

Devolution in Scotland

Support for Devolution

Devolution in Scotland – unlike in the other parts of the UK – was a response to a vigorous campaign spearheaded by the then opposition parties and other groups. Devolution was intended to restore legitimacy to a system of government which had appeared unable to reflect Scottish preferences during the period of protracted Conservative government in Westminster after 1979.

Table 1 Constitutional Options in Scotland (1999-2003)

	1999	2000	2001	2002	2003
Independence	28	30	27	30	26
Parliament with some taxation powers	50	47	54	44	48
Parliament without taxation powers	8	8	6	8	7
No devolution	10	12	9	12	13

Source: Scottish Social Attitudes Survey

Seen in those terms devolution has been a notable success. Legitimacy has been restored in the way government operates in Scotland (Table 1). Devolution is the most popular constitutional option in Scotland at around 55%. Support for a return to the pre-devolution situation hovers around the 10% mark, while support for independence has flatlined since devolution at around 30% (though the most recent Scottish Social Attitudes Survey suggests higher support for independence).

Table 2 Demand for More Powers for Scottish Parliament

The Scottish Parliament should be given more powers	1999	2001	2003
Agree strongly	14	20	13
Agree	42	48	46
Neither agree nor disagree	20	14	18
Disagree	18	13	17
Disagree strongly	4	4	6

Source: Scottish Social Attitudes Survey

Our surveys show that the Scots would like to see further-reaching devolution (Table 2). It is not entirely clear what they mean by this. There is some evidence that support for more devolution links with views that the Parliament should raise the taxes for the services it provides. More generally there is a sense that despite devolution Westminster still has too much influence in Scotland and the parliament too little, even though the Scottish Parliament has greater powers and financial autonomy than most other sub-state parliaments in Europe.

These indications of support for devolution do not necessarily translate into a positive assessment of the performance of the Parliament. High levels of support for devolution co-exist with lower opinions of the record of devolution in practice, e.g. on education (Table 3). Those lower opinions of the performance of the Parliament may have something to do with the controversy over the cost of the Parliament building. They may reflect views that Westminster still pulls the strings and a sobering up of early, unrealistic expectations of what devolution could achieve. But they also reflect a general disillusionment with politics and politicians which is common across the UK and elsewhere.

Table 3 Has Devolution Made a Difference to Education in Scotland?

	2000	2001	2002	2003

Increased standards	43	27	25	23
No difference	49	59	58	59
Reduced standards	3	5	6	7

Source: Scottish Social Attitudes Survey

Elections in Scotland

The landscape of government and opposition in Scotland has been shaped by the electoral system, which gives voters two votes: both for traditional constituency contests; and for contests in regional super-constituencies designed to make the overall results more proportional. In both elections so far (in 1999 and 2003) Labour has been the biggest party, and has formed and led – under First Minister Jack McConnell since 2001 – coalition governments with the Liberal Democrats. Though just the fourth biggest party at Holyrood the Liberal Democrats have had a strong policy impact in the coalition (that platform also helped strengthen their position in the 2005 Westminster election, when they became the second biggest party in Scotland after Labour).

The electoral system for the Scottish Parliament has also produced a diverse opposition, especially in the ‘rainbow parliament’ elected in 2005, in which alongside the largest opposition party, the Scottish National Party, Conservatives, Greens, Scottish Socialists, Senior Citizens and a number of Independents all won seats.

Table 4 The Labour-SNP trade-off in elections in Scotland

	Devolved 1999*	UK 2001	Devolved 2003*	UK 2005
Labour	38.8	43.9	34.6	38.9
SNP	28.6	20.1	23.8	17.7

* constituency vote

After two devolved elections (1999, 2003) and two UK elections since the introduction of devolution it is clear that voters have begun to judge the two electoral processes by different criteria. As in Wales, there is a trade-off between Labour and the nationalists with the former doing better in Westminster elections and the latter better in devolved elections. Data from commercial opinion polls and our own surveys show that this is not a simple ‘anti-UK-government’ protest (as often seen in Westminster by-elections, for example) but a more systematic distinction in some voters’ minds on a ‘horses for courses’ basis: Labour is, for the moment, favoured as the party for managing the UK as a whole, but loses part of its support to the SNP as a party felt to be better able to stand up for Scotland within the union.

Institutional Performance and Policy Innovation

There has been significant policy innovation in Scotland since devolution, though it is not always easy to disentangle how much has resulted from devolution: Scotland has after all had distinctive policies within the UK since 1707. But the Parliament has clearly made a difference. In its first session (1999-2003) 62 Acts were passed, and by February 2006 another 32 had been passed in the 2003-7 session. Before devolution just six Scottish Acts per year were passed on average by Westminster.

The greater volume of legislation at one level reflects the additional time available at Holyrood. The Parliament has also opened up scope for voices different from those heard at Westminster to have an impact: backbencher initiative has been important on issues as

important as warrant sales (protecting vulnerable debtors) and in the Scottish legislation on smoking ban which set the standard for policies across the UK.

Perhaps the most important driver of policy innovation has been the electoral system. Three of the highest profile departures from Westminster law have been introduced because of Liberal Democratic pressure, and the need for Labour to accommodate its smaller coalition partner to maintain a governing majority: the abolition of up-front tuition fees for students in higher education; the introduction of free long-term care; and the introduction of a proportional electoral system - the single transferable vote – in Scottish local elections from 2007. None of these are specifically Scottish policies; they reflect UK-wide policy priorities of the Liberal Democrats.

Box 1 Sewel Motions

Sewel motions are named after the then UK Government Minister Lord Sewel who envisaged during the passage of the Scotland Bill in the House of Lords ‘instances where it would be more convenient for legislation on devolved matters to be passed by the UK Parliament’. This possibility was used 41 times on the request of the Scottish Parliament during its first term from 1999-2003, and has continued to be used regularly since. Sewel motions have been used mainly to save parliamentary time on uncontroversial matters and to close cross-border loopholes, especially in criminal law.

Only patchily has Labour itself pioneered new policies, notably on teachers’ pay, in economic development, where the strategy for a ‘smart, successful Scotland’ has received plaudits, and on immigration, where the ‘Fresh Talent’ initiative to encourage immigration and counter population decline has opened up some leeway for a more open Scottish immigration policy, even though immigration is a power reserved to Westminster. But just as notable has been the willingness to use Sewel motions to enable Westminster to introduce uniform regulations for England and Scotland in areas of devolved powers in Scotland (see Box 1).

Seen in the round there appears to be only a muted sense of pursuing a policy agenda that is distinctively Scottish. This is in part a question of leadership. McConnell’s Scottish Executive has been cautious, concerned not to provoke dispute with the Labour government in Westminster. The muted policy agenda also reflects the failure of the Scottish Parliament committees to emerge as the cross-party policy-making bodies that were envisaged at the launch of devolution.

A Settled Will? Scotland and the UK

The muted policy agenda of devolution and the sense of public disappointment about the policy impact of devolution so far provide a slightly odd context for the debate about further-reaching devolution. But that debate rumbles on in two ways, belying Labour’s claim that the 1999 devolution legislation reflected a ‘settled will’.

Table 5 A Tax-Raising Parliament?

Now that Scotland has its own parliament, it should pay for its services out of taxes collected in Scotland	2001 %	2003 %
Strongly agree	7	5
Agree	45	46
Neither agree nor disagree	18	16
Disagree	25	25
Strongly Disagree	3	4

Source: Scottish Social Attitudes Survey

The first concerns the slippery concept of 'fiscal autonomy'. There appears to be clear public sympathy for greater tax-raising powers for the Scottish Parliament (and, one assumes, use of the powers it currently has to vary UK income tax rates by $\pm 3\%$). But, after an earlier flurry of partisan point-scoring about Scotland's net contribution to the UK exchequer, only recently has there emerged a more reflective discussion across Scotland's main parties on fiscal autonomy. This has focused on the incentive and accountability effects of a government having to raise a bigger proportion of its own income, and to manage public expectations about appropriate tax levels. This debate responds to the perception aired frequently in our policy seminars that the Scottish administration has not yet had to face genuinely hard budget constraints.

Neither has the Scottish administration had to work with a government in Westminster led by a different political party. It will at some point as either or both of the current government formations change. In anticipation of that point there is a second, rather more subterranean debate about the future shape of devolution to which all of the main parties in Scotland have, from time to time, alluded. This concerns the management of UK-Scottish relations at that point when different policy priorities can no longer be finessed through behind-the-scenes discussions within the Labour Party. At the very least that situation will require a more transparent and formalised framework for exchanging views and managing differences than currently exists, perhaps also a wider review of the distribution of powers and resources between Westminster and Scotland to clarify grey areas in the settlement.