguing that social citizenship has become less UK-wide and increasingly ‘territorialised’ (2006: 90).

### **Dealing with multi-level social citizenship**

What, if anything, might be the policy response to the emergence of a multi-levelled social citizenship? Clearly one response would be to do nothing and let the flowers of diversity bloom. However, there do exist countervailing forces, not least an ongoing attachment to a sense of community at a UK-wide scale and an ongoing sense of UK-wide solidarity. While Scotland and Wales both display strong attachment to and identification with Scottishness and Welshness, there is still a strong identification with Britishness too. As Table 2.6 above shows, Britishness still features to varying degrees in the identity of 69 per cent of people in Wales and 70 per cent of people in Scotland. Moreover, data from the British Social Attitudes survey, comparing Scottish and English opinion, on the question of who benefits most from the union, reveal that a significant proportion of Scots still believe that their interests are well served (see Curtice *et al* 2010).

The data from the CANS survey in Table 2.5 also suggest a continuing preference for the pooling of risk through central government action to limit inter-regional economic disparities. Citizens see a role for the UK level as a guarantor of some degree of equity and solidarity. The challenge remains how to balance this equity with the greater diversity that results from devolution.

These features of the devolution paradox trace the outline of a policymaker’s dilemma. Support for devolution is high but its introduction has changed the context of social citizenship rights. If social citizenship rights were ever provided uniformly at

statewide scales, there are now multiple scales for realising social citizenship.<sup>4</sup> Devolution has overlaid these differences with the transparency brought about by democratic election, making them more visible to those that choose to look. This is the messy world of 21st century social citizenship rights and it is a world where more rather than less difference within the UK looks likely.

There are a number of key factors that are likely to shape this debate over the next decade:

- **Politics:** Differences in party competition between the UK and devolved electoral arenas will continue to produce governments with divergent party political composition. Different parties with different political traditions and beliefs will inevitably chart different policy courses. Furthermore, the relative strengths of the parties in different parts of Britain are likely to become a salient feature of devolved politics with the arrival of a coalition government that lacks significant support in Scotland and Wales. Controversy is most likely to arise when the Conservative–Liberal Democrat administration starts implementing unpopular spending cuts in those territories where their legitimacy to do so will be called into question. This may serve to accelerate the rescaling of political community, with the smaller territorial unit being seen as offering insurance against an unpopular government, leading to vociferous demands for greater powers and greater policy difference. This may result in the chipping away of UK-level social rights, as demands for powers extend to policy realms such as benefits.
- **Time:** The compartmentalised nature of the political system opens up the prospect of a steady accumulation of incremental policy changes. While each change alone might be minor, collectively they may achieve such a critical mass that they emerge unpredictably as politically salient.
- **Devolved finance:** Greater divergence, especially in a context of public spending cuts, is likely to provoke a debate about whether the distribution of resources across the nations is fair. A number of recent inquiries into the future of devolved finance have all called for the reform of the Barnett Formula, which is used to determine the size of the block grants available to the devolved administrations (Commission on Scottish Devolution 2009, Independent Commission on Funding and Finance for Wales 2009, House of Lords 2009, House of Commons Justice Select Committee 2009, McLean *et al* 2008). Furthermore, public awareness is growing of the inequities of the Barnett formula, which is not a needs-based formula. Data from the British Social Attitudes Surveys shows the proportion of people in England who think Scotland gets ‘more than its fair share’ of public spending has doubled from 20 to 40 per cent in the last decade (Curtice in this volume). It does not take much imagination to foresee these issues rising up the political agenda as the squeeze on public spending begins to be felt around the country.

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4. It should be noted that EU membership also means that UK citizens’ social rights are also expressed at the European level, which adds another important dimension to this debate.

- **England:** The other unpredictable dynamic force that is likely to shape these debates concerns attitudes in England. There are some tentative signs of the emergence of a distinct political community within England (Kenny and Lodge forthcoming). English identity has become more salient in recent years, though it has not yet eclipsed a sense of allegiance to Britain (Kenny and Lodge 2009), and it is certainly the case that English public opinion has become increasingly aware of – and irritated by – the West Lothian anomaly and the allocation of public money across the UK. However, it is not yet clear whether these shifts in English public opinion will result in demands for political reform for England. Should a politically mobilised sense of Englishness emerge which demands political rights, be it at a national or local level, such pressures might pave the way for even greater divergence in social citizenship.

What is clear is that the UK and its constituent nations will continually have to adapt and respond to the reality of devolved politics. The response needs to reflect the multiple sites of social citizenship that have arisen since the advent of devolution, balancing the desire for greater diversity, and hence a growing appetite to express social citizenship at the devolved level, with a continuing role for the UK government – at least while there remains support for the union. Even if support for UK social citizenship recedes, there remains a need for a more mature debate on these issues. The Scottish debate on further-reaching devolution (in both unionist and nationalist variants) often ignores the continuing interdependencies that Scotland will have with the rest of the UK whatever its constitutional future, and the ‘spillovers’ from UK-level decisions that impact on Scotland.

The current devolution settlement is clearly not well equipped to deal with the messy reality of multi-level social citizenship rights. We set out here a number of areas where the current arrangements for devolution are at best contested, if not deeply criticised, and a different approach is needed.

- **Reforming finance:** The devolution settlement needs a financial settlement that is more suited to multi-level social citizenship. Devolved spending is currently funded almost entirely by an unrestricted block grant; there are few revenue-raising powers. The size of the grant is set by the Barnett formula, which employs a combination of change to levels of spending in England and relative population size to adjust a historical baseline of territorial spending outside of England. This funding arrangement is no longer suitable to meet the needs of the devolved nations. It is true that Barnett has helped deliver generous funding settlements to the devolved nations (especially Scotland and Northern Ireland) but the model has serious drawbacks. Since their grants are determined by spending decisions made in England by the government in Westminster, over which they exercise little influence, the devolved administrations cannot control the size of their budgets (though they are free to spend the block grant as they see fit). This did not matter when spending was rising but now it is set to be cut this inability to influence the

size of their budgets and being at the mercy of decisions made in England is likely to cause more controversy.

One way of moving beyond the problems of the Barnett formula is to increase the revenue-raising powers available to the devolved administrations. Such change would respond to what is now more or less a consensus position in political debate in Scotland – that for reasons of autonomy and accountability the Scottish Parliament should raise at least a substantial proportion of the money it spends on devolved matters. Fuller fiscal autonomy is likely also to help with the question of managing difference, as a source of some tension in recent years has been a perception, often stoked by the English redtops, that Scotland enjoys greater social entitlements as a result of an over-generous transfer of money from England. Clearly one element of this debate has to be greater public awareness that English frustrations at the perceived better deal in Scotland should be targeted at politicians in Westminster, and the policy choices they make for England. Nonetheless, if a greater proportion of devolved spending were funded from taxes raised by devolved institutions, it may help to take the sting out of some of these arguments.

In most views – the big exception being the SNP – greater tax raising powers should go hand in hand with some level of fiscal equalisation through a needs-based formula in order to ensure equity and deliver the UK-wide aspect to social citizenship. Indeed such an arrangement perfectly reflects the contours of public opinion outlined above: great fiscal powers will strengthen the scope of the devolved nations to act more autonomously, while a grant aimed at fiscal equalisation would ensure that concerns about preserving union-wide equity are met. A number of federal states, most notably Germany and Australia, have constructed mechanisms for distributing financial resources to ensure that all areas have sufficient funding in principle to deliver services of equivalent (not necessarily uniform) standards. The commitment to fiscal equalisation is rather stronger in Wales, which by most calculations would benefit from inter-jurisdictional transfers, than Scotland, which would not. This debate is less open and advanced in Northern Ireland, but a position similar to that in Wales might be expected. In other words there should be no assumption that a single system applicable equally to Scotland, Wales and Northern Ireland would be appropriate.

- **Articulating social citizenship rights:** The UK devolution settlement contains limited opportunities for articulating and communicating which social citizenship rights are shared and guaranteed at a UK-wide scale and which at devolved scales. A *laissez-faire* approach is taken to intergovernmental coordination (see Trench in this volume), resulting in a lack of clarity over where the balance between equity and diversity currently lies.

Other countries have sought to achieve such an articulation of shared citizenship while still allowing for difference, in various ways. For example, Canada and Belgium



have experimented with intergovernmental agreements, to set out the social rights of all citizens in an overarching social contract or charter of rights. In practice this approach has run into difficulty as a result of becoming mired in the politics of nationalism. Nevertheless, in the UK there is scope for agreements on specific issues and principles on a less formal, ad hoc basis, rather than as part of an overarching framework or grand gesture. A recent example would be the cross-government agreement to enshrine the target to abolish child poverty by 2020 in law, where each devolved government has backed a Legislative Consent Motion in support of the Bill, which requires each administration to produce a child poverty strategy.

Such an approach can work well where the interests of the governing parties across the UK align, and will come down to the ability of elected politicians to make the case for agreements and negotiate their content. Rather than uniformity, it is likely that different agreements will be reached between different parts of the UK. This kind of approach seems to chime with David Cameron's 'respect' agenda.

- **Intergovernmental relations and policy learning:** The UK's laissez-faire approach also restricts capacity for the systematic sharing of perspectives and learning, and where relevant, the identification of priorities that are to be shared and others that are to be pursued separately across the UK and devolved jurisdictions. There is widespread support for more systematic inter-governmental relations. Major enquiries by both Commons and Lords Select Committees (Lords 2002, Commons 2009) recommended this, as did the Calman Commission. So too, strikingly, has the SNP since coming to power in 2007. Obviously enough, the purpose behind advocacy of fuller intergovernmental relations differs among these actors. The SNP wants more formal relationships so it has a clear route for asserting distinctive Scottish interests, for example in EU matters, through the UK level of government. The House of Commons Justice Committee by contrast was more concerned with coordination across jurisdictions in a UK-wide interest. There is also a role for such inter-governmental mechanisms in managing conflicts over the content of social citizenship as and when they arise.

Despite diverse motivations, there is clearly a sense across different streams of opinion that the UK's jurisdictions need a more structured way of working either in cooperation with, or autonomously of one another. And again it may be that some parts of the UK are more focused on cooperation than autonomy; the purposes of inter-governmental relations may vary from place to place.

Inter-governmental relations are also important in the context of policy learning. Policy divergence provides space for policy innovation and learning, which can result in pushing up standards overall. There have been some examples of this over the last decade: all parts of the UK have adopted the Welsh innovation of creating the post of Children's Commissioner; while the greater scrutiny enabled by democratic devolution resulted in pressure for improvement on hospital waiting times in Wales (Schmuecker and Adams 2005; see Birrell in this volume). Harnessing the creativity released by

devolution more systematically will bring benefits to all parts of the UK, and the UK Commission for Employment and Skills may be a good model of how this can work within a particular policy field (see Keep in this volume).

The proposals we have set out here suggest some ways in which the UK can adapt to the new reality of multi-level social citizenship, but ultimately an adjustment to the territorial constitution is likely to be required. The arrangements for this are clearly still in flux. They are untidy and asymmetrical. Why? Because they represent the latest ways in which distinctive unions of the Scots, the Welsh and (now the Northern) Irish have been adapted and accommodated. At one level there might appear to be a convergence of Northern Ireland (following the devolution of policing and justice powers) and Wales (in the light of the anticipated referendum on full legislative powers) on a Scottish model of extensive devolution of domestic policy functions. But the trajectory of the Scottish debate is headed into a grey area marked out by new terminologies of 'devolution-max' and 'independence-lite' that suggest a different, looser quality of relationship with the rest of the UK. The Northern Ireland arrangements – should they ever work entirely as foreseen in 1998 – blur traditional understandings of state sovereignty across the UK–Irish border. Only Wales appears to be on a trajectory that looks more like a conventional devolved region.

But perhaps the biggest contribution to the UK's untidiness is England. England is more than five times as big as Scotland, Wales and Northern Ireland combined in terms of population and GDP. England is a highly centralised, unitary sub-state that has probably been the location, through the actions of the UK government, of more territorial policy innovation than the three devolved administrations combined. Curiously it has no set of institutions that provide systematically for the government of its territory. The government of England is bound up – perhaps irreversibly – with the government of the UK as a whole, with Westminster and Whitehall combining and often confusing the territorial scales of their responsibilities. England is the oddest one out of the UK's territories. It is England much more than the semi-detached Scots or Northern Irish that renders some kind of broadly uniform, federal territorial constitutional arrangements for the UK implausible.

The UK is made up of a series of ambivalent and distinctive relationships between the constituent nations. Many aspects of those relationships involve shared values and interests. Others do not. And they all vary according to place: Wales's relationship with England is different to that which exists between Scotland and England, and Northern Ireland's are different again. Wales is keen on fiscal equalisation; Scotland is not. Northern Ireland has distinctive powers in the field of social security but aligns its policies with those of the UK government acting for England, Scotland and Wales. Many in Scotland – in Labour and the Liberal Democrats as well as the SNP – would rather Scotland were not part of a single social security system, a single social citizenship (though none of them have credibly explained how they would pay for it). The political class in England appears to favour market-based approaches in public services, a view largely rejected by Scottish and Welsh elites.

What the appropriate constitutional relationship for capturing this diversity might be is presently unclear: perhaps something like confederation, with contracted relationships between different states; certainly something different for each part of the UK. What we do know is that it now falls to the Conservative–Liberal Democrat coalition to run and manage this eclectic and decentralised union. In many respects this task will be made more difficult by the fact that the coalition lacks a strong mandate outside of England (particularly the Conservative component). It will have to show that it is sensitive to Scottish, Welsh and Northern Irish interests and differences – and show willingness to accommodate them within the union. Paradoxically, however, the very fact that electoral and parliamentary arithmetics will force the coalition to adopt a negotiated approach to governing the UK – working with the nations on a case by case basis – might help ensure that it succeeds in working with the devolved nations in an effective way.

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