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Changing Modes of Official Accountability in the UK

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## **Changing Modes of Official Accountability in the UK**

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### **Abstract**

Accountability norms for governmental officials (central government civil servants to local government officers) in the UK were traditionally stable and predictable, and based upon the primacy of political accountability. At central government level the mode of accountability was through the doctrine of individual ministerial responsibility within a majoritarian setting, and in local authorities, the accountability of officers was to committees of elected councillors normally dominated by one party. From the 1980s onwards, however, a series of new dynamics created more complex accountability relationships. These developments stemmed in part from the emergence of the New Public Management and ‘modernisation’ agendas, restructuring of central government through the process of agencification, the rise of consumerist modes of accountability, and the establishment of statute-based freedom of information. Beyond this, the creation of a devolved polity based upon non-plurality electoral systems produced governing executives in Scotland and Wales on cross-party partnership or coalition models, and these introduced new accountability challenges for civil servants in Edinburgh and Cardiff. Somewhat ironically, despite the traditionally stable UK Whitehall system’s conceptualisation of accountability being under-pinned by a plurality based electoral system (first-past-the-post), the UK now has a proliferation of electoral systems ranging from mixed member proportional systems, using party lists in Wales and Scotland to the single transferable vote based proportional system in Northern Ireland, the latter also including the principle of power sharing under the D’Hondt formula. Furthermore, at local government level in Scotland there is a single transferable vote (STV) based proportional system with multi member electoral units (wards).

This paper will summarise the impact of these developments on the understanding and functioning of official accountability in the UK polity. The paper will draw upon empirical research to illustrate the impact of the new accountability dynamics, and place these in the context of the evolving nature of official accountability in the UK. Moreover, the paper intends to argue that the political and administrative reforms and developments have resulted

in changing modes of accountability across various levels of government within the UK resulting in complexities and challenges for public officials.

## 1. Introduction

Modern democracies are founded on a combination of two basic principles: those who rule do so in the public interest or in response to the public will; and that they will do so when they are representative of, and/or accountable to those they rule (Philp, 2009). Thus embedded in the principles of democracy is the concept of accountability. Accountability in conceptualization and implementation has become increasingly complex in the modern state. Flinders (2001: 16) for example views accountability in the British state as a ‘complex, fragmented and evolving concept’. Numerous conceptual approaches have been forwarded as attempts to capture the meaning and scope of accountability. Mulgan (2000) argues that accountability is an ever-expanding concept requiring constant clarification and increasingly complex categorization. Lawton and Rose (1991: 23) for example categorize accountability in terms of political, managerial, legal, consumer and professional typologies, and Elcock (1991: 162) discusses accountability in terms of the ‘upwards, outwards and downwards’ directional model. Similarly, McGarvey (2001) argues for a multi-faceted approach to understanding the concept of accountability in terms of traditional, professional, managerialist, democratic, governance, regulatory and rational choice perspectives. It is not the intention of this paper to revisit various categorizations and theoretical models of accountability, rather to add to the debate on accountability by providing an explanation of accountability as applied to the modern UK state.

A prerequisite for this is a contextualization of our main arguments. The literature on accountability in public administration defines it in terms of: an inward sense of values by public servants to serve the public according to professional standards – a public service ethos; and to an external mode of operation in the direction of the political realm (see Mulgan, 2000). Thus, accountability is ‘to account’ to some authority for one’s actions (Jones, 1992:73). Accountability is therefore *external* since it requires account to be given to some person or body; it involves an *exchange* in that there is quest for information, answers and/or rectification; it implies *rights of authority* in that those who are calling for account are asserting superior authority over those who are being held to account, including the right to impose sanctions (Mulgan, 2000:555). The dimensions of accountability include: a sense of individual responsibility or concern for the public interest (inward and professional

accountability); involve checks and balances to control actions of state actors (regulatory accountability); is related to the pursuit of citizens' needs or wishes (responsiveness and consumerist accountability); and a dialogue with citizens on which democracies depend (political and democratic accountability) (see Mulgan, 2000).

The traditional perspective of accountability is underpinned in a Weberian conception of bureaucracy with hierarchical structures and clear chains of command from official to official, official to minister, minister to Parliament and from Parliament to the people (McGarvey, 2001). This traditional perspective still resonates with the Westminster model and as discussed in Section 2 of this paper underpins the notion of ministerial responsibility. However, changing modes of governance and managerialism have seen a challenge to the traditional perspective. Increasingly, there are managerialist, governance and regulatory perspectives of accountability. Thus, the very concept of accountability has become a contested one, particularly in relation to official accountability (see Massey and Pyper, 2005: Chapter 8) suggesting that there is a need for an alternative perspective, based on the concept of accountability 'layers', starting with the relatively basic answerability, or in Marshall's (1986) terms, 'explanatory accountability', and building in strength through amendatory accountability (changing systems, processes or policies which have caused problems), redress of grievances in instances of proven error causing difficulties for clients or service users, to the most developed form of accountability which would allow for the exposure of office holders to sanctions in cases of serious error.

The authors prefer to use the term *official* accountability, as opposed to professional and managerial, to refer to the accounting of those employed within the civil and public service – state actors. Firstly, not all of those employed as public office holders are managers and the term managerial accountability is often in observation to New Public Management (NPM) redefinition of public officials' roles (see McGarvey, 2001). Secondly, although the authors acknowledge that there is a professional ethos (inward accountability) within the public service and that there are many professions (some adhering to the ethics of their professional bodies e.g. social workers) within the civil and public service, professional accountability includes those outside of the civil and public service – non state actors, increasingly working alongside state actors in the delivery of services (see Section 4). The paper is concerned with official accountability; the accountability of state actors in the employ of the civil and/or public service. The political context of official accountability cannot be ignored and the paper incorporates the principle of official accountability as an *external exchange* with officials accountable in terms of various 'layers' and upwards to

politicians at central, devolved and local government; outwards to various state and non state actors; and downwards to the citizenry. We will argue that there is an increased complex array of modes of accountability and delivery of public services with questions remaining about the extent to which in the modern democratic state of the UK there is a line of accountability running from the electorate to the public official.

## **2. Accountability at Central Government Level**

The complexities associated with the advent of an asymmetrical form of devolution across the UK polity (see Section 3) should not be understated. However, at the centre, the system of government remains relatively straightforward, and is based around the traditional British mix of formal published rules and principles, and a myriad of uncodified constitutional conventions and doctrines. The latter have particular implications for the practices and processes associated with official accountability.

At the heart of the system lies the nexus of Parliament, Prime Minister, Cabinet and civil service. The link between the elected body and the executive is sealed by the (normally) majoritarian outcomes of the plurality electoral process. In simple terms, the leader of the political party securing a majority in the House of Commons following a general election is invited to become Prime Minister and form a government by the monarch, and the resultant Cabinet (membership of which is conventionally drawn from the ranks of the majority party across the two Houses of Parliament, but predominantly from the Commons) seeks to secure the passage of its programme in Parliament, while being collectively accountable to the elected body.

The doctrine of ministerial responsibility is the starting point for an understanding of official accountability in UK central government. This doctrine has two strands, the first of which, collective responsibility, is meant to function as a device to bind ministers into supporting all aspects of government policy, and to secure the confidentiality of ministerial discussions. In practice, collective responsibility has historically been enforced with less than complete success, but it remains the keystone of ministerial conduct. It is the second strand of the doctrine, individual ministerial responsibility, which leads us to the civil service.

The British civil service ('British' rather than 'UK' because the civil service in Northern Ireland is technically distinct) consists of the officials who work for central government departments and agencies, including those based within the devolved administrations in Scotland and Wales. Significant elements of the broader public sector,

including local government officers, and health service managers, are not part of the civil service. Also formally excluded are those who work in the diplomatic service and in the armed forces (with the exception of the officials based in the Ministry of Defence). The civil service which emerged from the Northcote Trevelyan Report, from the 1850s onwards, was based upon the principle of recruitment and promotion on merit. Consequently, the model was that of a ‘permanent’ or ‘career’ civil service, free from political patronage. Although lateral modes of recruitment, allowing for the appointment of talented ‘outsiders’ to senior posts, are now commonly deployed, the great majority of civil servants are still ‘career’ officials. Where lateral recruitment is used, this is done without direct ministerial involvement, thus preserving the political neutrality of the service. Even the most senior officials remain in place on a change of government, and they are expected to work impartially with ministers of any political persuasion.

The doctrine of individual ministerial responsibility establishes a simple, hierarchical mode of accountability for civil servants. In all parts of the system, officials are deemed to be accountable upwards through their line managers, ultimately to the most senior civil servant in each department (the Permanent Secretary), and also to ministers, who, in turn, are held accountable externally (through the medium of Parliament) for the work of departments of state. The ‘unwritten’ doctrine feeds into the formal documentation governing the activities of officials, the *Civil Service Code* and the *Civil Service Management Code*. The Codes establish rules strictly limiting the political activities of all officials, set out standards of objectivity and impartiality, and provide civil servants with guidance on how to avoid political partiality. The primacy of ministerial responsibility runs through the Codes.

The simplified, hierarchical mode of accountability suggested by the doctrine of individual ministerial responsibility is an important statement of the normative constitutional position of officials in central government. However, the practical working realities of civil service accountability are more complicated, and the dynamics of the accountability relationships involving officials at the centre of government have become increasingly complex over recent years.

Over the period of the past twenty years, the NPM and modernisation agendas in the UK have had a significant impact upon certain aspects of official accountability, albeit as a by-product of the drive for ‘efficiency’ and ‘service quality’, rather than as an end in its own right. The net impact was the emergence of particular foci on specific aspects of accountability, particularly the internal managerial and the external ‘consumerist’ elements.

The negative and positive features of these changing modes of official accountability at the centre have been analysed by Massey and Pyper (2005: 158-170).

It can be argued that the NPM and modernisation agendas served to problematise civil service accountability in some respects. Particular emphasis was given to the drives for 'efficiency' and 'value for money', which tended to override considerations related to accountability *per se*. Certain strains of official accountability came to be favoured, as part of a differentiated, disaggregated approach which stemmed in part from the managerialist predisposition towards pursuing a 'policy' and 'management' dichotomy. The result was the emergence of accountability gaps, perhaps most clearly illustrated in the case of the Next Steps initiative, under which in the period after 1988 the traditional central government departments of state were carved into core, 'parent' departments with a policy focus, and a myriad of executive agencies, focused on service delivery. The agencification process was not without benefits in terms of civil service accountability (see below), but it blurred the distinction between ministerial and civil service accountability to a significant degree, and raised questions about the extent to which the new regimes were doing much more than expanding the 'softer' forms of accountability (i.e. answerability). Serious problems arose in the case of some agencies, most notably the Child Support Agency and the Prison Service Agency for England and Wales. From the late 1990s, the Labour Government was obliged to re-establish clearer lines of ministerial accountability in these agencies. Beyond this, the modernisation of civil service accountability also involved a drive towards improved relationships with service users, customer and clients (see Hood and Lodge, 2006). Again, while the emphasis on consumerist accountability, via such mechanisms as 'charters', and the publication of clear service standards and targets was positive in many respects, the real emphasis seemed to be on enhancing the weaker forms of accountability (answerability and perhaps some mild forms of redress).

On the other side of the balance sheet, the more positive elements of the accountability impact of the NPM and modernisation agendas should be noted.

A new regime of parliamentary accountability (the origins of which certainly predated NPM but formed part of an early drive to modernise Parliament as an institution) spawned an expanded set of scrutiny mechanisms, which served to develop a *de facto* (not *de jure* in strict constitutional terms, however) line of civil service accountability to Parliament, and enhance the internal accountability of officials within their departments as a by-product of the investigatory processes triggered by the inquiries of the expanding select committee systems and the Parliamentary Ombudsman.

Beyond this, while we noted above that the process of agencification created some accountability problems, the emergence of the executive agencies from the traditional departmental structures resulted in an (albeit unplanned) enhancement of official accountability in some respects at least. Civil servants working in the agencies were explicitly subject to scrutiny by parliamentary select committees and the Ombudsman, and, furthermore, agency Chief Executives came to be required to provide detailed written answers to Parliamentary Questions about matters relating to agency management and operations. Internal lines of official accountability, particularly for budgets, were also strengthened as a consequence of waves of change sweeping through Whitehall, encapsulated by the Financial Management Initiative, IT based management information systems, devolved budgeting and resource accounting.

External accountability was the focus of the consumerist modes developed around the charters and associated initiatives designed to oblige officials to answer more directly to customers, clients and service users for organisational performance and the use of resources. While allowing for the relatively diluted forms of accountability in this sphere, it is important to note the significance of the explicit cultural change involved in moving the civil service into a more 'customer-facing' mode of operation.

Enhanced external accountability, again largely of the answerability or explanatory type, also resulted from the advent of statute-based freedom of information (Freedom of Information Act, 2000, and Scottish version 2002), under which government departments were obliged to produce publication schemes indicating which types of information they would place in the public domain, providing guidelines on access, and then subsequently being exposed to requests from members of the public seeking access to documents not necessarily in these categories. Civil servants were now aware that all documents they produced could be subject to FoI requests, with appeals against refusals to disclose subject to adjudication by the Information Commissioners, even if the legislation gave ministers the final say on decisions to release information (for the background on FoI, some illustrative examples and comments on the impact of the legislation on the civil service, see Burnham and Pyper, 2008: 186-91).

Finally, viewing the advent of the devolved polities in the UK as part of the drive to modernise the system of government, we can see that the introduction of the Scottish Parliament and the National Assembly for Wales brought about significant changes to the accountability dynamics of the civil service in Edinburgh and Cardiff. The previously remote and limited parliamentary scrutiny systems and processes based at Westminster were

superseded by new, locally-based devices and mechanisms which served to increase the volume of accountability, at least in its ‘answerability’ or ‘explanatory’ form, for civil servants working in the new administrations (see Kirkpatrick and Pyper, 2001; 2003; Pyper, 1999; and Rhodes, Carmichael, McMillan and Massey, 2003). Section 3 now examines in more detail the implications of devolution for official accountability.

### **3. Devolution: bringing accountability to the nations of the UK**

In accountability terms the UK Parliament remains sovereign and could if it wished reverse or suspend the legislation which brought the devolved institutions and governments into existence (testament to how far removed the UK is from a federal system); in fact there have been periods when this has occurred in Northern Ireland with direct rule from Westminster for a lengthy period from 1972 due to communal conflict, and also four times since the ‘peace process’ and Belfast Agreement in the 1990s. Nonetheless, it is worth noting that the post 1922 settlement, problematic although it was in many respects, saw Northern Ireland as the home of the first devolved institutions in the UK.

What is now in place, in Northern Ireland, Scotland and increasingly in Wales, is the separation of power and accountability for devolved functions and services on the one hand and those reserved to the UK Parliament on the other. In inter-governmental terms this makes the UK arrangements different from other decentralised systems which often rely on framework legislation where state level legislatures set base line standards; or concurrent legislative arrangements where both devolved and central government bodies can make laws but the centre may take precedence to set uniform standards. The literature suggests that power and accountability between devolved and central state legislatures is likely to have a dynamic along a spectrum: the centre’s role is to maintain the territorial integrity of the state, so consequently the strategic drive in responding to increasing demands of devolved polities, ranges from legal prohibition to granting of autonomy (Esman, 1977; Rudolph and Thompson, 1985; Mitchell, 2006).

The devolution trajectories in Scotland and Wales are contrasting. The Welsh settlement could be considered ‘devolution lite’ compared to Scotland. The National Assembly for Wales (NAW) does not have the power to pass primary legislation; devolution was based on the NAW issuing secondary legislation where empowered to do so by individual (Westminster) laws; NAW as a corporate body was not distinct from the Welsh Assembly Government. The single body therefore confused accountability to the public,

responsibility of officials and obfuscated the relationship between the Assembly as a whole and Ministers (Wales Office, 2005).

The Scottish Parliament by contrast has primary legislative powers in a range of areas (Sewel, 2005). The prevailing assumption is that powers are devolved, with the exception of those set out in the legislation as specifically reserved to the Westminster Parliament.

Although an analysis of electoral systems is beyond the scope of this paper, it is important to note that there is a linkage between electoral systems chosen for the devolved institutions and notions of accountability downwards to the citizenry. The Welsh Assembly and Scottish Parliament have mixed systems giving a degree of proportionality to representation (combining a single member constituency based plurality element and additional members from regions using party lists to give an element of proportional representation). This design was based on a belief that a strict first-past-the-post system in a relatively small assembly or parliament would have disproportionate results compromising the institutions' democratic accountability to its respective electorate as a whole. The means of ensuring accountability to the electorate in the Northern Irish Assembly is different and is based on a consociationalist model involving a 'grand coalition' representing Northern Ireland's religious – communal groups, a mutual veto between the groups, autonomy for these groups from each other (Horowitz, 2001; Lijphart, 2002). Cited as a model to resolve conflict in communally divided or fractured societies, the electoral system (STV) reinforces group representation rights in that STV requires candidates to secure only a minority of votes to reach the quota required for election – obtained simply by mobilising their core constituency (Wilson and Wilford, 2003). Whether this model of accountability will bring stability over the longer term is increasingly doubted (see Section 4 for the application of STV in the local government context).

### *Devolved institutions across the UK*

The current position in terms of definitions of democratic accountability (downwards to citizens) within the different polities of the UK therefore displays a very varied geometry. Scotland's devolved government since May 2007 – a minority government – is Scottish National Party (SNP) run. A party whose main aim is independence from the UK clearly has a different view of Scotland's position in electoral accountability terms than a UK government premised on the territorial integrity and unity of the UK. Three months after its election the SNP Government launched a 'National Conversation' to discuss the

constitutional future of Scotland with the aim of gathering support for independence in a referendum planned for 2010 (Scottish Executive, 2007). Later that year in December 2007, the opposition parties in the Scottish Parliament supported the idea of an official commission to review the Parliament's powers; this received support from the UK Prime Minister and the Calman Commission was announced in February 2008 'to review the Scottish Parliament's powers...and to consider all options except independence' (Bradbury, 2008: 169).

In Wales the implementation of the 2006 Government of Wales Act formalised the split between the executive and Welsh Assembly: the Assembly is now a legally distinct body from the Assembly Government; the Assembly's committees are now composed to scrutinise the work of the executive (Bradbury, 2008). The Act also enables the Assembly to propose Legislative Competence Orders (LCOs) to make a case for specific powers (in certain specified fields) to be passed from Westminster to the Assembly subject to scrutiny both in the Assembly and by Westminster; and if LCOs are passed the Assembly can then introduce appropriate legislation for Wales. While this represents a strengthening of the Welsh Assembly it falls far short of the cross party Richard Commission: calling for a move towards the Scottish model, it recommended powers to legislate in certain areas whilst others would remain reserved in Westminster (Richard Commission, 2005). Instead, the Government of Wales Act 2006, while conferring legislative powers akin to other devolved legislatures, bases this on the use of Parliamentary Orders in Council with Assembly Order in Council requirements subject to veto of the Secretary of State for Wales, House of Commons or House of Lords (Government of Wales Act, 2006). Downward accountability is somewhat diluted or fragmented. Whether this will provide a platform for a dynamic towards the Welsh Assembly having greater responsibility and accountability for legislation and policy more akin to Scotland remains to be seen. Of fundamental importance in negotiating the deal between Labour and Plaid Cymru to form an administration in 2007 was a commitment that both parties would support a 'yes' vote on a referendum, but that such a referendum would only be held after consultation with public opinion (Labour and Plaid Cymru National Assembly Groups, 2007, cited in Bradbury, 2008: 172).

In Northern Ireland, given that the power sharing assembly has been under suspension, the fact that it has legislative powers has almost gone un-noticed: the executive has ten departments with legislative functions vested in these departments through the 108 member Northern Ireland Assembly. Perhaps more fundamentally the consociational model of governance has resulted in accountability being defined in group / political elite representation terms rather than in debates about the specifics of wider geographical-

territorial aspects of electoral, legislative and policy issues; this is reinforced by communal registration (where all members of the legislative assembly – MLAs – register as ‘unionist’ ‘nationalist’ or ‘other’) and executive formation (the securing of ministerial positions on the proportionality rule) leading to ministerial fiefdoms ‘...[the result being that] collective responsibility is for the most part absent and the executive fails to supply the cement between otherwise mistrustful political factions...’ (Wilson and Wilford, 2003:8). Areas where the Assembly does have legislative competence (e.g. in education) have proved fractious with little results to show; and there have also been examples of clientalism (Bradbury, 2008; Wilford and Wilson, 2009). Thus, downward accountability is very much influenced by the consociational model designed to respond to an environment of group or communal strife.

#### *Devolved institutions’ capacity to respond to citizens’ needs*

The NAW, despite its limitation in legislative competence, has pioneered new initiatives in early years childcare policies and has reduced and subsequently abolished NHS prescription charges; there has been no use of the Private Finance Initiative in the NHS (though endorsed and used in other ways); new approaches to Welsh transport strategy. However, it is widely recognised that largely for historical reasons (a very weak administrative infrastructure inherited from the pre devolution Welsh Office) there is an under powered policy capacity in Wales (Devolution in Wales, 2006) which has led to the call for the creation of a unified Welsh public service (see Sir John Shortridge, *Public*, 3 April 2008).

The stronger Scottish devolution settlement with a preceding historical accretion of administrative capacity from the Scottish Office and elsewhere has increased the scope for policy divergence from the UK in response to closer territorial accountability in Scotland. There have been areas of policy development in response to differently articulated needs; and indeed in some areas there is a separate policy system with distinctive policy communities and actors (e.g. in health – see Greer and Trench, 2008). However, the extent to which a polity’s capacity to legislate and implement policy represents full or complete accountability and responsibility for this policy is more complex as contrasting cases can illustrate.

Firstly, in a devolved area there can be implementation gaps due to the often entangled nature of funding flows between the UK Treasury and the Scottish Government as in the case of free care for older people in Scotland (McGarvey and Cairney, 2008). Secondly in some reserved areas where there is considerable discretion and responsibility for implementation at devolved level (e.g. in equality legislation) the research and literature

suggest that insufficient consideration, planning and scrutiny is given to ensure the devolved polities' needs are fully realised (Trench, 2004; Cairney, 2006; Fyfe, Johnston Miller and McTavish, 2009).

Other factors may disrupt a more direct relationship between policy and territorial accountability. In policy areas where the devolved polity has clearly recognised authority, it can abrogate its authority and give consent to Westminster to legislate in this devolved area (the Sewell Convention). Sewell motions can be used for a variety of reasons including administrative convenience which have little or any bearing on accountability of the Scottish Government, but there are areas of contention: for example unpopular policies may be deflected – like Westminster enacting a Scottish section to the Civil Partnership Act (2004) thereby enabling the Scottish polity at the time to abscond on a controversial issue (McLean, 2007). The frequent use of Sewell motions has been of concern to some in the Scottish Parliament (see e.g. Winetrobe 2001; 2005). But perhaps the most important gap in the link between a polity and its accountability to its electorate is at the heart of the design of the devolution arrangements in the UK. Only the Scottish Parliament has the power to raise taxation (and this very minimally with the power to vary by 3 pence in the pound, a power never used); the basis of funding is subvention from the UK Parliament via the Barnett formula. Scotland as the largest of the devolved governments receives almost £30bn annually by this method. The Scottish Government and Parliament has no substantial fiscal powers, with the consequence that the Scottish Government (and the other devolved administrations) have no responsibility and accountability to the electorate for raising the taxation required to fund a wide range of services and related expenditures; funding is under consideration at present by the Calman Commission in Scotland and in Wales the Independent Commission on Funding and Finance (<http://Wales.gov.uk/icffw>).

#### *Dimensions of accountability: issues within and between the UK polities*

Constitutional and accountability issues within and between the devolved polities are clearly of importance. With regard to the civil service (where Scotland and Wales are part of a unified British service), Parry (2002) has written about the instinctive collegiality (extending this to the Northern Ireland civil service) which often informally supports co-ordination and smooth working between different polities in the UK. There is also substantial evidence that traditional accountability (as described in Section 1) and political management arrangements continue and are endorsed by the devolved polities. In Scotland the Calman Commission (established by the UK Government and not endorsed by the SNP Government)

is serviced by the civil service in Scotland without any apparent process difficulties, the SNP Government ‘instructing its officials to provide assistance to the Commission on factual matters only’ (Jeffery, 2009: 9); all the evidence, much of it as yet anecdotal, suggests little change in the traditional relationship between civil service in Scotland and the Scottish Government, despite the latter’s aim of breaking up territorial integrity of the UK with implications for the civil service in Scotland – in fact Sir John Elvidge, the most senior civil servant in Scotland has been reported as ‘being extremely relaxed about a separate Scottish civil service’ (Herald, 24 August 2008).

Yet the dynamic for differential development and layering of official accountability within with the UK is significant, reinforcing (e.g. in Scotland) the civil service connection to Scottish rather than UK governmental concerns: contact between Scottish civil servants and Whitehall generally has been rather low and is reducing (Parry, 2003; Keating and Cairney, 2006). Also, as Parry points out in all the devolved institutions, the intensity of contact with UK officials reduces the lower the official’s grade; and even at the highest level it is becoming less systematic. At a more fundamental level, the cohesion of a unified service, serving the entire UK in a relatively homogenous way could be stressed. While the UK civil servants’ prime role is to serve ministers and governments in their respective polities, they are expected to take part in government modernisation initiatives and are accountable for this.

The accountability and scrutiny arrangements between legislatures / assemblies and their executives is fundamental in traditional definitions of official accountability. In theory at least the subject committees of the Scottish Parliament are very powerful, able to alter the relationship between legislature and executive. They combine the standing (which scrutinises legislation proposed by the government) and select (which performs a broader monitoring role of a government department) committee functions of Westminster and also possess the right to initiate legislation; they have a supervisory role in the preparation of government bills (Arter, 2002); research has indicated that while these committees have given a new dimension to parliamentary politics in Scotland, the force of party discipline has limited their action (Arter et al, 2004) – this may alter with a minority government where there is no governing coalition which can command majority support.

There are important issues of lateral accountability in electoral terms within the UK polity. Given the power of the Scottish Parliament over legislation in many key areas and the continued representation (though reduced from the pre devolution period) of Scottish MPs at Westminster, the ‘West Lothian question’ arises in terms of defining politicians’ mandated electoral accountability: currently, matters like health and education are devolved to Scotland

therefore policy and legislation is for MSPs to make in the devolved Parliament; Westminster MPs cannot vote on such matters. However, Scottish MPs at Westminster as UK MPs representing Scottish seats can vote on all matters, even these which are specifically English. Although there are arguments on both sides, it is likely that a Conservative Government would move to introduce proposals to reduce the ability of Scottish based MPs in the UK Parliament to vote on English laws (Guardian, 17 January 2007; Daily Telegraph, 29 October 2007; 9 June 2008).

#### **4. UK Local Governance and Accountability**

In the changing and complex map of accountability, local government is important since it falls within the locus of the devolved bodies and in terms of democratic accountability is the tier of government closest to the citizenry. In the UK, the normative traditional accountability arrangements are such that the Council is the legal entity of the local authority and ultimately responsible and accountable for policy and actions of the authority (see Wilson and Game, 2006). Officers of the local authority are responsible for implementation of policy as decided upon by the council. The Chief Executive (CE) is 'head of paid service' and the most senior officer (ibid). The other important role of the CE, in terms of official accountability, is advisory in the development of policy, which is ultimately decided upon by elected members of the council. However, numerous reforms and more watershed changes to local government from 2000 have created a 'complex, fragmented and evolving concept' of accountability with an array of official accountability arrangements.

Local government in the UK, like other tiers of government, has faced a number of reforms. These reforms challenged the dominant 1960s and 1970s model of self-sufficiency and the relative power of local government (Leach and Wilson, 2004). From the late 1970s to early 2000 there was a significant challenge to local government power and authority manifested in the reduced role of service provision by local authorities (ibid). Much of this reduced role was a function of NPM influenced structural reforms, such as contracting out of services, central government performance regimes, etc. (for a comprehensive review of local government reform in the UK, see for example Wilson and Game, 2006; Elcock, 2006; Beecham, 1996).

From the 1970s UK local government was based on a traditional committee system with the policy and resources committee of the council providing overall policy co-ordination (Wilson and Game, 2006; Stewart, 2000). The structures followed relatively strong corporate

policy focus and executive systems. Committees, consisting of elected members, followed council departmental structures and had direct lines of accountability (Liddle, 2007:451; Wilson and Game, 2006). In the traditional committee structure, councillors as elected members would represent the interests of their constituents at ward level and would be directly involved in the overall council decision making body (ibid). Councillors could therefore call upon officers to account for operational decisions and service provision (ibid). Thus, there was a direct relationship between political and democratic accountability (Councillor-Constituent) and official accountability (Councillor – Officer).

By the later 1990s the New Labour government sought as part its modernisation agenda to reform local government. The Local Government Act of 2000 introduced ‘executive local government’ which required all major local authorities in England and Wales to choose one of three specified forms of governance structure: mayor and cabinet executive; leader and cabinet executive; mayor and council manager. An alternative for an executive could be possible but only after approval by the Secretary of State and argued as more suitable to council’s needs than the three prescribed models. By 2007 twelve local authorities opted for the elected mayor option; one had chosen the mayor and council manager option; and the majority of local authorities opted for the cabinet system with scrutiny committees (Liddle, 2007).

According to Wilson and Game (2006:93) the Act was an overthrow of two centuries of committee-based decision making and accountability as the introduction of mayoral and cabinet executives constituted a ‘revolution’ in political management and accountability arrangements. Council leaders and other senior councillors are now much more engaged in the management of authorities than in political party management or in engagement with external partners (Rao, 2005: 28). This effectively changed the nature of accountability between officers and councillors. In other words the relationship of senior officers being accountable to the full elected body of a Council was altered: the senior officers are now accountable to a mayor and/or executive body (depending on the chosen governance structure). Stewart (2003: 88-89) argues that ‘if structures are adopted drawing on parliamentary models, it is no surprise if officers come to regard themselves as no more responsible to the whole council as civil servants are to parliament’. According to Liddle (2007:413) in terms of accountability at local level, the notion that elected local government has a legitimate and automatic role in making authoritative decisions on behalf of local communities and constituencies has severely been challenged with the introduction of the Local Government Act (2000).

Local government accountability in England and Wales is complex and fragmented in a number of ways. Firstly, under the traditional committee system of governance councillors acted as elected members representing the interests of their constituent community and officers were recruited to offer policy and technical advice as well as implement policies of the full council (Wilson and Game, 2006; Elcock, 2006; Liddle, 2007). The majority of local authorities in England and Wales have opted for the Cabinet style governance structure where most policy decisions are made and there is direct overall control of the operational matters of the local authority (Liddle, 2007; Leach and Wilson, 2004). The cabinet arrangement requires scrutiny by backbench councillors in order to advance local accountability and democracy, but this has not been as effective as first envisaged (Leach and Copus, 2004; Liddle, 2007; Gains, Greasley and Stoker, 2004). For various reasons such as resource constraints, lack of capacity, adversarial politics and/or poor skills the scrutiny role of councillors has been negligible (ibid). The balance of political and democratic accountability has therefore altered within local government with an erosion of councillors' role in policy making and ultimately the articulation of constituency interests. According to Gains, Greasley and Stoker (2004: 89) the legislation aimed to provide backbench councillors with a role in representing the interests of communities and challenge the performance of the authority, but research has shown that the aim had not been achieved.

Secondly, the traditional committee system aligned service departments with officers accountable to the committee, but the 2000 legislation altered this direct relationship between officers and councillors (Liddle, 2007). Within the cabinet system local authority departments are organised along cross-cutting themes (e.g. Sustainability and Regeneration) thereby crossing departmental boundaries in an effort towards 'joined-up' governance (Liddle, 2007; Leach and Wilson, 2004). The lines of accountability are therefore much more amorphous and difficult to discern (Liddle, 2007: 415). Most officers are now deployed to service the work of cabinet members which leaves few resources available for backbench councillors to scrutinise the work of the cabinet and the local authority (Liddle, 2007:415). Within the mayoral system, CEs have to redefine the boundaries of their respective roles, in particular clarifying the distinction between the role of the political leader and that of the professional administrator (Fenwick, Elcock and McMillan, 2006: 436). The CE is relatively more directly accountable to the mayor, if the mayor is directly elected, rather than the full council *per se*, as the mayor is politically accountable on the basis of individualism (Fenwick, Elcock and McMillan, 2006) and it is similar in the case of the mayor and council manager arrangement (Leach and Wilson, 2004).

The third complexity of local government accountability in England and Wales is the introduction of Best Value Reviews and Comprehensive Performance Assessments (CPA). These performance management regimes are intended to improve service delivery, value for money and enhance responsiveness to the 'customer'. In particular, CPAs require external networking arrangements and partnership working with other public and community agencies (Liddle, 2007; Leach and Lowndes, 2007; Fenwick, Elcock and McMillan, 2006). Thus, local officers are expected to work in collaboration with partner organisations in the delivery of services and draw upon support in policy development. England and Wales have seen a multitude of partnership arrangements such as Area Committees, Local Strategic Partnerships, New Deals for Communities, Health Action Zones, etc, which in terms of accountability has resulted in a challenge as to who is responsible and accountable for decisions, actions and funds within these partnership arrangements (Liddle, 2007: 418-419). Partnerships could not only be contributing to the fragmentation of accountability but its diffusion as well. Thus, although there is an increased level of consumerist and external accountability, according to Liddle (2007:423) 'traditional lines of accountability are ever more complicated, and are now as blurred as the boundaries within which state actors are exhorted to work alongside non state actors.'

A related and fourth feature of the complex nature of local government accountability is the auditing of performance by central government agencies. Best Value Reviews and CPAs have resulted in accountability upwards towards central government with the 'panoply of other regulatory and inspection mechanisms to maintain standards, transparency and good governance' (Liddle, 2007:418). Since local government in England and Wales do not have much local income tax generating powers English local authorities are reliant on central government (and Welsh on the devolved authority), and consequently are held accountable for financial and service delivery performance. The result is regulatory accountability towards the central polity according to nationally determined performance targets while concurrently external accountability outwards towards partnerships agencies. However, there remain real questions on the extent to which democratic accountability is taking place within local government with a lack of scrutiny. Moreover, the plethora of local government (mayor, cabinet, etc.) and governance (various partnerships) arrangements have made the system somewhat opaque to citizens (there is much evidence of voter apathy and low electoral turnout) which over-and-above the issue of complex and fragmented accountability, may substantiate arguments of a democratic deficit at local government level.

A further dimension is that accountability arrangements for Scotland are different to England and Wales, but similarly complex and fragmented. The Local Governance Act (2004) changed the voting and political systems within Scottish local government which consequently altered accountability arrangements. Scotland adopted a proportional voting system – STV – and restructured the electoral wards by introducing 353 multi-member wards (MMW). In the 2007 Scotland used the STV to elect 1200 councillors for the 32 local authorities on the basis of wards consisting of three to four members. Briefly, STV allows voters to rank candidates in order of preference with surplus votes redistributed once a candidate had achieved the electoral quota for the ward, or was eliminated from the count. The outcome of STV is a changed political landscape with no longer one party (under the previous electoral system of first-past-the-post the Labour Party invariably made the most electoral gains) having overall control thereby departing from a position of majoritarian dominated local authorities. STV has resulted in all but two local authorities having no overall majority (NOM). This has required the other 30 local authorities in Scotland to form coalitions or govern by a narrow majority – a minority administration. In terms of MMW, communities are represented by councillors of various political parties and/or independents per ward. The consequential political change has seen an increase in the level of politicking and political competition within many local authorities with implications for official accountability.

Senior officers view their role as being responsible and accountable for administrative matters and the implementation of policy as decided upon by the council. CEs, as the most senior officer, normatively define their role as policy advisors with accountability for performance to all councillors – different official accountability arrangement to their counterparts in England and Wales. However, the high level of unpredictability in coalition and minority administration politics requires senior officers to work across the political spectrum as the collapse of a governing coalition or minority party could see officers being accountable to councillors of another political persuasion. The uncertain political landscape has therefore seen CEs increasingly use their political management, conflict resolution and negotiation skills to navigate the increased political environment as well as secure strategic direction from the council. It is therefore in CEs' personal as well as in the strategic interest of the local authority to maintain a stable policy making environment (see Lowndes and Leach, 2007).

Arguably, this environment has increased the level of scrutiny by elected members and has enhanced official and democratic accountability. For example, CEs no longer take

the view that their advice will be a *fait accompli* as in the previous political dispensation, but expect their policy advice to be scrutinized given the level of political competition within the council. Similarly, there is increased responsiveness and consequent levels of downward accountability at ward level. Constituents engage in game-playing whereby they engage one councillor against the other councillors representing the ward and in the context of rivalrous politicking, councillors have a heightened level of responsiveness to constituents. Arguably, this increased responsiveness and downward accountability to voters enhances political, democratic and to some extent consumerist accountability. In terms of official accountability the impact of STV and MMW has seen an increase in political accountability in response to requests from councillors and democratic accountability to constituents' demands.

An outcome of STV and MMW is either (a) a deflection from scrutinizing policy decisions because of the preoccupation with ideological or personal politicking, or (b) an arduous and protracted process of scrutiny, negotiation and consensus building which both diffuses accountability. In other words, increased political competition among councillors may be undermining accountability and distracting from coherent decision making. Policy decisions are 'satisficed' rather than real political ownership of a decision: thereby diffusing accountability, particularly in the context of coalition arrangements.

Nonetheless, there are indications that political accountability is enhanced within wards with councillors holding each other accountable for responsiveness, answerability and service delivery needs to local communities. The test however will be in the next election (2011) with councillors vying for electoral gains – this may increase political competition and consequently political and democratic accountability. However, for many voters STV and MMW remain an opaque system. The electoral fiasco of May 2007 substantiated arguments that voters do not understand the system and voters are not even aware that they have up to four councillors representing a ward. This is a democratic as well as accountability deficit and it may be difficult for voters to discern who among the three to four councillors in the ward merits electoral success.

In the Scottish local authority environment there is much evidence of 'outward' (to state and non state actors) and 'upward' (to central government) accountability. The Scottish Government and the 32 local authorities through the representative body of the Convention for Scottish Local Authorities (COSLA) have entered into Single Outcome Agreements (SOA). These agreements in addition to Best Value Audits under the provision of the Local Government (Scotland) Act of 2003 are essentially performance and regulatory accountability systems to ensure local authorities improve service delivery and meet the

strategic objectives of the Scottish Government. Local authorities entered into these agreements (with approximately 80% of funding from the Scottish Government in the form of a block grant) and an agreement by local authorities not to raise local tax (an election pledge by the SNP). Best Value Reviews and SOAs (agreed with other public sector agencies) have increased regulatory accountability of financial and service delivery performance to the devolved government. It is recognized that much of the implementation of SOAs requires external network and partnership working with other bodies. For example, the outcome of creating a safer community requires partnership working with the police and other criminal justice agencies. This partnership working takes place in Community Planning Partnerships, unelected bodies, with membership consisting of mostly state and non state actors. In terms of external accountability the argument is similar to that of English and Welsh local government partnership working – a fragmentation of accountability.

In summary the relationship between Scottish local government elected members and senior officers has altered, with the latter more involved in political management through brokering consensus among political parties and independents in order to maintain a stable decision making environment for strategic policy direction. As in England and Wales, local government in Scotland has seen a fragmentation of accountability with a complex array of accountability arrangements to elected members at local, devolved and central government levels; to constituents and communities; and external partners consisting of state and non state actors.

## **5. Conclusion**

This paper provides a study of varying modes and layers of accountability within a modified unitary state. Accountability in the UK has become fragmented across various tiers of government and within the multi level arrangement there is a complex array of official, regulatory, consumerist, political and democratic accountabilities. However, what remains true is an externalisation of accountability: state actors have to account for their decisions and actions to another person or body; there is an exchange of information, answers and/or rectification; and the rights of authority are observed. Nonetheless, the question remains: does the fragmentation of accountability lead to increased levels of accountability or diffusion to the extent that the line running from the electorate to the public official is obtuse?

Perhaps herein lies the paradox of accountability within the modern UK state and raises issues about the future of governance: in an attempt to enhance accountability through

the modernisation agenda in terms of consumerist and regulatory accountability, official accountability has become fragmented in various directions. Public officials face increasing performance regimes to address regulatory and consumerist accountability with the direction of these external accountabilities towards the central or devolved polity. The idea being that there is then political and democratic accountability with politicians able to account for public service delivery according to the doctrine of ministerial responsibility. However, there is evidence of goal displacement when meeting regulatory and consumerist accountability – the pursuit of performance target rather than actually improving quality of public service provision. Does this advance political and democratic accountability? Furthermore, public officials are facing increased levels of external accountability outwards with service delivery and policy development encompassing network relationships but without the resource or authority to account for partnership actions. In terms of the downward accountability to the citizenry, the various electoral and political systems created political and democratic accountability arrangements within the various tiers of government requiring a reconfiguration of official accountability. For example at central government the agencification process; at devolved level ‘devolution gaps’; and at local level the changed alignment of the political-administrative configuration have all created a complex accountability milieu.

Thus whether it is within and between central, devolved and/or local governments; in partnership networks; or even within and among public agencies - who is accountable for what is becoming increasingly blurred. This paper suggests that the accountability line running from the electorate to the public official is layered, fragmented and complex resulting in a diffusion of official accountability.

## 6. References

- Arter, D. (2002) 'On Assessing Strengths and Weaknesses in Parliamentary Committee Systems: Some Preliminary Observations on the New Scottish Parliament', *Journal of Legislative Studies*, 8(2) pp 93-117
- Arter, D, Bobacka, R. and Dyer, M. (2004) *The Scottish Committees: Towards a Scandinavian Style Consensus Politics?* ESRC Devolution and Constitutional Change Programme, Project No. L219252117
- Beechman, J. (1996) 'Leadership in Local Government', *Public Policy and Administration*, 11 (3), pp. 43-46.
- Bradbury, J. (2008) 'Brown and the Nations: The Practice of Devolution', in M. Rush and P. Giddings, *When Gordon Took the Helm*, Basingstoke: Palgrave MacMillan and the Hansard Society.
- Burnham, June and Pyper, Robert (2008) *Britain's Modernised Civil Service*, Basingstoke: Palgrave Macmillan.
- Cairney, P. (2006) 'Venue Shift Following Devolution: When Reserved Meets Devolved in Scotland' *Regional and Federal Studies* 16(4) pp 429-445
- Devolution in Wales (2006) *Final Report of Devolution and Constitutional Change, An ESRC Research Programme*
- Elcock, Howard (1991) *Change and Decay? Public Administration in the 1990s*, Harlow: Longman.
- Elcock, H. (2006) 'Local Political Leadership in Britain: Rake's Progress or Search for the Holy Grail?', *Public Policy and Administration*, 21 (2), pp. 22-37.
- Esman, M. (1977) 'Perspectives on Ethnic Conflict in Industrial Societies', in M. Esman (ed.), *Ethnic Conflict in the Western World*, London: Cornell University Press.
- Flinders, Matthew (2001) *The Politics of Accountability in the Modern State*, Aldershot: Ashgate.
- Fenwick, J., Elcock, H. and McMillan, J. (2006) 'Leadership and management in UK local government: a role for elected mayors?' *International Review for Administrative Sciences*, 72 (3), pp. 431-447.
- Fyfe, G., Johnston Miller, K. and McTavish, D. (2009) 'Muddling Through in a Devolved Polity: Implementation of Equal Opportunities Policy in Scotland', *Policy Studies* 30 (2) pp 203-219.
- Gains, F., Greasley, S. and Stoker, G. (2004) 'Local Political Management', *New Economy*, pp. 84-89.
- Government of Wales Act (2006) *Chapter 32 Schedule 5* (<http://www.assemblywales.org/bus-home/buslegislation-legislation-schedule-5.htm>)
- Greer, S.L. and Trench, A. (2008) *Health and Intergovernmental Relations in the Devolved United Kingdom*, London: The Nuffield Trust.
- Hood, Christopher and Lodge, Martin (2006) *The Politics of Public Sector Bargains: Reward, Competency, Loyalty – and Blame*, Oxford: Oxford University Press.
- Horowitz, D.L. (2001) 'The Northern Ireland Agreement: Clear, Consociational and Risky', in J. McGarry (ed) *Northern Ireland and the Divided World: Post Agreement Northern Ireland in Comparative Perspective*, Oxford: Oxford University Press.
- Jeffery, C (2009) 'The Scottish Constitutional Debate' in P. Cairney (ed.) *Scottish Devolution Monitoring Report*, The Constitution Unit, UCL
- Jones, G.W. (1992) 'The Search for Local Accountability' in S. Leach (ed.) *Strengthening Local Government in the 1990s*, London: Longman.
- Keating, M. and Cairney, P. (2006) 'A New Elite? Politicians and Civil Servants in Scotland After Devolution', *Parliamentary Affairs* 59 (1), pp. 43-57.

- Kirkpatrick, Iris and Pyper, Robert (2001) 'The Early Impact of Devolution on Civil Service Accountability', *Public Policy and Administration*, 16 (3), pp. 68-84.
- Kirkpatrick, Iris and Pyper, Robert (2003) 'Modernisation and Civil Service Accountability: The Case of Devolution', in Tony Butcher and Andrew Massey (eds.), *Modernising Civil Services*, London: Edward Elgar.
- Labour and Plaid Cymru National Assembly Groups (2007) *One Wales, A Progressive Agenda for the Government of Wales*, p 6.
- Lawton, Alan and Rose, Aidan (1991) *Organisation and Management in the Public Sector*, London: Pitman.
- Leach, S. and Copus, C. (2004) 'Scrutiny and the Political Party Group in UK Local Government: New Models of Behaviour', *Public Administration*, 82 (2), pp. 331-354.
- Leach, S. and Wilson, D. (2004) 'Urban Elites in England: New Models of Executive Governance', *International Journal of Urban and Regional Research*, 28 (1), pp. 134-149.
- Leach, S. and Lowndes, V. (2007) 'Of Roles and Rules: Analysing the Changing Relationship between Political Leaders and Chief Executives in Local Government', *Public Policy and Administration*, 22 (2), pp. 183-200.
- Liddle, J. (2007) 'Challenges to Democratic Legitimacy, Scrutiny, Accountability in the UK National and Local State', *Public Administration Quarterly*, Winter, pp. 397- 428.
- Lijphart, A. (2002) 'The Wave of Power Sharing Democracy', in A Reynolds (ed.) *The Architecture of Democracy: Constitutional Design, Conflict Management and Democracy*, Oxford: Oxford University Press.
- Marshall, Geoffrey (1986) *Constitutional Conventions: The Rules and Forms of Political Accountability* (Oxford: Clarendon)
- Massey, Andrew and Pyper, Robert (2005) *Public Management and Modernisation in Britain*, Basingstoke: Palgrave Macmillan.
- McGarvey, N. (2001) 'Accountability in Public Administration: A Multi-Perspective Framework of Analysis', *Public Policy and Administration*, 16 (2), pp. 17-28.
- McGarvey, N. and Cairney, P. (2008) *Scottish Politics. An Introduction*. Basingstoke: Palgrave MacMillan
- McLean, I. (2007) 'The National Question', in A. Seldon (ed.) *Blair's Britain 1997-2007*, Cambridge: Cambridge University Press.
- Mitchell, J. (2006) 'Evolution and Devolution: Citizenship, Institutions and Public Policy', *Publius: The Journal of Federalism* 36 (1), pp. 153-168.
- Mulgan, R. (2000) 'Accountability: An Ever-Expanding Concept?', *Public Administration*, 78 (3), pp. 555-573.
- Parry, R (2002) 'Devolution, Integration and Modernisation in the United Kingdom Civil Service', *Public Policy and Administration*, 16 (3), pp. 53-67.
- Parry, R (2003) 'The Scottish Executive and the Challenges of Complex Policy Making', *The Political Quarterly* 74 (4), pp. 450-458.
- Philp, M. (2009) 'Delimiting Democratic Accountability', *Political Studies*, 57 (1), pp. 28-53.
- Pyper, Robert (1999) 'The Civil Service: A Neglected Dimension of Devolution', *Public Money and Management*, 19 (2), pp. 45-9.
- Rao, N. (2005) *Councillors and the New Council Constitutions*, London: ODPM.
- Rhodes, R.A.W., Carmichael, P. McMillan, J. and Massey, A (2003) *Decentralizing the Civil Service. From Unitary State to Differentiated Polity in the United Kingdom*, Buckingham: Open University Press.
- Richard Commission (2005) *Report of the Commission on the Powers and Electoral Arrangements of the National Assembly for Wales* (Cardiff: National Assembly for Wales)

- Rudolph, J. and Thompson, R. (1985) 'Ethnoterritorial Movements and the Policy Process: Accommodating Nationalist Demands in the Developed World', *Comparative Politics*, 17 (3), pp. 291-311.
- Scottish Executive (2007) *Choosing Scotland's Future: A National Conversation: Independence and Responsibility in the Modern World* (Edinburgh: Scottish Government)
- Sewel, J. (2005) 'Getting the Act Together' in W. Alexander (ed.) *Donald Dewar. Scotland's First Minister*, Edinburgh: Mainstream Publishing.
- Stewart (2003) *Modernising British Local Government*, Basingstoke: Palgrave MacMillan.
- Trench, A. (2004) 'The More Things Change the More They Stay The Same', in A. Trench (ed) *The Dynamics of Devolution: The State of the Nations*, Thorverton: Imprint Academic.
- Wales Office (2005) *Better Governance for Wales*, Cmnd. 6582, London: The Stationary Office.
- Wilson, D. and Game, C. (2006) *Local Government in the United Kingdom 4<sup>th</sup> edition*, Basingstoke: Palgrave Macmillan.
- Wilford, R. and Wilson, R (2009) 'The 'Peace Process'' in R. Wilford and R. Wilson (eds.) *Devolution Monitoring Programme 2006 – 2008, Northern Ireland Devolution Monitoring Report*, London: The Constitution Unit, University College London.
- Wilson, R. and Wilford, R. (2003) *Northern Ireland: A Route to Stability?* (Birmingham: Devolution and Constitutional Change Programme. An ESRC Research Programme Policy Paper.
- Winetrobe, B.K. (2001) 'Counter Devolution? The Sewel Convention on Devolved Legislation at Westminster', *Scottish Law and Practice Quarterly*, pp. 286-292
- Winetrobe, B.K. (2005) 'A Principled Approach to the Sewel Parliamentary Processes', Submission to Procedures Committee Sewel Convention Enquiry', <http://www.scottish.parliament.uk/business/committees/procedures/inquiries/sewel/07-winetrobe.htm>