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The Scottish Labour Party Under Devolution

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Devolution in the UK provides a rare opportunity to assess the effect of devolving institutions of government on political parties. Devolution has occurred at a time when one party, Labour, holds substantive power at national and devolved levels so the effects of devolution on the party's organisation and management merits close attention. . This paper explores the impact on the Labour Party in Scotland of the new constitutional settlement. Its key theme is the extent to which the decentralisation of power within the political system being paralleled by a corresponding decentralisation within the Party devolution. This paper focuses on what are widely regarded as two crucial party processes, the selection of candidates and the formulation of policy.

1. Candidate selection is a prime function of political parties. According to Schnattschneider, 'he who can make the nominations is the owner of the party. This is therefore one of the best points at which to observe the distribution of power within the party' (Quoted in Gallagher and Marsh, 1988: 3). For this reason merits detailed attention. A major concern is to establish the degree of influence wielded, directly or indirectly, by the Party in London on the selection of candidates for the Scottish parliament.
2. Parties are vehicles for setting the policy agenda of government. The paper investigates the structure and functions of the Scottish Policy Forum (SPF), the Scottish Party's Executive Committee (SEC) and the Scottish Party Conference and their relationship with national policy-making institutions.

The first part of the paper analyses the operations of the new system of selection used from 1997-99 to select candidates for the first elections to the new Scottish parliament. The paper examines the operations of the new set of policy arrangements. The final section of the paper reaches some tentative conclusions about the characteristics of the Scottish Labour Party.

1. Control over the selection of candidates to the Scottish Parliament 1996-1999

The procedure for choosing candidates for parliament is the prime screening device in the process through which the party in public office is reproduced' (Katz, 2001: 277) The SEC assigned responsibility for managing the selection process, including scrutinising applications and conducting interviews, to a newly-formed Scottish Selection Board. The SSB was composed of fifteen voting members and five 'independent professional advisors'. Of the voting members the SEC appointed five from within its own ranks and five 'independent' members who were 'prominent Labour Party members in Scotland'. Five deemed to 'have a

reasonable connection with or knowledge of Scottish politics' were appointed by the NEC. The five non-voting advisors, also appointed by the SSB, were 'people with relevant experience' who were charged with advising the Board and the Interviewing Committee on 'best practice in appropriate areas.' The Board was headed by Rosemary McKenna MP elected in 1997, former convenor of Cosla and a senior figure within the Scottish Labour hierarchy. All SSB members undertook that they were not interested in selection themselves and had 'no personal interest in the outcome of the selection for any particular seat'. The Board was divided into five interviewing committees (SBIC's) of four people each, one from each section. Its members were charged with 'compiling a diverse and dynamic panel of quality potential candidates, representing a wide cross section of the Party's membership and support' including a fair balance of 'gender, age, experience and background'.²

Anyone with the requisite two-year membership was invited to nominate themselves (a move which was designed both to reduce the influence of the unions and party activists at the nominating stage and to boost the supply of hopefuls) and received a job description, which set down the tasks of the MSP, a 'person specification' which listed the qualities aspiring candidates were expected to possess, and an application form in which they were required to specify their experience and skills, and their reasons for wanting to be a parliamentarian. These were then used as criteria for assessing the performance of applicants at all stages of the process. 534 people returned application forms from which 326 were chosen for interview. Those called for interview by the SBIC's were given five minutes to present their case, questioned for about 25 minutes, then grilled in a five-minute role-playing 'press conference'. The rules stipulated that candidates were assessed 'against the standard selection criteria, using an agreed scoring mechanism'.³ Points were awarded on the basis of performance in the interview and the degree to which candidates were seen to possess the designated skills. On completion of the interview schedule the full Selection Board, on the basis of recommendations from the SBICs, drew up the final panel membership of which was a condition for selection as a parliamentary candidate.⁴ Of the 326 interviewed a final 167-member panel (of whom 69 were women) was approved - a small number given that there were 129 places to be filled. This constituted the pool from which constituencies were directed to choose their short-lists both for the constituency and regional list seats. Panel members could then seek selection from any constituency by garnering nominations from party branches and affiliated organisations. For the actual selection, constituencies were paired to guarantee gender balance. The two constituency executives met to short-listed eight candidates from those who secured the most nominations, four men and four women. A

joint selection conference was held in which the highest scoring male and female candidates were chosen on the basis of one member one vote. (Postal votes were allowed at the discretion of party officials presiding over the contests). 5

What were the formal objectives of the devisers of the new selection system? First, to produce a reservoir of high-calibre candidates. There was concern that established notables in Labour's local government strongholds, whose longevity in office was not always matched by their talents, would utilise their position as springboards to selection. This was part of a wider problem: that existing procedures were failing to generate a sufficient flow of quality candidates with appropriate skills for the job. As Rosemary McKenna, Chair of the SSB commented, it was essential to sweep away 'the cronyism, the smoke-filled rooms and the mutual scratching of backs' which had too often intruded in Labour's selection contests in the past in favour of a more professional 'criteria-led selection' as commonly employed by modern companies or public organisations. (Scotsman 25 May 1998). The criteria, as laid down in the person specification, included Labour Party experience; "other life experience" of activities outside politics including in the voluntary sector or in family life; a commitment to the principle of the Scottish parliament; a commitment to the principle of equal opportunities; knowledge of devolution and the role of the parliament; and abilities including creative skills, strategic thinking, advocacy skills, interpersonal skills and ability to campaign and communicate effectively. (Scotsman 23/3/98).. A second objective was to enlarge the pool of potential recruits to 'able and talented people' who perhaps for professional reasons had not been active in politics (Donald Dewar, Scotsman 21 August 1997). A third objectivity was gender equality: equal representation of men and women in the new Parliament.

Briefly, the third objective was realised: half Labour MSPs were women, an unprecedented achievement. The second was not – most Labour MSPs had been long active in politics. But the first objective was the crucial, and much disputed, one. Was the leadership looking for quality – or conformity? The Scottish Secretary (and soon to be Scotland's first First Minister) Donald Dewar that the remit of 'the independent panel' was 'to look at people's qualities, people's suitability, people's commitment, people's record' and not their point of view. (Scotsman 21 August 1997). But left-wing critics charged that an 'ideological cull' had occurred: 'the whole point of vetting was supposed to be about standards - but it's turned into a political witch hunt' (Scotsman 12 May 1998 quoting a 'party source').

Undoubtedly many of those who failed to make the grade lacked the requisite qualities.⁶ However a substantial number of prominent figures were rejected.. The most controversial case was sitting Westminster MP, Dennis Canavan, Falkirk West an outspoken left-winger viewed as a 'nuisance' by the upper echelons of the party but widely regarded as a first-class constituency MP. During the election he stood as an independent and - in the face of a determined campaigning to oust him - trounced the official Labour candidate. Others eliminated in the initial screening included Esther Robertson, chief executive of the Campaign for a Scottish Assembly; Mark Lazarowicz QC, former leader of Edinburgh City Council (who was later approved for the Westminster panel and elected as an MP in 2001); Tommy Sheppard former deputy general secretary of the party in Scotland, Murray (now Lord) Elder, former Secretary of the Scottish party and former chief aide to John Smith; Tom Schuler, Head of Continuing Education at Edinburgh University, a long-standing party member with an impressive record of civic involvement; Jeane Freeman, later appointed a senior party advisor to the First Minister; Kaliani Lyle, Chief Executive of Citizens Advice Scotland; Mary Picken of the Scottish TUC; Ian Davidson MP, secretary of the Parliamentary Labour Party's trade union group, Mike Connarty MP (who withdrew when rumours spread that he would not be accepted), Isobel Lindsey, a highly respected academic and media commentator and a prominent member of Scotland's Constitutional Convention; Susan Deacon, a well-known member of the one-time left-of-centre pressure group Scottish Labour Action, and at one point Minister of Health in the Scottish executive, was initially dropped but friends in the Cabinet ensured that she was reinstated on appeal. ⁷

The official explanation was that applicants were excluded from the panel either because they lacked the appropriate aptitudes or (as with cited in the cases of Murray Elder, Mark Lazarowicz) had performed poorly at the interview stage. ⁸ Nor were all left-wingers excluded. 'Rosy prospects for Labour's leftwing in Scottish elections worry Blair' was one newspaper headline as the elections drew near. The paper calculated that roughly fifteen Labour MSPs were likely to be drawn from the left, including Malcolm Chisholm MP (now Minister of Health), Cathy Jamieson (now Minister for Justice) and John McAllion MP, (Guardian March 2, 1999). Mrs McKenna swept aside 'talk about a loyalty test'. However she did carefully add that 'no business in the country' could afford to dispense with ' a loyalty test for its staff. It's important for the party to be comfortable that the people who represent them will be loyal to the party in the future.' (Scotsman 25 May 1998). Loyalty was assessed by willingness to pledge themselves to follow the party

whip. Those who failed to do were deemed not to have demonstrated sufficient loyalty to the party under whose name they would contest the election.⁹

Available evidence suggests that the various interviewing panels differed in how they discharged their responsibilities. In some cases questions were used to ascertain the political leanings of aspiring candidates, e.g., 'as a candidate for New Labour' could you provide 'examples of action you have taken or issues you have supported that would demonstrate your commitment to New Labour?'.¹⁰ Some interviewees were probed about their views on highly disputatious issues - whether, for example, they would have voted against the government over the cut in one-parent-benefits and their attitude to Private Finance Initiative funding of new hospitals.¹¹ The Westminster whips supplied a list of eleven occasions when Canavan abstained or voted against the government since May 1997, and at his interview he was asked if he had ever posed any 'awkward' or 'embarrassing' questions in the House. Furthermore, favoured applicants benefited by being informed in advance of the schedule of questions and even coached to ease their passage. Some interview committees were chaired by Ernie Ross MP, once a left-winger but now an unswerving loyalist. Much then depended upon the role of the external assessors and the capacity of the others to perform their role in a detached and objective manner.

Other, possibly the majority, of interviewing committees were professional and impartial in their approach, evaluating applicants according to their knowledge, experience and competence. Furthermore board members were for the most part experienced operators with sharp political antennae. Politics is the art of measured judgment and precluding Westminster MPs (or NEC members) from the panel was a serious step not to be lightly taken. Dennis Canavan was caught in the net (very unwisely, as it soon transpired) because, as an outspoken and at times abrasive man, he had made many enemies; blocking the careers of other MPs was a much more risky enterprise. Neither in Scotland or elsewhere were the criteria mechanically applied and it would be naive to imagine otherwise. Much depended upon the contacts applicants had, the extent to which they had the ear of party influentials - which could be a matter of personal friendship, past associations or cashing in at 'the favours bank' as much as political leanings - and upon their general standing both in the party and outside.

However, it seems most likely that more important than the desire to block the career of some on grounds of belief or possible rebelliousness was the desire to advance the career of others. Here it is vital to take account of another innovation of the selection, the twinning system.. Deciding which constituencies

were to be twinned was in many cases reasonably straightforward (e.g. were there were two seats in a borough as with Dundee and Dunfermline). But this was by no means always the case and geographical proximity was not the sole criteria – it was also a highly political exercise. Here the aim might be to maximise the prospects of favoured candidates by exploiting discretion over twinning decisions, which required solid information about possible candidates, their relative strengths - and the ‘reliability’ of CLPs. Some constituency parties were seen as ‘solid’ others as ‘flaky’ with an intermediate category of the uncertain. Gender considerations were very important here since twinning decisions influenced which favoured sons (and daughters) would be battling against each other for the likely victory of a man or a woman in a double seat would automatically exclude those of the same gender. Another tactic was to link one reliable CLP with a large membership (large almost invariably because it had a Labour club in which party membership was a requisite for the cheap beer) with another judged as more wayward so its votes would be swamped. According to one report adjustments were made after the list of constituency twinings was sent to Donald Dewar's office some ¹². However, there were a lot of fine calculations to be made, not all influentials might be of one mind (e.g. there were conflicts between ‘Brownites’ and ‘Blairites’) and with so many uncertainties it was by no means unusual for the best-laid plans to go awry with the ‘wrong’ candidate slipping in by default. ¹³

All this leaves unresolved the question of the influentials in the process. Formally, under the delegated authority of the NEC, all key decisions were taken by the SEC. Matters, in reality, were less clear-cut. One notable feature of the first cohort of Labour MSPs was how few had been Parliamentarians. As a result, only a minority of ministers in the first (Dewar) executive had any parliamentary, not to mention (shadow) ministerial, experience. This was not entirely by chance, in that Dewar actively discouraged a number of MPs who were considering opting for Holyrood. The reason appears to have been desire to leave himself with a free hand as possible - which would have been more difficult if he had been surrounded by other experienced Westminster MPs. ¹⁴ Although the Chair of Labour's Selection Board was widely blamed for what many critics considered an unfair and ham-headed operation, it now appears that Dewar (discretely) played a key role behind the scenes. It seems highly unlikely that this took place without the knowledge and approval of London. Be that as it may, there was a very clear confluence of interests between Dewar as a putative First Minister keen that the selection process delivered a sound and sensible batch of Labour MSPs and a Prime Minister determined to avoid any prospect of a radical administration North of the border.

Another important set of players in the field were the unions. As part of the bargain with the unions, it was agreed that where their procedures met the standards set by the NEC their members would be automatically included onto the party's own panel. (Interviews with party officials). Determined to make fullest use of this opportunity, the major unions (the TGWU, GMB, the AEEU, the MSF, Usdaw and Unison) reached an agreement to field just one trade union-backed candidate in vacant winnable seats backed. This both avoids inter-union contests whilst pooling the benefits union-backed parliamentary hopefuls can expect. These include funds to pay for campaign materials and defray personal expenses, access to union resources such as staff, offices, membership lists and constituency and help in securing nominations. Unison was especially successful in helping elect six sponsored MSPs (Scott Barrie, Karen Gillon, Janis Hughes, Margaret Jamieson, ? ?) As well as operating their own panels the unions also had some influence on the composition of the party's though were limits: Unison wanted Canovan, one of their sponsored MPs, on the panel but didn't insist in face of determined resistance.¹⁵ The key point is that the principal constraint on central control, direct or indirect, over the selection process lay in the federal element in Labour's constitution: as long as the unions, powerful organisations in their own right, remained affiliated to the party and continued to have an interest in the process, the capacity of the national leadership to regulate the flow of candidates is bound to be restricted.

2. Policy process

The Scottish Party's policy-making processes was radically reconfigured with a major series of rule changes in 1997 as part of a general revamp of Labour's policy-making machinery carried out in that year but also in anticipation of the alterations required with the coming of devolution.

In Britain as a whole the National Policy Forum was established as the principal body responsible for policy development. Its counterpart in Scotland was the Scottish Policy Forum (SPF, created in 1998) charged with shaping Scottish policy on devolved matters for the Scottish Parliament manifesto. The SPF operates on a two-year programme. In the first year the SPF considers submissions and produces consultation documents for comment by CLPs and affiliated organisations. At the end of the first year, redrafted documents are submitted for debate and comment to Scottish Conference. At the end of the second year, the SPF presents Conference detailed policy reports that are discussed and voted upon. If minority opinion

reaches a certain threshold, it has the right to attach a minority report alongside the majority SPF reports. The Scottish Conference makes the final decision. The drafting of the manifesto is the responsibility of the Joint Policy Committee drawn equally from the SEC and a committee of the SPLP (Scottish Parliamentary Labour Group). The joint meeting is also empowered to 'define the attitude of the Party to the principal issues not covered by the manifesto'.¹⁶

Like the national body, the SPF was intended to represent all Party 'stakeholders'. It is divided into three divisions. Division 1 consists of 36 constituency party representatives, with four elected by each of the eight Scottish Parliament electoral list areas by one-member-one-vote amongst Scottish party members plus four elected by a ballot of all Young Labour members in Scotland. Division II consists of 25 members from national affiliated organisations, 22 from affiliated trade unions, two from affiliated socialist societies and one from the Scottish Co-operative Party. Division III consists of 25 members; five Executive Ministers, five from the Scottish Parliament Labour Group, the Scottish Secretary in the Westminster Cabinet, two members of the (Westminster) Parliamentary Labour Party, 6 members of the Scottish Executive Committee, 1 representative from the European Parliamentary Labour Party and 5 representatives of Labour local government elected by ballot amongst all Scottish members of the Association of Labour Councillors. Finally, Scottish members of the National Policy Forum are ex-officio members of the Scottish Policy Forum.¹⁷

The aims of the new system were to promote the consideration of policy in a calm, reasoned and harmonious spirit, to be responsive to the views and preferences of all those who participated within it and to be an inclusive process, affording the opportunity to all Party stakeholders to contribute to the fashioning of policy.¹⁸ To what extent were these objectives realised? According to a leading commentator on Scottish Labour politics, the Policy Forum was 'widely seen by party members as a top-down process, involving greater centralisation and management by the party leadership of relations with party members' (Hassan, 2002: 148). How valid is this? Typically within any policy process, when a party is in government, there will be a tension between ministerial desire for retaining maximum discretion to adjust policy to political or electoral exigencies, on the one hand, and to enhancing the right of all stakeholders to participate effectively and a sensitivity to Party opinion on the other. How was this resolved.

We can visualise policy-making as a system into which inputs or demands are fed and out of which a decision finally emerges (Easton, 1965: 72). Within this system are various stages which inputs must negotiate if they are to be converted into outputs. An input (or demand) is a desire for action in a specific field of policy that formally enters, or is given formal status within, the policy process. Outputs are

those policy proposals which have passed through the system and incorporated into the Party manifesto. Within the Scottish Party, inputs took a range of forms. The key conduit for the articulation of rank and file views were the Local Policy Forums. These were ad hoc gatherings organised by constituency parties and the Scottish Head Office (John Smith House) convened to discuss reports on specific subjects circulated via the Policy Forum process. All members from a cluster of constituency parties would be invited to take part. The local forums would divide into workshops and debate the issues with notes taken either by a Party official or a voluntary worker. According to the Party, 50 CLPs (almost three-quarters of the total) participated in local policy forums - altogether 11,000 individual members. In addition written contributions commenting on draft documents were submitted by a large number of CLPs and other Party units (Clark, 2002: 4-5). In some areas, such as Aberdeen or Edinburgh, constituency parties became accustomed to organising joint local forums for each consultation document. Having assimilated the mechanics of the system they sent in a regular stream of submissions. Elsewhere local policy forums were slower to take root.¹⁹

Trade unions form another key set of stakeholders. One of the national leadership's purpose in introducing the new policy machinery was dilute the unions' role in decision-making but it still remains substantial both at national and Scottish level. Unions tend to be selective in their policy priorities being primarily concerned with those issues that directly or indirectly influence the lives of the members – admittedly a very broad range of matters. In Scotland, as we shall see, their contribution to the process was overshadowed by the controversy over the Private Finance Initiative (or Public Private Partnerships), a mechanism for financing, organising and delivering public services. This we explore below. The unions (or, at least, the larger ones) are, unlike local parties, substantial organisations in their own right, with full-time officials, researchers, communications systems and so forth. Their representative attended SPF meetings on a regular basis and frequently put in detailed submissions on matters of most interest to them. The Scottish Trade Union Labour Party Committee (STULP) consists of representatives from trade unions in Scotland affiliated to the Labour Party. The purpose of the committee is to seek to co-ordinate all matters of policy relevant to the affiliated unions and to liaise with the Scottish general secretary of the Labour Party and the appropriate ministers in Westminster and Edinburgh. It provided a forum where SPF issues could be discussed, briefing papers exchanged and co-ordinated action arranged. These briefing papers were also made available to CLP members which meant that they were not solely reliant on information and informed analysis supplied by ministers.²⁰ Although it is common to presume that the unions represent a single voice

this has, in fact, rarely been the case in Labour's history. However two factors are undoubtedly facilitating greater cohesion amongst affiliated unions, firstly the process of amalgamation which has reduced their number and secondly a growing political convergence though, naturally, important differences still remain. Serious clashes between the political and trade union wings of the movement have however, so far, only occurred over PFI/PPP.

A significant institutional innovation was the decision to invite external organisations to contribute – at what appears to be a rather late stage – to the policy-making process. A series of formal series of interviews over a period of four to five days with about 50 organisations was arranged. They were invited to make a presentation and engage in a discussion with members of the MDT. Many were pressure groups, professional associations and charities whose objectives could be assimilated without too much difficulty into the framework of Labour Party policy making, such as the Epilepsy Association and the Autism Association, Friends of the Earth, the Royal College of Nurses and Scotland's largest teaching union, the Educational Institute of Scotland.²¹ Others were more unusual candidates for involvement in a Labour policy consultation including private companies and trade associations (e.g. the Heating and Ventilating Contractors' Association). Those who made the strongest impressions and exerted most influence were well-informed presentations containing specific proposals. For example the RCN pointed out there were far fewer nursing consultants in Scotland than in England, even per capita and yet these posts were important for staff retention – a priority in the NHS. As a result the manifesto included a commitment to trebling their number.²² It is unclear why these consultation process occurred *after* SPF reports had been approved by Conference or upon what constitutional authority the MDT decided which additional policies to include. However since the items added to the manifesto were fully in line with Party thinking these questions were never asked.

In the past, the main cleavage lines when Labour has been in office has been between government and party. What of the relationship within the new pattern of devolved government? According to Hassan, SPF processes have been 'ministerially focused and influenced, with ministers, advisers and parliamentary researchers the key shapers of documents and debates at the Forum' (Hassan, 2002: 148). Similarly, according to Clark's study, 'ministers and representatives of the Scottish Executive Committee have been dominant in the process of drafting these policy' (Clark, 2002: 5). The first point meriting emphasis is the novelty – and therefore fluidity – of the new procedures in what can be called the kindergarten years of devolution. After the death of Donald Dewar and the forced exit of Henry McLeish virtually all the key

ministerial players are people with no Westminster experience. Virtually all have a considerable track record in Labour Party activity and exposed to its socialising influences but are not familiar with the norms of conventions of Westminster nor have had direct experience of Party-Government relations at national level. For many, it is a new ball game. Notwithstanding, the present First Minister, Jack McConnell – like his two predecessors – has been keen to keep as tight a rein over policy development as possible, a preference generally shared by his ministerial colleagues.²³

Formal rules play a major part in constructing the institutional environment in which policy-making takes place. But they will always diverge to some degree from a system's actual operations because the actors' actual powers will always differ from those formally allotted and the roles formally attached to office-holders will vary from the ways in which they are in practice enacted. A pattern of policy-making is therefore shaped not only by *rules* but by *roles* and *resources*. A role can be defined as 'a cluster of norms that applies to any single unit of social interaction'. Norms are notions that lay down how role-holders ought to behave in carrying out their duties (Haas and Drabek, 1973: 111, 110). *Policy norms* can be seen as ground rules prescribing the way in which members are expected to behave as actors within a policy system. *Role conceptions* represents an individual's internalised conception of the how he or she ought – or is expected by figures of authority to – behave. The ability to influence policy outputs is also a function of differential control of key resources. These range from tangibles like staffing, equipment, information and expertise to the less palpable such as strategically-placed contacts and possession of such political skills as wire-pulling, lobbying capacity and so forth.

Answers to the general question of 'who rules' - 'who get what for whom' - are usually arrived at by tracing the outcome of conflicts between various protagonists. So far, with one or two exceptions – for various reasons – overt conflict has been rare. Hence it is difficult to determine with any precision the degree to which the system has been differentially responsive to the various stakeholders. For this reason the paper adopts a dual approach. It explores two cases where disagreements occurred, housing stock transfer (briefly) and (in more detail) PFI/PPP. But, firstly, it adopts a more structural approach by exploring the extent to which the system exhibits an institutional bias in favour of some stakeholders. If we envisage initial submission from Party units as the raw material flowing into the system who has the responsibility for processing it, determining whether particular policy demands should be dropped as impracticable, too expensive or inconsistent with other goals, or qualified or transmitted to the next stage more or less intact? Within any set of policy arrangements there will be a series *gateways*, check-points along the channel

through which demands for policy action flow manned by *gatekeepers*. They may act of their own volition or on behalf of those to whom they are accountable but they will be strategically placed to filter demands.

Gateway 1: the Policy Commissions

A key role was played by drafting commissions set up for each policy sector. They were composed of three government ministers, three members of the SEC and four members of the Scottish Policy Forum. Those appointed to a particular commission would tend to be people who had a track record of knowledge within the subject area. Meeting two or three times a year they processed submissions and oversaw the writing of reports. The various Policy Commissions had responsibility for considering the submissions, drawing together what they see as being consistent messages from the different sections of the Party, deciding how much weight to assign to the different views expressed and whether or not they should be incorporated into policy drafts. (interviews, party official, MSP) Thus ideas which were seen to pass muster were added to contributions from Executive ministers and other influentials which formed the basis policy papers which were then circulated

The procedures of the new policy system were designed to facilitate effective conflict resolution. Votes were normally avoided by institutionalising a system mutual accommodation. For instance compilers of submissions were encouraged to meet ministers to agree upon a form of wording. The focus on extended discussion rather than resolutions facilitated the development of closer interpersonal relations and a disposition to reach mutually agreeable solutions. Negotiated compromises were sought as far as possible within the drafting commissions or in informal discussions to discourage the development of entrenched positions. There was a final a textual amendment phase when efforts would be made to resolve any outstanding differences. Those that were not resolved were then considered by the full Forum. Here votes would be held. If a sufficient number of votes were won by a minority viewpoint it would qualify as a 'Minority Position' which Conference would be allowed to debate and vote upon alongside the relevant SPF report. However, this has only vary rarely happened.²⁴

The drafting was normally carried out by researchers or advisors working for ministers, for individual MSPs or for the Labour Resource Centre, a body designed to service the SPLG as a whole, though occasionally volunteer activists with specialist knowledge would be drafted in. These performed the gatekeeping function. They were employed and paid either by the Party centrally (staff at John Smith House) or by Executive ministers and MSPs: none were employed by the Scottish Party per se. A point of comparison with the national Party may be helpful here. For most of Labour's history, policy, research and

organisation staff was appointed and remunerated by and under the direction of the National executive Committee. The Scottish Party does not, and has never had, a staff directly under its own control. Even to service its meetings it is reliant on employees of the British Party. In administrative terms, John Smith House is the Scottish branch office of the national Party with the Scottish General Secretary, Lesley Quinn, responsible to the national General Secretary David Trieseman and via him to the NEC (notionally: in practice to Number 10).

It follows that, in defining and enacting their roles, the full-time aides and researchers who operate as gatekeepers do so as people recruited by and under the authority of (the majority) Executive ministers or MSPs or London. It is reasonable to suppose they have a particular sensitivity to their employers. As one Scottish Labour MP commented the SPF was 'managed far too much by party staff. They take notes and then they produce the finished document, supposed to be summing up what all the views were, and the impression given, rightly or wrongly, is that the final policy document is very much effects what the leadership actually want'.²⁵ The degree of direct ministerial input tended to vary. Membership of policy commissions afforded ministers an opportunity to steer policy since they could tap their knowledge – and the expertise their Departments could supply - to ensure that a policy being developed 'would be deliverable, affordable and within the remit of a devolved administration'.²⁶ For example, the Health Minister was very clear about what she wanted in the document so she was able to guide it in the desired direction.²⁷ One stratagem followed - designed to anticipate potential difficulties whilst avoiding alerting critics - was to drop into a report an apparently innocuous phrase which could then be used to validate a policy initiative. Thus a bland reference to modernising in the fire service was 'carefully put into the justice document' so when the Executive later introduced proposals to alter terms and conditions in the fire service it could claim a manifesto could be invoked to justify the package.²⁸ In general it would appear that the SPF process achieved considerable success in fostering habits of co-operation amongst its participants and the greater authority, expertise and access to information ministers inevitably possessed gave them a considerable advantage in exercising their persuasive skills. Although some ministers did shift their positions in response to discussions and representations – so there was an element of reciprocity in the proceedings - in no case did a report emerge with which ministers need feel any real unease.

Gateway 2: Deciding Programme and Manifesto

The final stage of the Policy Forum process was the presentation of agreed reports to the Scottish Party Conference. Whereas prior to devolution it had a merely advisory function it is now the sovereign body determining – by a two-thirds majority of a card vote - which policy items shall form the Party programme and therefore be available for inclusion in the Scottish manifesto. However, its function is that of a 'final reading' for, with some exceptions, fresh proposals cannot be placed on its agenda. Though there was intense controversy in 2002 over PFI (which we discuss below) all reports have so far been approved by Conference. The next formal stage of the process is the meeting of the Joint Policy Committee to decide the manifesto. However, one significant institutional development was the establishment of a 'manifesto development team' which comprised, Executive ministers appointed by the First Minister to represent his team, senior members of the Scottish Policy Forum, including its chair (Bristow Muldoon MSP) and the Chair of the Scottish Party (then Richard Leonard of the GMB). Its broad purpose was determine which policies in the party programme merited inclusion in the manifesto in terms of their deliverability, feasibility, cost and electoral appeal.

On the surface this was a trouble-free process but there were tensions under the surface. Much of the actual preparatory work was carried out by smaller groups of members chosen by the First Minister, Jack McConnell who enjoyed the solid support of the majority of SEC members. One exception was the Chair of the Party, Richard Leonard a left-leaning senior official in Scottish GMB who was only included on various manifesto drafting committees after considerable personal effort. There was a general view within the senior echelons of the Scottish Party that the determination of the precise contents of the manifesto was properly the prerogative of senior parliamentarians – as, of course, it had become in the national Party – rather than the SEC. By the time of the final Joint Policy Committee meeting to finalise the manifesto, and with what seemed likely to be difficult elections in the offing, there was no disposition to rock the boat and the document for the 2003 campaign was finalised. The one major issue that might have caused some turbulence, PFI, had been effectively settled in the stormy Conference at Perth the preceding year. It is to this that we now turn.

The Issue of PFI

The Blair Government's termination to press ahead with the PFI – a policy originally devised by the Conservatives but only fully implemented after their departure from office – has inflicted great strain on its relations with the bulk of the unions leading to one of only two (national) Conference defeats the platform

has suffered since 1994. The Scottish Executive elected to follow London in relying increasingly on PFI for its public sector capital investment projects in the building of schools, hospitals and prisons. This has been in the teeth of opposition from the public sector unions, partly because of the deterioration of conditions of employees transferred to the private sector, partly because – unions contend – the outcome is a creeping privatisation of the public services. Disagreement over private sector involvement has emerged as the key fault line in the Scottish Labour party.

Draft SPF reports on the public services endorsed the Executive's promotion of PFI. The public service unions submitted numerous amendments at the relevant policy commissions and the SPF itself seeking to disengage the Party from the policy - for instance Unison put forward fifty-six amendments at the textual amendment phase and extensive discussions took place at a consensus meeting with the appropriate minister.²⁹ Some of these amendments were accepted, others not. However, at the final full meeting of the SPF, when the Holyrood Executive's stance finally approved, the unions did not take up the option of formulating Minority Positions. By this time an agreement had been reached between the STUC and the Executive over the two-tier workforce stipulating that conditions of employees transferred to the private sector via PFI agreements should not be inferior to those in local government. So far the agreement has not been extended to the health service.

Hope that the issue had been taken off the boiler were soon to be dashed. At the 2002 Scottish Conference in Perth the use of PFI was lambasted by union leaders. Robert Parker, the Scottish secretary of the GMB, John Lambie, Unison's assistant Scottish secretary, both suggested that their unions might withdraw funding and support for any Labour candidates at the 2003 elections who failed to back the union's opposition to the use of private companies in public services. Six unions - Unison, the GMB, the TGWU, the NUM, the CWU, and Aslef – the decided to vote against three policy documents covering areas (the education, health and local government) involving the use of the PFI/PPP. (Daily Telegraph 23 Feb. 2002, Scotsman 25 Feb. 2002). The only union to embrace the plans was the engineering union, Amicus. However, the reports were approved by 58% to 42% - indicating that the great mass of CLPs had backed them.³⁰ Many were angry that, after a prolonged consultation process extending over years when unions had ample time to air their doubts with abundant debate over the merits of the issue the unions had taken the drastic step of repudiating policy documents which were the core of the forthcoming manifesto.

Two puzzles in fact present themselves. Firstly, why did the unions opt for what was then the unusual decision of voting down three whole policy documents, when ministers appeared to genuinely

believe some kind of modus vivendi had been reached and when outright rejection by Conference of reports accumulating two years work would have inflicted considerable public embarrassment on the Party? The key factor was the belief by the unions (especially John Lambie, a senior Unison figure: Unison was the lead union on the issue) that compromises hammered out in prior discussions failed to appear in the final policy. Whether this was the result of poor communication, misunderstanding and a rushed timetable, or from something more deliberate is not entirely clear. Whether the union calculated that their move - a shot across the Executive's bow - would not muster a majority (and therefore save the embarrassment for all of an outright rejection of the three documents) is also unclear.³¹ Sources close to the Executive have an alternative interpretation - that union leaders close to retirement wished 'to make a last stand and go down in a blaze of glory'.³²

The second puzzle is that the level of support within the CLPs for the Executive's (and London's) stance on PFI. Many CLP delegates at the Perth Conference were angered that, at the final hurdle, after so much protracted debate, the unions seemed to be renouncing two years of effort. The problem here was that there was no provision to amend a document - which effectively narrowed opportunity to express dissent. In addition, ministers invested considerable efforts in mobilising support from the constituencies - 'heavy lobbying' was one formulation used,³³ underlining the damage that an overt rift between Executive and Conference would cause. More surprising was that, throughout the discussions in the SPF, few Party representatives had shared the unions' serious reservations about PFI - despite the fact that there were widespread doubts amongst most experts about the capacity of PFI schemes to deliver high quality, cost-effective schemes if the total costs of the (generally) 30 year term of the contracts were taken into account. There appears to be a range of considerations. PFI schemes seemed to offer an immediate solution to pressing problems. New schools and hospitals were springing up - a valuable electoral bonus - and many of the arguments over PFI seemed arcane whilst those with doubts were willing to put their trust in Gordon Brown, a driving force behind the policy.

Conclusion

To what extent have new power centres emerged within the party? How have Scottish Labour party structures and processes changed following devolution? The arrival of devolution - coupled with the parallel internal reforms carried through by the Party as a whole in 1997 - radically recast the Scottish Party's institutional structure. To the existing institutions, the Scottish Conference, the SEC, the Scottish

Head Office and the group of Scottish Labour MPs were now added the Scottish Policy Forum (SPF), the Scottish Parliamentary Labour Party, (SPLP), and Labour ministers in the Scottish Executive. On candidate selection a system of delegated power has taken root, in which the SEC exercised general control and direction on the basis of powers transferred to it by the NEC – with whom ultimate power of determination remains. Over policy-making, over devolved issues, responsibility for developing policy lies with the SPF, subject to the ratification of the Scottish Conference with the right to draft the Scottish manifesto - which (as at Westminster) is the only body of Party policy binding on its parliamentary representatives - the responsibility of the Joint Policy Committee composed of Labour ministers, and representatives drawn from the SEC. Reserved matters, in contrast, are decided by national policy procedures, that is by the National Policy Forum (NPF) with the manifesto in this case being formulated by the so-called 'Clause 5' meeting of representatives of the NEC and the Government.

For the national Party, an effective apex of power exists with the Parliamentary leadership (the senior echelons of the Government) able to stamp its preferences on all Party bodies. The Scottish presents a rather more mixed picture, given the complex pattern of prerogatives and responsibilities cutting across the central - local and party-in-parliament – party in the country divide. An inevitable corollary of devolution is the development of an autonomous policy sphere for the Scottish Party though the extent to which it has either the desire or the capacity to move in a direction divergent from the national organisation remains open to question. Candidate recruitment has witnessed the creation of a delegated sphere of action but in both cases any conclusions about the relative British and Scottish Parties must be tentative as long as the interests and outlook of the respective leadership moves broadly in tandem.

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- ² Labour Party Rules and Standing Order, Appendix clauses 1 and 2.
- ³ Labour Party Rules and Standing Order, Appendix clause 3.9.
- ⁴ Labour Party Rules and Standing Order, Appendix clause 3.10
- ⁵ Personal observation of the joint Stirling-Ochil selection conference.
- ⁶ 'I was totally shocked by some of the interview performances' recalled one senior party insider involved in the selection process. (LQ)
- ⁷ According to one acerbic minister, if this process had been so rigorous 'how did we end up with so many numpties?'. A view – the BBC's much-respected Political Editor of BBC Scotland added 'commonly – if strictly privately – expressed within Labour's ranks'. (Taylor, 2002: 145).
- ⁸ Others fell by the wayside (it was claimed) because they were ill-attired, poorly-prepared and showed a lack of respect for the process (e.g. Tommy Sheppard and Ian Davidson). Interviews party officials and office-holders. Scotsman 11 May 1998.
- ⁹ Interview former party official involved in the selection process.
- ¹⁰ Lesley Quinn, Scottish General Secretary and secretary, Scottish Labour Selections Board Private and Confidential note on Scottish Parliament Interviews, ND.
- ¹¹ E.g. Rosina Macrae, a well-known left-winger who was runner-up in the 1997 Westminster selection for Stirling, was asked about her attitude to the nuclear-armed Trident submarine and the PFI. She was excluded from the list.
- ¹² Interview, former party official involved in the selection process.
- ¹³ Cumbernauld, and Kilsyth (which was to be twinned with Airdrie and Shotts) was amended to allow for the twinning of the CLP with Strathkelvin and Bearsden dispensing with the candidature of Ian Smart, a well-known left-winger, who could not hope to beat Sam Galbraith the constituency's sitting MP). Similarly, on the east coast the twinning of Midlothian and Edinburgh South was deemed to be risky since another prominent left-winger, Bob McLean, seemed likely to defeat favoured Blairites from Edinburgh South. The solution was to set McLean against the sitting MP John Home Robertson by twinning Midlothian with East Lothian. It seems also that a desire to dampen competition to favoured sons and daughters may have been a factor in some panel decisions. Tribune 19 June 1998, interview former party official. Another former party official also involved in the selection process commented that 'most twinning decisions – about 75% - were right, but there were some glaring mismatches. The result was to only exclude 4 or 5 who would otherwise have been selected'.
- ¹⁴ Interviews George Foulkes MP, Rosemary McKenna MP.
- ¹⁵ Interview former party official.
- ¹⁶ Scottish Labour Party Rules and Standing Orders Clause 15
- ¹⁷ Ibid Standing Order 11.
- ¹⁸ Interview, MSP.
- ¹⁹ Interview, Party official.
- ²⁰ Interview, trade union official.
- ²¹ Interview, Party official.
- ²² Interview, Party official.
- ²³ Backbench MSPs also have representation within the SPF process but, so far, their level of engagement has been limited.
- ²⁴ Interview, Party official.
- ²⁵ Interview, Ann McKechnin, MP
- ²⁶ Interview, MSP.
- ²⁷ Interview, political advisor.
- ²⁸ Ibid.
- ²⁹ Interview, Party official.
- ³⁰ Note, however, that the reports fell short of the two-thirds majority required for inclusion in the Party programme.
- ³¹ Interview, Union official.
- ³² Interview, political advisor. This was a reference to John Lambie, widely recognised as a formidable political operator, who actually died within months of his retirement.
- ³³ Interview, MSP.