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**UKDPC**

UK DRUG POLICY COMMISSION

**Lessons on policy governance:  
what drug policy can learn from other  
policy areas**

Jill Rutter, Institute for Government

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The UK Drug Policy Commission (UKDPC) is an independent body providing objective analysis of evidence related to UK drug policy. It aims to improve political, media and public understanding of drug policy issues and the options for achieving an effective, evidence-led response to the problems caused by illegal drugs.

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## About the Author

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The **Institute for Government** is an independent charity founded in 2008 to help make government more effective. The Institute works with all the main political parties in Westminster and with senior civil servants in Whitehall, providing evidence-based advice that draws on best practice from around the world.

# Foreword

This briefing was commissioned as part of the UK Drug Policy Commission's programme of research on drug policy governance to tap into the Institute for Government's extensive expertise on policy governance generally.

Drug policy, although being particularly challenging in terms of its cross-cutting nature and the polarised nature of opinions on how it can best be tackled, is not unique. While the IfG has no views on drug policy, we feel that the lessons they have been able to draw out from their work on good governance generally adds considerable value to the research components more specific to drug policy.

UK Drug Policy Commission  
December 2012

# Abbreviations

CCC – Committee on Climate Change  
CSAs – Chief Scientific Advisers  
DCLG – Department of Communities and Local Government  
DEFRA – Department for Environment, Food and Rural Affairs  
DWP – Department of Work and Pensions  
EEF – Education Endowment Foundation  
HECS – Higher Education Contribution Scheme  
IFS – Institute for Fiscal Studies  
LPC – Low Pay Commission  
NICE – National Institute for Health and Clinical Excellence  
NMW – national minimum wage  
NPPF – National Planning Policy Framework  
OBR – Office for Budget Responsibility  
OCC – Office for Climate Change  
OSCT – Office for Security and Counter-Terrorism  
PAG – Practitioners’ advisory group  
PSAs – Public Service Agreements  
RCEP – Royal Commission on Environmental Pollution  
RTC – Red Tape Challenge  
SEU – Social Exclusion Unit  
SU – Stabilisation Unit

# Introduction

In this report we draw on Institute for Government research to look at potential lessons for drug policy governance from other areas of policy. The purpose is not to imply that any of these models directly apply to drug policy, but rather to allow drug policy experts to draw their own conclusions.

The Delphi process conducted by Rand Europe for UKDPC<sup>1</sup> revealed eight characteristics of “good governance” for drug policy. These are listed at Appendix A.

In shorter form, this report takes these to be:

- Clear policy goals which are based on the best available evidence
- A wide range of options considered
- Longer-term strategic policy making
- Effective political/policy leadership
- Effective joining up within government
- Effective joining up between policy and delivery partners for effective implementation
- High-quality scrutiny and clear accountabilities
- Good engagement of stakeholders

One striking thing about the Delphi exercise is that many participants also felt the need to improve the quality of public debate and for policy to achieve at least some degree of cross-party backing or political consensus. However in separate conversations with parliamentarians and others it has emerged that drug policy is regarded as a “settled matter” which is not open to debate and challenge or change in the light of new evidence. Policy as a result could be stuck in a rut. We have therefore interpreted this finding as a desire to create a process of more open policy dialogue which has the potential:

- To build and embed a new consensus.

Constructing new models for policy governance depends on a number of choices. The first is to decide where the policy stands on the technocratic-political spectrum: to what extent policy should be determined by “experts” rather than be subject to more overtly political decision; this may also be influenced by the extent to which parties perceive political advantage to be gained – and therefore both want to make a political battleground and want to initiate political action – or to what extent it is an area which is seen as a source of political disadvantage that needs to be managed defensively.

The second issue is to decide whether the priority is developing a “new” policy approach – or

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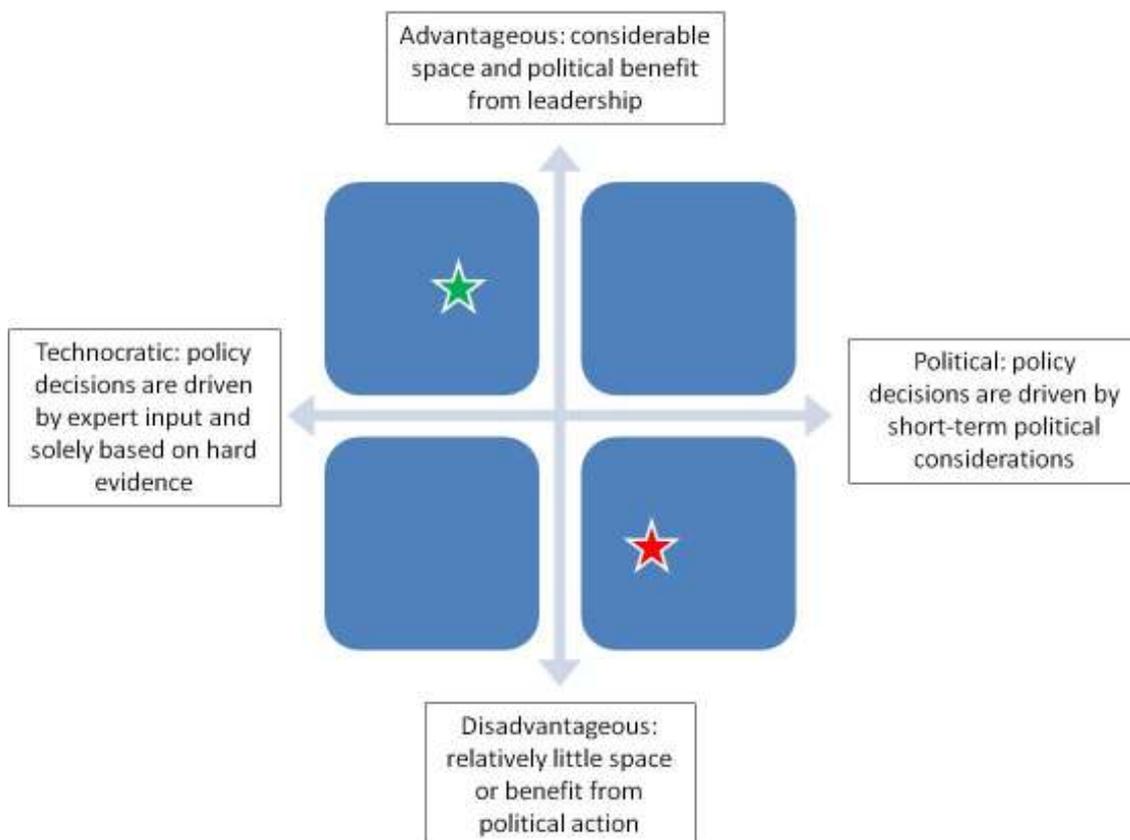
<sup>1</sup> Hamilton et al (2012) *Characteristics for good governance of drug policy: findings from an expert consultation*. London: UK Drug Policy Commission.

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overseeing the implementation of an existing strategy. The governance arrangements for policy change can be different to the governance required to oversee lengthy policy implementation.

For the purposes of this paper, we have taken a working assumption that, at the moment policy is made through a process of politico-technocratic bargaining but that apart from a few sporadic interventions from Prime Ministers, most politicians see this as an area where they would prefer not to be forced into leadership positions. Carrying the debate forward is left to past ministers, peers and former senior public officials and a few MPs who appear as something of lone voices in the debate. We have also assumed that the outcome of governance reflecting the Delphi characteristics would ensure policy has more robust evidential foundations, and would see drug policy repositioned to an issue where there were more political benefits from positive as opposed to defensive leadership and more political penalty for taking non-evidence based decisions.

The diagram below represents the current and potentially desired positions schematically through the move from the red to the green star – the aim is to move policy from an area where it is too influenced by short-term political considerations into one which is more evidence-based and expert-driven (though recognising that it cannot be wholly determined by these) and underpinned by a longer-term more strategic approach; but also to move the political debate into one where there is more positive benefit from action and thus greater returns to leadership.



In the subsequent sections we look at lessons from other policy areas to see how such shifts have been achieved. We will then go on to look at how some of the implementation problems inside and outside central government have been addressed, and at mechanisms established to raise the standard of scrutiny.

In our work on policy making, we have argued that good policy needs to achieve the right blend of technocracy (good evidence, expert advice, technical design, engagement of deliverers) and politics which is crucial for mobilising public opinion, ensuring political acceptance and making choices between priorities. We have also studied examples of how policy makers have gone about tackling difficult issues, which have been characterised by previous policy failure or policy gridlock. In our report "The S Factors" we looked at case studies of policies which met most of our definition of a successful policy: *"the most successful policies are ones which achieve or exceed their initial goals in such a way that they become embedded; able to survive a change of government; represent a starting point for subsequent policy development or remove the issue from the immediate policy agenda"*. Those case studies were privatisation, devolution to Scotland, the introduction of the national minimum wage, pensions reform, the ban on smoking in public places in England and the Climate Change Act<sup>2</sup>. We draw on those case studies and other examples to look at how they offer possible models for addressing some of the issues that emerge from the Delphi exercise.

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<sup>2</sup> The S Factors: lessons from IfG's policy success reunions, Jill Rutter, Edward Marshall and Sam Sims, Institute for Government, January 2012

# 1. Clear policy goals based on the best available evidence

Examples:

- The Turner Commission on Pensions
- The Stern review of climate change economics
- The Australian Productivity Commission
- The Royal Commission on Environmental Pollution
- Educational Endowment Foundation

The classic model for dealing with an intractable policy problem was to set up a Royal Commission: chaired by a distinguished person, with representatives of the “great and the good” given a prolonged period to deliberate on the topic. But these grandiose Commissions have fallen into disuse in the last decade: the last ad hoc Royal Commission was the Commission on Long-Term Care of the Elderly under Sir Stewart Sutherland which reported in 1999. Instead governments have turned to less formal reviews to chart ways forward on difficult issues, with varying degrees of success. Some of these have been seen to be little more than exercises in giving cover to policy decisions which had already been made. But in other cases they have been more successful in reframing an issue which governments had found difficult to tackle before.

The **Turner Commission** on pensions is held up as the gold standard for an evidence-based policy process which helped reframe the debate and then develop a widely agreed way forward that political parties all supported. It set itself a mission of basing its options on “world class” evidence and sought out the best available international expertise.

The Commission was established in 2002 with a much argued-over remit to look at private saving for pensions. Its establishment was a way of resolving an argument between the Prime Minister and Chancellor on the future course of pensions policy – with the Prime Minister particularly concerned about the closure of private sector final salary pension schemes. Pensions was an area which had fallen between various government departments: the social security department looked after the state pension and poor pensioners; the tax departments administered tax relief on private pensions; the health department oversaw social care but no single department took a cross-cutting look at the adequacy of provision for retirement, leaving a policy vacuum.

The Turner commission was small – three commissioners appointed by the Prime Minister, Chancellor and Secretary of State for Work and Pensions respectively, who would have the confidence of the business community (Lord Turner), the trade unions (Baroness Drake) and an academic expert (Professor John Hills); it had a dedicated support team drawn from the DWP analytic services team (operating within “Chinese walls” with the department to ensure the Commission’s independence).

There were some characteristics of the Turner process that are potentially relevant to the issue of clarifying policy goals:

- It separated the evidence phase from the policy options phase, thus allowing the creation of a consensus on what the implications of the evidence were;
- It insisted on world-class evidence, bringing in experts from around the world, and sought to establish itself as having the best evidence on the whole range of relevant issues, including demography, macroeconomic implications of savings, the microeconomics of pension schemes, behavioural psychology about savings choices;
- It published (in multiple volumes with technical appendices) and consulted on its evidence base, and modified its interpretation of the evidence in the light of comments;
- It actively engaged with relevant stakeholder groups to take them through the evidence.

This very open advance evidence process is a marked contrast to the norm where evidence is published as an adjunct to decisions that have already been made, which therefore risks policy being “evidence backed” where evidence is assembled to support decisions, rather than “evidence based” or “evidence driven”.

The Commission’s evidence base paved the way for reframing the issue from one of the change from final salary to defined benefit schemes, to one of the absence of any pension provision for half of employees in the private sector and the need to address that problem. Based on the evidence, the Commission re-specified the problem that needed to be addressed and then in the second stage of its work looked at the options that needed to be considered to deliver those goals. The first stage of the process enabled options, such as raising the state pension age which was regarded as “unthinkable” in the Department of Work and Pensions (DWP), to be brought into the policy debate and, as James Purnell, then a Minister in DWP but later Secretary of State remarked at our policy reunion: “Raising the state pension age is one of things which you kind of think ‘Oh my god, if you say this everybody is going to go crazy.’ But you said it lots and lots of times in a series of controlled explosions and it went from page one of the paper, to page three to page five. And by the end it was ‘Oh yeah, everybody knows they’re raising the retirement age<sup>3</sup>.”

In a different field, but on a similarly difficult issue, **the Stern review** on the economics of climate change played a very significant role in reframing the way in which climate change was perceived within government. The Intergovernmental Panel on Climate Change, established by the UN, had played an important role in establishing a scientific consensus on the causes and impacts of climate change, but did not deal with the economic implications. Commissioned by the then Chancellor (rather than the Secretary of State for Environment, Food and Rural Affairs) and headed by the then Treasury chief economic adviser and head of the Government Economic Service, Sir Nicholas (now Lord) Stern, the review had a dedicated civil service team drawn from across government and took over a year<sup>4</sup> to come up with the conclusion that climate change

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<sup>3</sup> The S factors (ibid) Pensions Commission case study (Institute for Government), January 2012

<sup>4</sup> : July 2005 – October 2006

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had potentially serious economic consequences and the economic costs of reducing greenhouse gas emissions were small in relation to potential future economic costs. The Stern report, published in October 2006, was another very substantial piece of work which formed the analytic base for future policy and had the effect of changing the Treasury's approach to climate change. It did not, in itself, recommend one or another course of policy action. Its major intent though was to influence the international debate in the run-up to the negotiations on the successor agreement to the Kyoto protocol and create more space for political action.

The impact of Stern presents an interesting contrast with the government's own standing capacity on environmental issues which existed in the **Royal Commission on Environmental Pollution** (RCEP), which had been established in 1970 to advise government – both UK and devolved – and Parliament on environmental issues. It was abolished in March 2011 as part of the government's public bodies reform programme. Its (now archived) website describes its role as:

"to contribute to policy development in the longer term by providing an authoritative factual basis for policy-making and debate, and setting new policy agendas and priorities. This requires consideration of the economic, ethical and social aspects of the issue as well as the scientific and technological aspects."

The Commission's terms of reference were:

"To advise on matters, both national and international, concerning the pollution of the environment; on the adequacy of research in this field; and the future possibilities of danger to the environment. Within this remit the Commission has freedom to consider and advise on any matter it chooses; the government may also request consideration of particular topics."

The Commission has interpreted 'pollution' broadly as covering any introduction by man into the environment of substances or energy liable to cause hazards to human health, harm to living resources and ecological systems, damage to structures or amenity, or interference with legitimate uses of the environment"<sup>5</sup>.

The RCEP received an annual grant from Defra but was free to determine its own programme. Its influence was variable but it helped government frame future environmental policies. For example, its report<sup>6</sup> on the need for long-term emissions reduction was cited by the government in its 2003 Energy White Paper which put climate change as one of the four pillars of energy policy for the first time and was viewed in a review of the Commission's effectiveness, commissioned by Defra in 2007 as one of its most influential recommendations. However that assessment also drew attention to some of their shortcomings in the RCEP model – namely underrepresentation of business and regulator interests, the need for the RCEP to improve its relations with government and wider environmental interests and to invest more in dissemination

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<sup>5</sup> <http://webarchive.nationalarchives.gov.uk/20110311100922/http://www.rcep.org.uk/about/index.htm>

<sup>6</sup> Energy – the changing climate, RCEP 22<sup>nd</sup> report, 2000 available at <http://webarchive.nationalarchives.gov.uk/20110322143804/http://www.rcep.org.uk/reports/index.htm>

and follow up work<sup>7</sup>. It also underpinned a more general conclusion that the Commission had less impact than it had had in the past.

One of the debates over the future of the RCEP was whether there was merit in having a dedicated standing capacity or whether it would be better to rely (as is more generally the case in the UK) on ad hoc reviews and task forces. Other governments have extended the standing review capacity beyond a single area. In Australia (and more recently in New Zealand which has just chosen to replicate the Australian model), the government can commission reviews from the **Productivity Commission**<sup>8</sup> which is a standing body reporting to the Treasury with independent commissioners. The Productivity Commission can undertake reviews or inquiries at the requests of the government. It allocates a team and two commissioners to a study, takes around a year to produce a report; it has a standard public consultation method. The government has to publish the report within 25 days of receipt – but does not have to respond. But typically these reports allow the gathering of evidence and production of options and their testing in public without Ministers ruling things out as “unacceptable”. The Productivity Commission tends to focus on economic, environmental and social issues (for example it has done a lot of work on caring for older Australians – the sort of topics covered by the UK’s ad hoc Dilnot report). It was a Productivity Commission report that laid the basis for the introduction of the Australian Higher Education Contribution Scheme (HECS) which made clear that it was regressive not to ask students to contribute to their university education; the HECS in turn influenced UK government policy on tuition fees.

A more recent UK example of intervening to develop an evidence base is the recently established charity, the **Education Endowment Foundation** (EEF) which looks at what interventions work to overcome educational disadvantage. It has very generous resourcing: Department for Education have given a grant of £ 125m over 10 years to the winner of a tender process (the Sutton Trust and Impetus) to establish the EEF – and the body aims to almost double that over its ten year lifespan. This money will be used to “evaluate, support, rigorously understand and build the evidence base of what works to raise the attainment of our lowest performing ... and most disadvantaged children”. Describing the approach, EEF chief executive Dr Kevan Collins, explained: “the approach the government has taken which has widespread support, is to create an independent organisation, with significant resources in education terms to have a look at this question, to try and back what works. To go to the independence point, there is no one from DfE on the Board, there are no politicians on the board; it is an independent organisation supported by a couple of charities that got together and won the tender to do the job”<sup>9</sup>. However in another seminar in the same series, Jonathan Portes, director of the National Institute for Economic and Social Research pointed up the EEF as an example of “government schizophrenia”: pursuing flagship reforms like free schools and mass academisation in an ideological way “without a huge amount of evidence” while setting up the EEF to be as rigorous as possible<sup>10</sup>.

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<sup>7</sup>Review of the Royal Commission on Environmental Pollution, Consultants’ report, July 2007 accessed at <http://archive.defra.gov.uk/corporate/about/with/rcep/documents/report.pdf>

<sup>8</sup> More detail at [www.pc.gov.au](http://www.pc.gov.au)

<sup>9</sup> Both quotes from Dr Kevan Collins, speaking at Institute for Government seminar, “Making Policy Better: are independent evaluation offices the answer” 23 May 2012.

<sup>10</sup> Jonathan Portes, speaking at Institute for Government seminar: “making Policy Better: the

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There is no necessary reason why these more external processes should be better at clarifying policy goals than an internal process, but the advantages these approaches appear to offer over more conventional internal Whitehall policy making were:

- Dedicated and focussed team, able to immerse themselves in the issue without the distractions of the normal business of government;
- The ability to look at an issue with a fresh perspective: while John Hills was a social security expert, he was not a particular pensions expert, and Lord Turner had no background on the issue but a lot of credibility with employers; similarly Sir Nicholas Stern had no particular climate change expertise;
- Insulation from the demands of other government departments, to rule options out before they had a chance to be considered, and insulation from “political” vetoes of issues;
- Continuity: while the Pensions Commission was sitting, there were four secretaries of state (Andrew Smith, Alan Johnson, David Blunkett and John Hutton) but the three commissioners stuck the course;
- An ability to consider an issue that cuts across a number of departments without becoming a lowest common denominator negotiation;
- Ability to bring in multi-disciplinary expertise (this was a particular feature of the RCEP; the Productivity Commission staff are predominantly economists but they can bring in additional expertise where they need it) and to broker solutions across differing interests (as in the Pensions Commission);
- Where an existing evidence base does not exist, government support can be used to create one. But to do this effectively and to command support needs a commitment of time and money and independence from government.

But independent dedicated reviews should not be regarded as a panacea. Other reviews have been less successful, for example the Barker review on planning made little headway, partly because it did nothing to bind in other stakeholders; Lord Browne’s review on higher education where the proposals were modified in coalition negotiation and most recently the Beecroft review on regulation which was published some six months after it was received in government. A weakness of these reviews was that they did not succeed in establishing consensus on the evidence base in the same way as Turner, but rather moved straight to making recommendations, and many suffered from a lack of independence from the commissioning department, which Turner achieved. They were also completed much more quickly than Turner. The prolonged timetable was a consequence of the highly politicised process of establishing the Turner review – the Chancellor insisted it should not report before the next election – but turned out to be a massive advantage.

## 2. Developing wider policy options

Examples:

- The Turner Commission on Pensions
- The National Planning Policy Framework
- The Red Tape Challenge
- Opposition policy making

The establishment of a robust evidence base should lay the basis for developing policy options which are based on a clear logic model. Stage 2 of the Turner Commission was the development of a balanced package of policy measures that could meet the identified future need. In particular they sought to construct a deal that all interested parties (employers, employees and taxpayer) could accept. That formed the basis of the package which they recommended in their final report.

There are limits to how far government can contract out policy making. While external reviews can give expert advice on issues or develop recommendations, governments have discretion on whether and how far to accept them, and one significant risk is that carefully constructed packages can have their internal logic destroyed when they meet the Whitehall policy process. The Browne review of higher education was commissioned by the Labour government but its recommendations were made to the Coalition government and modified through internal policy debate.

External reviews can mitigate the risk of having their recommendations substantially modified by opening out the policy development process and building a consensus for what they propose. This was the approach adopted by the Turner Commission which used deliberative techniques and workshops to get buy-in from key groups to protect the integrity of its package, but even so, some minor elements were modified or not enacted.

The government has now committed to opening up policy making. In the civil service reform white paper, recognising that government does not have a monopoly on policy wisdom; "Whitehall has a virtual monopoly on policy development, which means that policy is often drawn up on the basis of too narrow a range of inputs and is not subject to rigorous external challenge prior to announcement."<sup>11</sup> One of its models for more open policy making was the establishment of a practitioners' advisory group (PAG) to come up with a draft of the new **National Planning Policy Framework** (NPPF)<sup>12</sup>. The Department of Communities and Local Government (DCLG) Minister asked four individuals representing interests in the planning system (a planning expert, a local authority leader, a housebuilder and an environmentalist) to streamline the planning framework from over 1000 pages to only 50, with the idea that it should both be useful to

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<sup>11</sup> Chapter 2, Action 5, Civil Service Reform Plan (June 2012)

<sup>12</sup> This and the Red Tape Challenge are discussed in greater depth in "opening up policy making", Jill Rutter, Institute for Government, July 2012

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practitioners, but also to reconcile some of the competing interests which normally fall to governments to settle internally. Although there was no commitment to base the government's draft on the PAG draft, the initial draft that the government issued was very heavily based on it. This did not prevent a major argument about the new framework ensuing, which resulted in considerable modifications by DCLG in the end, though the government has achieved its aim of streamlining the planning system.

This model has some potential benefits: it challenges competing interests to make the sorts of choices and trade-offs government itself has to make. But in contrast to Turner, one drawback of the NPPF process was that the government's initial remit was not clear, nor was the basis on which the practitioners made the trade-offs.

An alternative model that the government has also said it will explore is "crowdsourcing policy" which has been used to drive the **Red Tape Challenge** (RTC): the government's attempt to reduce the burden of regulation. The process the government has used is to take an area of regulation, post details on the internet and invite affected sectors to contribute. The RTC website is moderated, which allows some debate on the merits of the suggestions being posted. This can be a way of drawing in proposals from people from whom government does not normally hear, and it has had some success in doing this. But many of the RTC themes are organised around government departments, not around people likely to be affected; on some issues it has tended to polarise the debate on entrenched positions rather than help generate new ways forward and most of the ideas adopted have come from conventional sources communicating directly with government.

Government is expected to have views and take a stand, and comes under pressure to shut off options quickly. More open policy making is much more feasible in opposition. IfG research suggests this is an important time for developing new policy directions. Two of the "policy successes" we looked at were developed in opposition. **Scottish devolution** was developed through an external civil society/cross party process in the Scottish Constitutional Convention which engaged both the Scottish Labour party and the Liberal Democrats as well as civil society groups, and drew up the blueprint for the new Scottish Assembly. The **minimum wage** proposal was also developed in opposition, on two fronts: the detailed proposals were worked up in an internal party policy group, and efforts were made both to bring employers on board so that they would participate in the proposed Low Pay Commission to make it a genuinely tripartite body (with employers, employees and "neutrals") and also, through the "Fat Cats" campaign, to create the political conditions for the minimum wage to be accepted.

The role of think tanks is important in helping oppositions develop policy options and linking them into academic thinking and new ideas, and helping overcome their chronic shortage of resource for policy development. Lobby groups also play a role in influencing thinking, not least in providing input for the opposition on government legislation or in Parliamentary debates where they provide briefing notes and draft amendments. The Low Pay Unit helped shape the debate on the minimum wage and the impetus for the Climate Change Act came from David Cameron's decision to align the then Conservative opposition with the Friends of the Earth "Big Ask" campaign. But the sheer number of lobby groups can make them difficult for oppositions to

manage.

A very recent example of direct think tank influence is Iain Duncan Smith's Centre for Social Justice think tank which developed its "Broken Britain" narrative, including a strand on addictions, which influenced much of the government's approach to welfare reform.<sup>13</sup> Similarly the Commission on Social Justice, supported by the IPPR, was important in helping the Labour government develop its programme for government. But there are limitations. Opposition policy making is not well resourced and, crucially, oppositions may lack access to civil service advice on practicalities: ex-civil servants in UCL's Constitution Unit helped Labour work out some of the detail of their plans for Scottish devolution in opposition and the Centre for Social Justice built good links into the Department of Work and Pensions.

The conclusions from this section are that the establishment of a robust evidence base can create the space for generating a wider range of policy options and more open processes can help do this. The techniques that the government has explored most recently may generate new insights and approaches, but move away from evidence into negotiation between competing interests. These are interesting developments but the verdict so far is not proven. The space for looking at options in opposition is wider and this is an important time for developing new approaches and for building consensus; a new government can then come in claiming a mandate. However, resources in opposition are limited and parties will tend to focus on issues which will be important electoral battlegrounds for them.

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<sup>13</sup> Catherine Haddon, *Policy making in opposition*, Institute for Government, forthcoming

## 3. Longer term strategic policy making

Examples:

- Bank of England Monetary Policy Committee
- NICE
- Low Pay Commission
- Legislated policy targets

The academic literature recognises the problem of time inconsistency in policy making – short term decisions are made which negate long-term goals. Governments have found “commitment devices” designed to mitigate the risk that they fall or are pressured into this trap.

The most studied sort of commitment device is to hand power to make decisions over to an independent technocratic institution. The most studied of these are independent central banks, where governments set an inflation target together with the power to set interest rates, but hand the task of meeting the target over to the bank. The reasoning behind this move is that this gives additional credibility to the commitment to meet the inflation target with an independent bank less likely to be deflected from unpopular decisions to raise rates if needed: this higher credibility translates into lower risk premium in interest rates. The UK made the Bank of England formally independent in 1997, but the independence of central banks is now so taken for granted that it is difficult to remember that interest rate decisions were once highly political and politicised, being taken by a combination of Chancellor and Prime Minister.

This model has also been used to remove Ministers from making day-to-day decisions on the cost effectiveness of treatments in the NHS. The **National Institute for Health and Clinical Excellence** (NICE), established in 1999, makes decisions on what treatments should be offered by the NHS. Its decisions can be overruled by Ministers but this only happens in rare cases. While NICE is regarded as a highly evidence driven body, drawing on the availability of trials on medicines and other interventions, it also incorporates a deliberative stage in its decision-making. Another example of establishing a body with effective-decision making powers was the creation of the **Low Pay Commission** (LPC) to make annual recommendations on the level of the minimum wage. The LPC was established in 1998 and consists of nine commissioners with three each drawn from employers, employees and neutrals, one of whom chairs. While the government nominally retains the right to override NICE recommendations, it realised early on that if it made decisions unanimously, government would find it very difficult to exercise its override, and in practice the government has accepted the LPC’s recommendations.

There are other areas where governments have attempted to use legislation as a commitment device. In the last government (and in particular in the last year of the last Parliament) there were a number of attempts to enshrine policy targets into law. A recent example was the child

poverty target: an aspiration for his government set by Tony Blair – to eliminate child poverty by 2020 – was turned into a legislated target by Gordon Brown’s government in 2010. In that same session the government introduced a bill to enshrine in law the commitment to spend 0.7% of gross national income on overseas development assistance and, as well as a bill which became law (but was then repealed by the incoming government), to commit to a path for reducing the deficit. An earlier Act had committed the government to produce a strategy to reduce fuel poverty, but the targets set out in the accompanying strategy proved not only unaffordable to achieve when fuel prices rose but also based on a flawed measure. Probably the most significant targets set out in legislation are the long-term climate change targets in the Climate Change Act which set targets for emissions reduction in 2020 and 2050.

These sorts of legislated policy targets<sup>14</sup> can bring benefits: they can raise the priority attached to an issue; focus government activity; require actions from subordinate authorities. But their precise legal force is uncertain. If wrongly specified they can lock in a misallocation of resources; they can also distort activity by focussing on moving numbers just over the line to meet the target rather than focussing on the hardest cases which require more effort and investment to move to above the target. And to retain credibility they may need to be accompanied by the establishment of a formal, independent, oversight body; this is discussed more below.

The key conclusion from this section is that institutional design can help ring-fence an issue and give long-term goals credibility and priority that they may not otherwise have. However, mechanisms may need to be flexible and adaptable if that rigidity is not to cause problems when circumstances change in the longer term.

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<sup>14</sup> Institute for Government briefing note on legislated policy targets – forthcoming

## 4. Joining up within government

Examples:

- Office for Climate Change
- Programme ministries in the Netherlands
- Foresight Programme

Failure to join up is a classic critique of the UK government which affects wide numbers of policy areas. The highly departmental nature of government, with departmental secretaries of state and permanent secretaries as accounting officers for their departments, is mirrored in the House of Commons by a departmental select committee structure. There are alternatives: the Scottish government has reorganised itself in a more thematic way, without departmental structures, to overcome internal siloes, but it has the ability to do this with a single accounting officer<sup>15</sup>.

The last government attempted to address siloisation through the development of a number of cross-cutting Public Service Agreements (PSAs) underpinned by agreed delivery plans from delivery partners. Although this system had its shortcomings, and lead departments and senior responsible owners were clear they were in the firing line, this did act as a counterweight to the tendency to act departmentally. But PSAs were abandoned by the incoming coalition and business plans now focus on departmental milestones. The coalition also disbanded both the Prime Minister's Strategy Unit, itself created out of a merger of two new units designed to give the government a longer term, more strategic approach, and the Delivery Unit which had migrated from the Cabinet Office into the Treasury. In this section we look at more bespoke ways in which government has tried to join up.

In some ways the Central Drugs Coordination Unit set up in 1994 under Tony Newton as Lord President of the Council in the Cabinet Office, in response to concerns about collaboration between Home and Health could be seen as a forerunner of other joint units designed to overcome internal coordination issues. Since then there have been a number of such units:

- The **Social Exclusion Unit** (SEU) – established in 1997 and designed to produce joined up policy recommendations for groups who were ill-served by normal services and policy solutions; based in the Cabinet Office (then moved to the office of the deputy prime minister; then reinvented as the Social Exclusion Task Force)
- The **Child Poverty Unit** – a joint unit between DWP, the Department for Education and HM Treasury.
- The **Office for Climate Change** (OCC) – established in Defra in 2006 and then moved (and absorbed) into the newly created Department of Energy and Climate Change.

In this section the focus will be on the OCC, but drawing on differences with some of these other

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<sup>15</sup> More detail in Northern Exposure, Sir John Elvidge (Institute for Government), September 2011

joint units.

The **Office for Climate Change** was established by David Miliband when he became secretary of state for environment, food and rural affairs. Defra had just published a very disappointing climate change programme review, which it handled but had failed to get any real commitment from other departments to close the gap that had emerged between the UK trajectory on emissions reduction and the government's own aspirational 2010 target. Miliband wanted to establish a unit that could provide ministers with the best assessment of evidence and options which would then form the basis for political negotiation, rather than drag ministers into debates about evidence in defence of departmental positions. He originally wanted the OCC to be based in the Cabinet Office (as for instance the SEU had been) to make it obviously cross-departmental, but this was resisted by the Cabinet Secretary who was opposed to the proliferation of ad hoc units within the Cabinet Office.

The OCC thus had to be based in Defra, which risked undermining its ability to play an effective cross-government role. To mitigate this, cross-departmental governance was put in place at both ministerial and official level; this board agreed what projects the OCC would undertake and the OCC then produced Strategy Unit-style evidence analysis and options presentation. Unlike other departmental units, it was able to brief any minister before a cabinet committee meeting thus ensuring they all had access to the same evidence base before the discussion.

The OCC was a disruptive innovation. It allowed David Miliband to bring in new staff who had not been tainted (or demoralised) by the climate change programme review. It emphasised the importance of analytic skills and evidence and unlike the normal policy teams was (like the team supporting the Turner review) able to focus on its projects without the distraction of "policy maintenance". It also benefited from a new priority being given to climate change within government and from the impact of the Stern review on Treasury thinking. But much of its *raison d'être* disappeared when the Department of Energy and Climate Change was created in 2008 to internalise the biggest trade-off government faced.

The OCC did not have a budget. And although it oversaw the development and initial stages of the Climate Change Bill, it did not run any programmes. It did benefit from having a secretary of state and department behind it, and this gave it a firmer basis for turning policy into action than the SEU, which often suffered when the ideas it developed needed to be transferred back into departments who were not bought in to the proposals. In the later incarnations, the Social Exclusion Task Force found it hard to secure any budget commitment for quite small amounts from departments with significant sums to spend.

Outsiders often think that basing a unit in the centre is an important factor in success. A closer study of the fate of these units suggests that is only true in part. A central unit can be effective while it has clear patronage from a powerful Prime Minister for whom this is a priority – the Efficiency Unit<sup>16</sup> in the 1980s had this and was able to effect radical change in Whitehall

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<sup>16</sup> Catherine Haddon: Reforming the Civil Service: the Efficiency Unit and Next Steps, Institute for Government, May 2012

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organisation against Treasury scepticism while the Centre for Management and Policy Studies<sup>17</sup>, set up under Tony Blair to improve the quality of decision making, lacked that clear support and never got traction. The SEU became less effective when its patronage moved from the Prime Minister to the Office of Deputy Prime Minister<sup>18</sup>. But a central unit without prime ministerial patronage has very little clout – it has no budget or secretary of state to advocate its cause – and can find it hard to get traction with key departments as its solutions were not invented there. The OCC thus was probably ultimately more successful as a cross-governmental unit hosted in Defra than it would have been if it had been a neglected part of the Cabinet Office, despite the obvious attractions. The OCC also shows that working style and governance can help mitigate the perception of ownership.

The OCC left existing ministerial responsibilities in place, but helped join up at official level. A more radical joining up model is represented by the Dutch government's experiment with "programme ministries"<sup>19</sup> to deal with cross-cutting issues: for example the Dutch ministry for youth and families consisted of policy directorates drawn from and shared with four other departments. A minister and a senior civil servant led the programme and had an allocated budget of some €6bn (thus avoiding the need to beg for funding from line departments) but other staff stayed in their "home" departments but had a dual reporting line. But this experiment was quite short-lived and was abandoned by the incoming government. The UK itself has some "joint ministers" who tend to straddle two departments (for example the Minister for Trade is a joint Minister in Business, Innovation and Skills and the FCO).

The new civil service reform plan says that there will be named civil service senior responsible owners for some issues which require collaborative policy making: " "The Civil Service can go further in finding the most collaborative approaches to its policy making [for example by] Creating cross departmental teams where Senior Responsible Officers (SROs) report jointly to departments"<sup>20</sup>."

An alternative model for joining up policy analysis internally – but also allowing access to outside expert advice – is presented by the Foresight programme run from the Government Office for Science. Foresight describes its role as "helping government think systematically about the future" and describes how it operates in the box below.

We use the latest scientific and other evidence combined with futures analysis to tackle complex issues and help policy makers make decisions affecting our future.

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<sup>17</sup> Catherine Haddon: Reforming the Civil Service: the Centre for Management and Policy Studies, Institute for Government, July 2012

<sup>18</sup> Shaping Up, Simon Parker, Akash Paun, Jonathan McClory and Kate Blatchford, Institute for Government, January 2010 p.86

<sup>19</sup> There is a much more extended discussion of methods of joining up, including the Dutch example in Shaping Up, pps 73-98. This also assesses the key ingredients for making internal collaboration work: it concluded that pooled budgets were important but that central or joint units tended to suffer from lack of Ministerial engagement which undermined their effectiveness/

<sup>20</sup> Civil Service reform plan, p 14

Our work makes a critical contribution to meeting important challenges of the 21st century - such as food security, flooding and obesity.

Foresight reports directly to the Government Chief Scientific Adviser and the Cabinet Office. It is a part of the [Government Office for Science](#) within the [Department for Business, Innovation & Skills](#).

Foresight tends to look predominantly at issues with a strong science/ technology focus, though it has looked at issues such as obesity, mental capital and, in a 2005 report, "drugs futures". Its major studies look at issues on a 20-80 year time horizon but it can also do shorter studies.

Foresight reports through the Chief Scientific Adviser but reports need a sponsor minister in a department. A foresight report can provide the context for new policy development, but the link into policy depends on the appetite of the department to take up its proposals. Ministerial and civil service turnover can mean that by the time a Foresight report appears, the original commissioners have moved on. Although a number of departments can be represented in a Foresight study, there is no necessary link into future departmental policy. The "our impact" page on the Foresight website singles out three reports over the last eight years which have affected policy directly: on flooding, infectious diseases and obesity<sup>21</sup>.

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<sup>21</sup> <http://www.bis.gov.uk/foresight/our-impact>

## 5. Effective policy leadership

Examples:

- Smoking ban
- Chief Scientific Advisers
- Climate change act

The norm is to expect leadership to come from the political side – and our case studies showed examples of very effective political leadership – from Mrs Thatcher, Nigel Lawson and other ministers on privatisation to Donald Dewar on devolution. In all these examples Ministers perceived political advantage in taking an active stance on a policy.

A more interesting example of leadership may come from the case study on the smoking ban. This was an area where the government had early on staked out a more activist policy in the Tobacco Kills white paper in January 1998. But even so, Ministers were reluctant to go beyond voluntary restrictions on workplace smoking and set their face against legislation. The fact that they changed that view and were ultimately forced to accept a total ban can be attributed to the political leadership of a number of people who played a key leadership role in getting that to change:

- The Minister for Health in the Republic of Ireland, who as a matter of conviction wanted to see smoking banned in public places and legislated in Ireland; this then provided the model for the other devolved administrations, with England bringing up the rear;
- The Chief Medical Officer, Sir Liam Donaldson, who made the case for legislation in his 2002 CMO's report and then told a select committee that he almost considered resigning over the failure of the government to act on his recommendations;
- Health Select Committee chair Kevin Barron MP, who used his role to highlight the inconsistencies in the government's partial ban proposition and laid the ground for cross-party cooperation which in turn led to the government offering a free vote;
- Deborah Arnott of ASH and medical leaders who campaigned for a total ban and worked with the health committee and the hospitality industry to overturn the government's proposal
- John Reid as Health Secretary, who did not want a full ban, but saw that there was no option but to legislate, which opened the way to amend his preferred option.

This shows how a number of players can come together to create a policy dynamic that manages to move the government further than it wants to go – in this case to a full legislated ban on smoking in public places. That dynamic can be described in a less personalised way as well:

- Clear evidence that the voluntary ban was not working and that this was bad for public health (CMO's report);

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- Evidence that a ban was politically feasible and could be enforced (Ireland, then Scotland);
- The building of coalitions for a legislated ban both inside and outside parliament.

The Chief Medical Officer is a particularly interesting role in government. As Liam Donaldson told our policy reunion, his inside/out position – advising ministers but also with permission to distance himself publically from their policy in his annual report – gave him an ability to shape the agenda in a way in which other civil servants do not have. **Chief Scientific Advisers** (CSAs) can occupy a similar position but rarely have the vehicle of a high profile annual report to set out their views on what should be the government's priorities. Their effectiveness depends very much on how they play their role in departments, and how much the department is open to scientific advice. A recent article on the UK CSAs suggests that the "CSA concept has been shaped by a peculiarly British approach to expertise which focuses on the credibility and character of the individual"<sup>22</sup>. It suggests that the focus on the individual needs to be balanced by "greater attention to the mix of skills, structures and staff needed for high quality policy advice".

The study of the Climate Change Bill shows how policy leadership can result from external pressure. In this case the key actors could be described as follows:

- Tony Juniper, Chief Executive of Friends of the Earth, who decided, after a prime ministerial speech appeared to signal a new priority around climate change to focus FOE campaigning resources on that issue;
- David Cameron, as leader of the opposition who backed the Friends of the Earth campaign;
- Tony Blair who responded to the rising political salience of climate change, thanks to the Cameron campaign by appointing David Miliband as a rather reluctant secretary of state for environment, food and rural affairs;
- David Miliband who decided to use his hoped for short tenure at Defra to push action on climate change up the political agenda and regain the initiative from the opposition; and, in the background;
- Sir Nicholas Stern, using the platform of his inquiry to very publicly redefine the climate change issue.

This is a second example of what might be termed "emergent" leadership, where a series of opportunistic events creates conditions where "unplanned" leadership emerges and is able to change a policy dynamic. This is an alternative to the conventional model of more heroic political leadership where somebody deliberately takes office with the intention of making a decisive policy change and then adopts tactics to enable them to pursue this end; this was the model we saw on privatisation, devolution and the minimum wage. The distinctive feature of both these examples is the multiple players; the role of external campaigning and the important role played by non-ministerial actors in galvanising action. This external campaigning, combined with

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<sup>22</sup> Doubleday and Wilsdon: Beyond the great and the good, Nature, 17 May 2012.

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examples of what has worked elsewhere (Defra looked at the Californian climate change legislation) provided political space for new options to be pursued.

Devolution has opened up new possibilities for political leadership. On smoking and on a number of other public health issues, for example on minimum alcohol pricing, the Scottish government has gone further and faster than the UK government has been prepared to go in England. That in turn has shaped the policy debate in England, both in terms of demonstrating policy feasibility and acceptability and also in placing pressure on the UK government not to be the UK laggard. These “natural experiments” which have long been features in the US where states have adopted very different approaches to welfare policy can also provide a source of evidence on policy impacts. For example, a paper by the Centre for Market and Public Organisation in October 2010 found that the abolition of league tables for schools in Wales post devolution had significantly worsened performance in all but the top quartile of schools<sup>23</sup> compared to England which maintained the league tables. Wales has now started to publish performance bands for schools<sup>24</sup> with the first results published in December 2011.

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<sup>23</sup> Simon Burgess, Deborah Wilson and Jack Worth: A Natural Experiment in school accountability: the impact of school performance information on pupil progress and sorting, CMPO, October 2010 accessed at <http://www.bristol.ac.uk/cmipo/publications/papers/2010/wp246.pdf>

<sup>24</sup> <http://www.bbc.co.uk/news/uk-wales-politics-14792701>

## 6. Joining up implementation

Examples:

- The Stabilisation Unit
- Troubled families Unit
- CONTEST

The formal mechanism for joining up both policy and implementation is through Cabinet, with most policy decisions delegated to Cabinet Committees and sub-committees. In practice, though, these processes, while crucial to getting interdepartmental agreement on a policy initiative, do not particularly help promote either joined up analysis or joined up implementation. Joint Public Service Agreements were tried by the last government as a way of promoting more joined up government.

The classic response to joining up implementation is to establish a new unit. The **Stabilisation Unit** (SU) was designed to adopt a more proactive approach to fragile states, overseeing a pooled budget of money drawn from DfID (predominantly), Ministry of Defence and the FCO. It was established in 2003 in response to a Prime Minister's Strategy Unit report on fragile states<sup>25</sup> and deploys civilian and military experts abroad. It originally focussed on post-conflict reconstruction but now also does conflict prevention and crisis response. The SU is funded from the cross-departmental conflict prevention pool which is jointly managed by the three departments; it had a budget of £12m in 2011-12. In an interview last year, the SU head emphasised the importance of shared planning to the Unit's success: "... all relevant agencies must contribute to a joint plan, rather than attempting to merge their own plans together"<sup>26</sup>. Asked what is crucial to making this sort of joint arrangements work, she emphasised the importance of top-down commitment and at the other end of the organisation having people who "understand how important it is to be able to work across departmental barriers" and have the right skills and experience to do so.

An alternative model for joining up within Whitehall has been to empower an individual. The example cited is Louise Casey who has recently been put in charge of the government's initiative on "troubled families". Louise Casey who had been brought into government by Tony Blair initially to spearhead the government's initiatives on anti-social behaviour (the Respect agenda) was tasked with developing an action plan to deal with the 120,000 most troubled families. In

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<sup>25</sup> 'Investing in Prevention: An International Strategy to Manage Risks of Instability and Improve Crisis Response' was published by PMSU in Feb 2005. The Countries at Risk of Instability (CRI) project originated in the Strategic Audit undertaken by PMSU and published Nov 2003

<http://webarchive.nationalarchives.gov.uk/20100125070726/http://cabinetoffice.gov.uk/media/cabinetoffice/strategy/assets/investing.pdf>

<sup>26</sup> Civil Service World, interview with Shelagh Stewart, 10 August 2011

February she set out the elements of the approach she was adopting to deal with the problem<sup>27</sup>:

**"We have a central team** – that's about the national grip. The Troubled Families team is based in CLG but is cross-departmental in its budget and in its staffing. To me a central team driving this commitment is vital because we can be relentlessly focused on this one issue. And I'm in charge of it – responsible to my Secretary of State and to the Prime Minister.

**Grip locally** comes in the form of the **Troubled Families Coordinators**. We have made funding available for a national network of troubled family coordinators. This is a strategic role based in each upper tier authority who will oversee the 'programme of action' in their area – getting a grip on the numbers of troubled families and leveraging in resources. They'll be getting police, job centre plus, health organisations, schools and others together and putting a robust plan of action in place to deal with the families.

Co-ordinators will be our extended family. We want them to have the same purpose and commitment to delivery and to making a change in their area that my team will show nationally. They need to be passing intelligence to us on what's not working, what is and where national policy is getting in the way of delivery and change for families.

The programme's **purpose** is to turn around the lives of 120,000 troubled families – by which I mean

- reducing crime and anti-social behaviour,
- getting adults on the path to work, and
- getting children back into school.

... And the **money**. We have managed to secure an overall budget of £448m over three years (2012/13 to 2014/15). There is also £200m of European Social Fund programme funding, which will be invested in employment-related support for families with multiple problems. The funding for work with troubled families will be made available to all local areas primarily on a payment-by-results basis – we'll pay a 40% contribution to the costs of actions needed".

The bolded elements set out the critical elements in the approach:

- A central programme team, with clear leadership and Ministerial backing;
- Local implementation structure;
- Clear goals,
- Dedicated budget, but with requirement for 60% matched funding from local authorities.

As a newly established programme it is, of course, impossible to judge whether this approach will succeed or not and whether it will retain the sort of sustained support needed to make change happen. The provision of a dedicated budget (albeit with a requirement on local authorities to

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<sup>27</sup> Louise Casey Family Strategic partnership breakfast lecture, 28 February 2012 accessed at [www.familystrategicpartner.org/inform/tackling-troubled-families/](http://www.familystrategicpartner.org/inform/tackling-troubled-families/); her bold

match fund) overcomes one of the problems that beset both the Social Exclusion Unit and Social Exclusion Task Force, namely its dependence on other departments to provide funding for its initiatives. Local authorities have signed up to be part of the programme.

The real joining up complexity comes when there is a need to join up multiple deliverers at different layers of government, aligned behind a single strategy. The previous government attempted to achieve this through developing the concept of “delivery chains” managed from the centre of government – but did so with variable success. One of the areas where there is common consent among officials<sup>28</sup> at least that the chain from strategy into delivery did function well was in the implementation of the CONTEST counter-terrorism strategy developed in the wake of the September 11<sup>th</sup> terrorist attacks on the United States<sup>29</sup>.

The crucial elements of the counter-terrorism arrangements are:

- Clear Ministerial lead in the Home Office with the Home Secretary accountable for counter-terrorism policy;
- A dedicated unit within the Home Office in the shape of the specially created Office for Security and Counter-Terrorism (OSCT) to oversee the strategy and performance manage implementation, able to support and challenge and with a head providing continuity. The OSCT approach has been described as “relentless” and “ruthless<sup>30</sup>”;
- Governance engaging both policy makers and implementers – allowing them to contribute to strategy development;
- A delivery plan which makes clear the role of each agency in the strategy.

However counter-terrorism also benefits from the priority accorded it by successive governments which may mean that it is a difficult example to replicate in other areas. The 2010 national security strategy tried to adapt the model to other potential threats to the UK<sup>31</sup>

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<sup>28</sup> IfG private roundtables on organising for national security 2009-2010

<sup>29</sup> First strategy developed early 2003 and remains classified, an updated version was made public in 2006

<sup>30</sup> UKDPC seminar

<sup>31</sup> Securing Britain in an Age of Uncertainty: the strategic defence and security review (2010)

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It also placed a clear governance structure on top of the provision for individual threats.



### ***What drug policy can learn from other policy areas***

There is no single model that works for the joining up of policy and implementation. Dedicated units require buy-in, authority and budget. The model of a clear strategy, with clear accountabilities overseen by a strategic and performance unit works well in the case of CONTEST, but that is an area to which successive governments have given a high priority and may not transfer readily to more second order issues. It will be interesting to see if that model transfers well to other identified threats in the national security strategy.

## 7. Effective scrutiny and clear accountabilities

Examples:

- The Climate Change Committee
- Office for Budget Responsibility
- Commission on Social Mobility and Child Poverty
- Migration Observatory
- National Obesity Observatory
- Institute for Fiscal Studies
- (Parliamentary) Joint Committee on the National Security Strategy

The requirements for good scrutiny and accountability are:

- Clear objectives;
- Clarity on responsibility for delivery of those objectives;
- Effective feedback mechanisms to understand progress on objectives;
- Good measurement with reliable, independent data;
- Arrangements to ensure that those responsible are held to account for performance.

There are multiple forms of accountability, including formal accountability to Parliament through Ministers and much more public forms of accountability. It is also a contested area, for example the government argues that arm's length bodies which are outside Ministerial control are "unaccountable" and that Ministers need to take back control; yet those who run arm's length bodies argue that they are much more transparently accountable than, for instance, civil servants inside departments<sup>32</sup>.

One less contentious requirement for accountability is good evidence of what is happening and whether or not progress is being made towards objectives. There are two elements to this: data collection, which may be best done through an "observatory" of some sort, and analysis of what performance means. In a number of areas government has handed this sort of responsibility over to an independent body. The **Low Pay Commission** has, for instance, become the source of expertise on regional and sectoral labour markets as it not only needs to make recommendations on the level of the national minimum wage (NMW) but also tracks the impact of the NMW on

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<sup>32</sup> Read before Burning, July 2010 p.43 . "NDPB chairs often argue that they are in practice much more accountable than their civil service counterparts. They are accountable to the department and the minister, they can be summoned to appear before a select committee, and while civil servants are rarely named and can take refuge behind the doctrine of ministerial responsibility, ALB chairs and CEOs appear in the media in their own right and can carry the can for their decisions" The Institute for Government is about to launch a major project on accountabilities

employment opportunities to avoid the charge that it is pricing people out of jobs<sup>33</sup>. Its existence has also provided an impetus toward much better labour market data; its initial recommendations were based on poor data that suggested far more people would be affected by the first NMW and in its early years it recommended substantial real rises in the NMW as it saw that it was not inhibiting employment.

Governments have increasingly used dedicated watchdog bodies to give additional credibility and transparency to its own performance. The **Office for Budget Responsibility** (OBR) was established by this government in summer 2010. It has a number of functions<sup>34</sup>:

- It has taken over the fiscal forecasting functions that were previously exercised by the Treasury;
- It advises whether the policy measures the government takes puts it on track to meet the government's own fiscal goals;
- It produces long-run assessments of fiscal sustainability;
- It also scrutinises the Treasury's costing of budget measures.

The OBR is based on a model of earlier "fiscal watchdogs", for example the Swedish Fiscal Council which in turn have their origins in an academic literature that suggests that this is an important device to keep government to its long-term promises and increase external credibility.

A similar function is played by the **Committee on Climate Change** (CCC) established under the Climate Change Act which sets out its duties. Its statutory roles is to provide: advice on level of 2050 target; advice in connection with carbon budgets; advice on emissions from international aviation and international shipping; reports on progress; duty to provide advice or other assistance on request. Consequently the CCC's business plan lays out the following objectives:

- Advising on the appropriate level of the UK's carbon budgets and laying out the steps required to meet them;
- Monitoring progress towards meeting carbon budgets and recommending actions to keep budgets on track;
- Advising on the preparation of the UK Climate Change Risk Assessment and progress towards implementation of the UK Government's National Adaptation Programme;
- Advising on other requests for advice from national authorities in regard to carbon budgets, progress reducing emissions and adaptation;
- Conducting independent analysis into climate change science, economics and policy as requested by the national authorities;
- Engaging with a wide range of organisations and individuals to share evidence and analysis

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<sup>33</sup> S Factors: Low Pay Commission case study

<sup>34</sup> <http://budgetresponsibility.independent.gov.uk/about-the-obr/what-we-do/>

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During passage of the bill through the House of Lords, additional duties were added to make sure that there was adequate national planning to adapt to climate change as well as to mitigate future climate risk.

The CCC was established under the last government and retained under this one. The Coalition is adopting a similar model to underline their commitment to make progress on social mobility. In a speech earlier this year, Nick Clegg set out the key components in the government's approach to social mobility, emphasising the importance of data as well as of scrutiny:

"We also need to prove that our commitment to a fairer society runs deep. That we are not just throwing money at the problem and hoping it will go away. **So we are putting in place the mechanisms to hold our own government and future governments to account:**

**A powerful set of indicators** to show our progress, which we are publishing today; a **Ministerial Group on Social Mobility** to co-ordinate our work across Whitehall; the **establishment of a statutory Social Mobility and Child Poverty Commission**, to report independently on our progress; and perhaps to this scholarly audience I might even give a plug to our **creation of the Social Mobility Sector Transparency Board**.

Not perhaps the most exciting ministerial announcement! But the Board will be working to link up and make better use of official data, in order to gain a fuller picture of the levels of mobility in our society"<sup>35</sup>.

Not all of these sorts of watchdog bodies are effective. The prime requirements for their credibility are:

- A clearly evidence based approach: the designers of the CCC were determined to learn from the lesson of the Sustainable Development Commission which was felt to be too advocacy based and insufficiently evidence based;
- Credible leadership: the chairs of both CCC (Lord Turner) and of the OBR (Robert Chote) both combine technocratic credentials with political nous and presentational skills; former labour Health secretary Alan Milburn has been appointed as chair of the Social Mobility and Child Poverty Commission; the Low Pay Commission has been chaired by leading academics;
- Clarity on role and remit;
- Statutory basis, though there have been arguments about whether their status is independent enough<sup>36</sup>;

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<sup>35</sup> Nick Clegg speech on social mobility; 22 May 2012 accessed at [www.politics.co.uk/comment-analysis/2012/05/22/nick-clegg-social-mobility-speech-in-full](http://www.politics.co.uk/comment-analysis/2012/05/22/nick-clegg-social-mobility-speech-in-full); our bold

<sup>36</sup> The Treasury Select Committee argued that the OBR should be a non-ministerial department to make it more independent of HMT, HMT has conceded ring-fenced budget arrangements and uniquely of any such government body the appointees to be Chair and members of the Budget Responsibility Council require confirmation from the TSC rather than simply an advisory pre-appointment hearing

- Have sufficient resources to be able to commission research or undertake their own analysis.

Whether the government wants to establish a formal oversight body or not, there is a good case for ensuring a body with a degree of independence from government has responsibility for pulling together and interpreting both past developments and future trends. In a number of areas “observatories” have been established to do just that. The **Migration Observatory** is based at Oxford University, and funded by a mix of charitable foundations and the Economic and Social Research Council. It describes its mission as to provide<sup>37</sup>: “independent, authoritative, evidence-based analysis of data on migration and migrants in the UK, to inform media, public and policy debates, and to generate high quality research on international migration and public policy issues. The Observatory’s analysis involves experts from a wide range of disciplines and departments at the University of Oxford.”

An alternative model, closer to government, is the **National Obesity Observatory**. This describes itself as: “a single point of contact for wide-ranging authoritative information on data, evaluation and evidence related to weight status and its determinants. NOO works closely with a wide range of organisations and provides support to policy makers and practitioners involved in obesity and related issues.”<sup>38</sup> Its main functions are to:

- Analyse, signpost and report on obesity and related surveillance data;
- Produce evidence and data briefings;
- Develop innovative analytical and data presentation tools;
- Describe and map data on weight status and associated indicators;
- Develop guidance and tools to support the evaluation of interventions targeted at obesity;
- Provide guidance and support to policy makers and practitioners working to tackle obesity;
- Communicate relevant developments and information on obesity and its determinants.

Its core funding is from the Department of Health and it works closely with the network of regional public health laboratories.

But perhaps the most successful example of external policy influencing is the **Institute for Fiscal Studies** (IFS) which gets a large slice of its funding from the ESRC. As it describes itself: “Our goal at the Institute for Fiscal Studies is to promote effective economic and social policies by understanding better their impact on individuals, families, businesses and the government’s finances. Our findings are based on rigorous analysis, detailed empirical evidence and in-depth institutional knowledge. We seek to communicate them effectively, to a wide range of audiences, thereby maximising their impact on policy both directly and by informing public debate.”<sup>39</sup>

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<sup>37</sup> <http://migrationobservatory.ox.ac.uk/about-us>

<sup>38</sup> <http://www.noo.org.uk/>

<sup>39</sup> <http://www.ifs.org.uk/aboutIFS>

## *Lessons on policy governance*

The IFS acts as highly respected commentator on the impact of government fiscal decisions and can also undertake research in its own right. Its reputation means that, even though it has no official status in decision-making, its views are taken into account by Ministers making fiscal decisions. Indeed it was founded in the 1960s by tax experts, who were appalled at the shoddy way budget decisions were made, in order to improve the quality of tax decision making<sup>40</sup>. Its views are often cited in budget debates, both by Ministers and by opposition. The ESRC regard the IFS as the body they fund with most impact on public policy<sup>41</sup>. However, in a comparison between the OBR (which he now heads), and the IFS, which he used to direct, Robert Chote pointed out that, as a non-government organisation, the IFS does not have access to the same official data from HMRC as the OBR can demand<sup>42</sup>.

These extra-government arrangements are to an extent an admission of the flaws in the first line of accountability to Parliament. Parliamentary select committees are supposed to scrutinise departmental performance. The Public Accounts Committee does this but in a rather scattergun way. Departmental select committees show variable performance and tend to use sessions designed to scrutinise the department's annual report to highlight the most recent political controversy. Permanent secretaries testify to a general lack of rigour and systematic approach in committee questioning<sup>43</sup>.

The departmental organisation of select committees makes them singularly bad at holding government to account for its performance on cross-cutting issues. Rather, the select committees tend to reinforce departmental silos. More cross-cutting committees organised around issues could mitigate this, for example the Joint committee on national security select committee has just produced a report judging the government's progress against the national security strategy. This is a sort of "meta" committee described as follows<sup>44</sup>:

"The terms of reference of the Committee are "to consider the National Security Strategy". The Joint Committee on the National Security Strategy (JCNSS) was first established in the last Parliament, and was reappointed in December 2010. **It brings together 22 members of both the House of Commons and the House of Lords (including the chairs of the relevant Commons departmental select committees)** to consider the National Security Strategy. ....As part of its remit the JCNSS scrutinizes the structures for Government decision-making on National Security, particularly the role of the National Security Council and the National Security Adviser. The Committee has recently taken evidence from current and former Ministers and the current and former National Security Advisers".

The conclusion from this section is that proper scrutiny may require an independent dedicated body with both sufficient funding and resources to collect an evidence base and to scrutinise

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<sup>40</sup> [http://en.wikipedia.org/wiki/Institute\\_for\\_Fiscal\\_Studies](http://en.wikipedia.org/wiki/Institute_for_Fiscal_Studies)

<sup>41</sup> Cited by Astrid Wisserberg at Alliance for Useful Evidence, NESTA 24 July 2012

<sup>42</sup> Making Policy Better: Are Independent Evaluation Offices the Answer, Institute for Government May 23<sup>rd</sup> 2012

<sup>43</sup> IfG inductions for new MPs, May 2010

<sup>44</sup> [www.parliament.uk/business/committees/committees-a-z/joint-select/national-security-strategy/role/](http://www.parliament.uk/business/committees/committees-a-z/joint-select/national-security-strategy/role/);  
our bold

government performance. Data collection and analysis is necessary but not sufficient either to ensure proper scrutiny or a high-quality public debate (as ongoing concerns on migration policy show, this can be the case even with well resourced research and a separate independent advisory council). These dedicated scrutiny bodies can supplement more conventional Parliamentary scrutiny, but on its own Parliament too often is unsystematic, organised around departmental silos and too adversarial to provide effective scrutiny.

None of these organisations can substitute for clear accountabilities for performance. This is particularly important when responsibility is devolved and in a report published in 2011, the Institute for Government argued that for decentralised services, the government should produce an “accountability map”, making clear who does what and how they are to be held to account. This might prove a useful concept for the management of any complex policy area where accountabilities are not immediately obvious<sup>45</sup>.

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<sup>45</sup> Nothing to do with Me? William Moyes, Julian Wood and Michale Clemence, Institute for Government, April 2011.

## 8. Engaging stakeholders and building consensus

Examples:

- Your Health, Your Care, Your Say
- GM Nation
- Sciencewise

Many of the approaches outlined above offer better ways of engaging stakeholders: this was built into the structure both of the Low Pay Commission with tripartite model (three employer, three employee and three neutral commissioners) and the Pensions commission. Similarly the rationale for the practitioner advisory group on the planning framework was to represent some of the key opposing issues on planning issues to develop.

There have been attempts in some areas to engage citizens more directly in the policy making process. The Pensions Commission ran some deliberative sessions on their pensions proposals organised by Opinion Leader research. The department of health also ran a big public consultation exercise as part of **"Your Health, Your Care, Your Say"** which reported in January 2006. It reportedly engaged around 40,000 people on the future of care services through a mix of techniques. A case study<sup>46</sup> reported that:

"Activities included

- A self-completed online questionnaire (29,808 people)
- Magazine surveys (3,358 people)
- Local listening exercises using a toolkit for assistance (8,460 people)
- Deliberative regional events (254 people)
- National citizens' summit (986 people)

The local, regional and national participants were all given background information and evidence to inform their discussions. This included policy options for improvement and trade offs that needed to be considered. Polling on key questions took place throughout the process. Both the four regional events and the national events involved randomly selected participants from each region or from the country as a whole. The national summit focused on particular issues that had arisen from the questionnaire responses and from earlier events.

Alongside the input from the general public outlined above there were also three other activities involved in the overall process: A Citizens Advisory Panel made up of ten demographically representative members of the public; a set of five policy Task Forces involving approximately sixty stakeholder organisations and ad hoc contributions from eighty six other stakeholders; and

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<sup>46</sup> <http://www.peopleandparticipation.net/display/CaseStudies/Your+Health+Your+Care+Your+Say>; case study posted by Karen Gavelin of Involve

a Phonebus Survey which was carried out independently by Taylor Nelson before and after the national summit in order to evaluate public awareness of the debate”.

The case study reported that although participants enjoyed participating they were sceptical about whether the results would influence government policy. However the final white paper did contain some proposals which were very much in line with the ideas emerging from the public consultation.

Public involvement only works if people can see a line of sight between their input and where the government ends up. In the early 2000s, in response to concern about the possible introduction of genetically modified foods, the government set in train a public debate on GM in June 2003, **“GM Nation”**, organised at arm’s length from government by a public debate steering board. A report by the Environment, Food and Rural Affairs Select Committee<sup>47</sup> concluded this was a laudable innovative initiative, and welcomed the use of “narrow-but-deep” groups of people without preconceived views to engage with the issue. But it was very critical of other elements of the process – noting the timing meant that the scientific and economic evidence was available only after the debate finished; noted the very short duration (a month) and the lack of resources which limited the reach of the event. The Select Committee noted that this could call into question the government’s commitment to make the exercise work: “The Government, in its response to our report, must allay the suspicion that, having agreed to undertake a public debate, it did as little as it could to make it work”. The subsequent outcome left many people unconvinced and gave public engagement a bad name.

Since then, the department of Business, Innovation and Skills has funded the **Sciencewise** Expert Resource Centre to help departments engage the public effectively on scientific issues<sup>48</sup>. Sciencewise sets out occasions when and when not to engage in formal public dialogue, listed in Appendix B. The key point is that engagement must be genuine

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<sup>47</sup> <http://www.publications.parliament.uk/pa/cm200203/cmselect/cmenvfru/1220/122008.htm>

<sup>48</sup> More details at <http://www.sciencewise-erc.org.uk/>

# Bringing the elements together

In our report, *Making Policy Better*, we set out seven fundamentals of good policy making:

**Goals.** Has the issue been adequately defined and properly framed? How will the policy achieve the high-level policy goals of the department and the government as a whole (with reference to the departmental 'vision', as stated in business plans)?

**Ideas.** Has the policy process been informed by evidence that is high quality and up to date? Has account been taken of evaluations of previous policies? Has there been an opportunity or licence for innovative thinking? Have policy makers sought out and analysed ideas and experience from the 'front line', overseas and the devolved administrations?

**Design.** Have policy makers rigorously tested or assessed whether the policy design is realistic, involving implementers and/or end users? Have the policy makers addressed common implementation problems? Is the design resilient to adaptation by implementers?

**External engagement.** Have those affected by the policy been engaged in the process? Have policy makers identified and responded reasonably to their views?

**Appraisal.** Have the options been robustly assessed? Are they cost-effective over the appropriate time horizon? Are they resilient to changes in the external environment? Have the risks been identified and weighed fairly against potential benefits?

**Roles and accountabilities.** Have policy makers judged the appropriate level of central government involvement? Is it clear who is responsible for what, who will hold them to account, and how?

**Feedback and evaluation.** Is there a realistic plan for obtaining timely feedback on how the policy is being realised in practice? Does the policy allow for effective evaluation, even if central government is not doing it?

There are other important elements too: for example making sure that resources are well used and well targeted.

We suggested that departments should put in place processes to make sure that they could assure themselves that these fundamentals (which overlap very considerably with the good governance principles emerging from the Delphi exercise) are in place. It is possible to use combinations of the mechanisms set out above to help meet those policy fundamentals in practice.

In our separate report, *System Stewardship*, we set out some ideas on how governments needed to act in the face of complex problems which are not suited to the sort of linear "delivery chain" model approach, where a simple cascade transmits a policy to the frontline where it can be

delivered with a predictable response. There we pointed out that the actual policy is made and remade by decision-makers in the system, and the policy as experienced can look very different from the theoretical approach articulated in a government white paper. In system stewardship we set out the way government needed to think about its role, but also how it needed to behave: in a much more collaborative outward-looking way; allowing scope for innovation but with short feedback loops to make sure that policy could be adjusted and evolve as new issues emerge. There is both more need to involve implementers in policy design but also to recognise where central government can play a useful role in setting rules and boundaries and adding capacity and where it should stand back.

At the start, we argued that the Delphi process UKDPC had conducted suggested that there were two elements that appeared critical to better drug policy: space for more evidence-based debate and for better policy leadership to emerge, within a context of a better informed, higher quality public debate. Elements of the approaches we have set out above can help do that and in doing so build a more entrenched consensus.

The examples above offer some ideas on how to achieve those changes which can be used in varying combinations:

- **Respected/expert commissions to establish evidence base and build agreement on new approaches** which can then be taken up in government. The longer-term, more focussed thinking, emphasis on evidence and distance from government can create a space for new ideas to be tested and developed without the risk of instant veto. This also creates an opportunity for expert input and to engage stakeholders with different perspectives on the problem in producing a solution. The risks are that a coherent package is unpicked when it is taken back into government.
- **Institutional innovation within Whitehall to overcome departmental silos.** These can either be places to bring together evidence and analysis or to join up delivery more effectively. In the latter case, a key issue for effectiveness is the institution's access to a dedicated budget; Ministerial sponsorship (ideally from an engaged prime minister) is also important if a new unit is not to become orphaned and able to enforce cooperation on potentially recalcitrant departments.
- **Establishment of mechanisms for collecting evidence on performance and emerging trends.** This is a necessary precondition for assessing progress and is particularly important where there are neither clear performance metrics nor contested data. In a number of areas "observatories" have been established, with strong academic links, to monitor trends: these can also have a horizon scanning function which may be particularly important with a "dynamic" problem.
- **Entrenched and credible external institutions to provide an assessment of government progress toward goals.** These can act as guardians of the strategy and help the government focus on long-term objectives. To be effective such bodies need access both to expertise and research capacity and also benefit from stable personnel to build credibility. The government needs also to signal that it takes the advice of such bodies seriously

- **Delegation of elements of decision making to more technocratic bodies within a strategic framework set by government.** This goes beyond a watchdog role and puts the execution into an arm's length body. This can run on a spectrum between economic regulators, which act independently of government within statutory guidance, or the Bank of England which makes interest rate decisions in line with objectives set by Ministers, to NICE which makes decisions on what treatments the NHS can purchase but which can be overridden in exceptional cases by Ministers, and to the Low Pay Commission which makes recommendations but where Ministers have the final say.
- **Opportunities for public engagement – as long as there is a genuine commitment to respond to public concerns.** There has been a limited impact so far from real public engagement but the government is now committed to more open policy making. So far the best example of effective engagement has probably been the Pensions Commission's Pension Days, though the Your Health, Your Say also seems to have had some impact on policy. One of the outcomes of well-conducted deliberation is that it can establish principles that people think are important and help policy makers with the framing of complex arguments. This can be part of the process of building consensus and enables the policy debate to be taken beyond those who would become involved normally.

A starting point for better governance is an in-depth understanding of the dimensions of the problem across a number of disciplines. The ability to understand and analyse both what has happened and to look forward to emerging trends is important.

There is then a significant difference between the institutional landscape required to make a policy change, particularly in a contested area where existing policy may be stuck in an ineffective paradigm, and the landscape required to oversee implementation of an agreed strategy. In the first case, there is a need to assess the evidence to provide a basis for future policy decisions: that may also require engagement beyond usual stakeholders. If very significant change is desired, the external commission model may work best to provide space for new options to be developed, but that will only work with a clear champion inside government.

Once a new strategy is agreed, arrangements need to be put in place to ensure that the focus remains on the strategic goals, progress is monitored and that the many agencies which need to be pulled into delivery work effectively together. Here the arrangements put in place for the CONTEST strategy look to offer an effective model, but for an issue which successive governments have deemed a top priority. There is a risk too in narrow arrangements – that they create a new silo which loses sight of the wider context in which policy operates – and arrangements need to be put in place to mitigate that.

There is no single recipe for success. Our work on successful policy making suggested seven features that tended to be present and contribute to making policy changes that were robust enough to form part of a new consensus and survive both changes of ministers and changes of government<sup>49</sup>:

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<sup>49</sup> The S factors, *ibid*

## *What drug policy can learn from other policy areas*

1. Understand the past and learn from failure
2. Open up the policy process
3. Be rigorous in analysis and use of evidence
4. Take time and build in scope for iteration and adaptation
5. Recognise the importance of individual leadership and strong personal relationships
6. Create new institutions to overcome policy inertia
7. Build a wider constituency of support

Governance reform and innovation played a significant role in many of the cases we studied. It has not possible to do a simple translation of what works from one time and issue to another, but there are lessons to be learned and these examples should provide a basis for discussion of future governance models.

# Appendix A: Eight characteristics of “good governance” for drug policy

Taken from: Hamilton et al (2012) *Characteristics for good governance of drug policy: findings from an expert consultation*. London: UK Drug Policy Commission.

## **Overarching goals that:**

- Are clearly articulated
- Are realistic but aspirational
- Are, where possible, consensual or with cross-party support

## **Leadership that:**

- Seeks consensus and cross-departmental support
- Provides authority and resources
- Is evidence-imbued (ie recognises the importance of evidence in policy development and of policy evaluation including willingness to make changes based on feedback)

## **Coordination of policy efforts that:**

- Begins at a high enough level of office to ensure commitment and resources;
- Provides a clarity of roles and responsibilities of those involved in policy development and delivery
- Involves those responsible for implementation in agreeing objectives based upon an agreed upon policy framework

## **Policy design that:**

- Balances scientific evidence with other types of evidence (eg public and expert views, politics, innovative practice) in a way that is transparent;
- Generates ideas and options which have clear logic models underpinning them
- Incorporates clearer mechanisms for evaluation and feedback and incorporation of learning

## **Development and use of evidence that:**

- Is supported by mechanisms that continually promote its development and expansion
- Is based around agreed upon standards for what “counts” as evidence
- Includes mechanisms to facilitate knowledge=building and sharing between researchers and policy makers
- Is available in accessible ways for all stakeholders in order to improve accountability

**Implementation that:**

- Has some flexibility for variation based on local needs;
- Has sufficient financial resources and access to the evidence base

**Accountability and scrutiny that:**

- Holds policy makers to account for their decision-making including their decisions to use or not use evidence in their policy
- Measures success based on outcomes or through a system of transparent performance management
- Relies on rigorous objective processes of evaluation and review
- Is transparent itself

**Stakeholder engagement that:**

- Includes widely consultation during the policy development and policy
- Has fora to facilitate healthy debate between stakeholders
- Promotes understanding of the evidence base among policy makers, the media, and the public.

## Appendix B: Sciencewise guidance on public dialogue<sup>50</sup>

### **When to do public dialogue**

The simple answer is, as soon as possible. In the past, policy was written, and then went out to consultation, sometimes for the statutory 12 weeks, sometimes for longer. Nowadays, most policy makers involve stakeholders (representatives of organisations who can affect or are affected by the outcomes of the policy). However, very few departments, agencies or non-departmental public bodies involve the public consistently and at the right time when formulating policies.

Sciencewise-ERC is building a body of evidence that shows that the earlier a policy area is discussed with a group of citizens who have access to key scientists, pressure groups and other leaders in the field, the better and more robust that policy will be, and the more certain Government and Ministers can be that the policy will be successfully implemented.

The activity of dialogue differs widely from surveys, focus groups and some kinds of citizens' panels because dialogue is always two-way. The scientists and stakeholders involved in a timely public dialogue process can use their interactions to inform their own direction and keep a finger on the pulse of public and stakeholder opinion.

### **When NOT to do public dialogue**

Public dialogue should only be done when it has the chance to inform and influence policy decisions. It should not be used in cases where a policy decision has already been made.

Public dialogue is a two-way communication and is therefore not suitable in cases where the sole purpose is to inform the public. There are other methods of public engagement that can do that much more efficiently.

Public dialogue is not intended to gather statistics or representative information about a group. The participants in a dialogue process do not formally represent their geographic area or discipline.

Public dialogue is used to inform policy decisions, not to actually make the decisions. Other methods, such as direct voting, would be more suitable if the aim is to have the public make the actual decision.

A public dialogue process should always be tailor made and fit for purpose

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<sup>50</sup> <http://www.sciencewise-erc.org.uk/cms/when-to-do-dialogue>