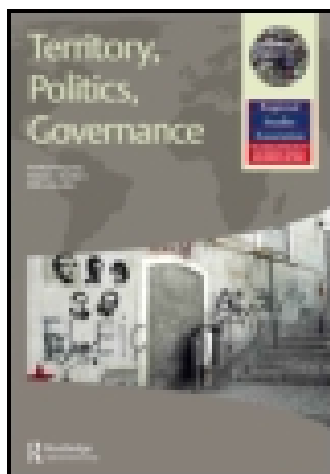


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The Territorialisation of Interest Representation in Scotland: Did Devolution Produce a New Form of Group-Government Relations?

PAUL CAIRNEY

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ABSTRACT The Scottish Government represents an important new ‘venue’ for group influence and provides a strong incentive for interest groups to engage. A large number have exploited this new opportunity. The devolution of powers to a Scottish Parliament in 1999 followed a century of administrative devolution in areas such as health, education, local government and justice. Many Scottish groups have long histories, and there is evidence of distinct territorial policy communities before 1999 in some areas—but devolution provided a new frame of reference for policy-making and a strong impetus to organise at this level. Factors such as Scotland’s size, and the Scottish Government’s limited policy-making capacity, have produced a ‘Scottish Policy Style’, in which groups and government interact in distinctive ways. However, this development is complicated by the multi-level nature of policy-making, producing the need for many groups to organise and lobby at local, Scottish, UK and/or EU levels. The devolution of economic policy, and the prospect of territorial corporatism, is limited. The picture varies markedly from issue to issue, from areas such as compulsory education producing Scotland and local-level relationships to agriculture and environmental policy in which key decisions are made by the EU for the UK and Scotland to implement.

EXTRACTO El Gobierno escocés representa un lugar nuevo e importante para grupos de influencia y constituye un gran estímulo para la participación de grupos de interés. Y muchos han sacado provecho de esta nueva oportunidad. La transferencia de poderes al Parlamento escocés en 1999 siguió a un siglo de transferencias de competencias en áreas como salud, educación, administración local y justicia. Muchos grupos escoceses tienen una larga tradición, y en algunas zonas hay indicios de distintas comunidades políticas y territoriales antes de 1999. No obstante, la transferencia de competencias representó un nuevo marco de referencia para la elaboración de políticas y un fuerte acicate para organizarse a este nivel. Factores tales como el tamaño de Escocia y la capacidad limitada en la elaboración de políticas por parte del Gobierno escocés han creado un estilo político escocés en el que los grupos y el Gobierno tienen su forma singular de interactuar. Sin embargo, este desarrollo es complicado debido a la forma multinivel de elaborar políticas que obliga a muchos grupos a organizarse y crear actividades de presión de ámbito local, escocés, británico y/o europeo. La transferencia de la política económica y la posibilidad de un corporativismo territorial son limitadas. La situación varía significativamente según el caso; por ejemplo, desde la educación obligatoria que establece relaciones en Escocia y de ámbito local, a la política agrícola y medioambiental cuyas decisiones fundamentales recaen en la UE para que se apliquen en el Reino Unido y Escocia.

苏格兰政府呈现出团体影响力的重要新“地点”，并对利益团体的参与提供了强大的诱因，诸多团体并已运用此一崭新的机会。随着一百年来在健康、教育、地方治理与正

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义等方面的行政权力下放，1999 年亦将权力下放至苏格兰议会。诸多苏格兰团体拥有长远的历史，且部分区域在 1999 年前，便具有显著的领域性政策群体——但权力下放为政策制定提供了崭新的参照架构，以及在此层级上进行组织的强烈动力。苏格兰的面积，以及苏格兰政府有限的政策制定能力等因素，促成了“苏格兰式的政策风格”，其中团体与政府以特殊的方式进行互动。但政策制定的多层次本质，亦复杂化了此一发展，导致诸多团体必须在地方、苏格兰、英国及 / 或欧盟层级分别进行组织及游说。经济政策的权力下放，以及领域性统合主义的展望仍是有限的。各议题之间、以及从生产苏格兰和地方层级关系的义务教育，到主要由欧盟制定并交付英国和苏格兰执行的农业及环境政策等各领域之间，皆具有极大的差异。

RÉSUMÉ Le gouvernement écossais représente un nouveau ‘lieu de réunion’ important pour ce qui est de l’influence des groupes et fournit aux groupes d’intérêt une forte incitation à s’engager. Bon nombre d’entre eux ont exploité cette nouvelle possibilité. La déconcentration des pouvoirs à un parlement écossais en 1999 a suivi un siècle de déconcentration administrative dans des domaines tels la santé, l’éducation, l’administration locale et la justice. Beaucoup des groupes écossais sont de longue date, et on peut constater la présence de communautés bien délimitées quant à l’aménagement du territoire avant 1999 dans certains domaines—mais la déconcentration a fourni un nouveau cadre de référence pour la mise au point des politiques et a donné une forte impulsion à l’organisation à ce niveau. Des facteurs, tels la taille de l’Écosse, et la capacité limitée du gouvernement écossais de mettre au point des politiques, ont façonné l’élaboration d’une ‘politique à l’écossaise’, à partir de laquelle les groupes et le gouvernement interagissent de différentes manières. Cependant, ce développement se complique en raison du caractère à plusieurs niveaux de la mise au point de la politique, ce qui rend nécessaire l’organisation et le lobbying aux niveaux à la fois local, national, du Royaume-Uni et/ou de l’Union européenne pour beaucoup des groupes. La déconcentration de la politique économique, et la possibilité du corporatisme territorial, est limitée. La situation varie sensiblement d’une question à l’autre, des domaines tels la scolarité obligatoire qui développe des rapports à l’échelle de l’Écosse et sur le plan local, à l’agriculture et à la politique en matière d’environnement où les décisions clés à mettre en oeuvre par le R-U et par l’Écosse sont prises par l’Ue.

KEYWORDS devolution government networks public policy regional governance governance multilevel governance

INTRODUCTION: A NEW TERRITORIAL POLICY COMMUNITY

There are two main drivers for a new form of group-government relations in Scotland. First, a meaningful level of devolution has allowed the Scottish Government to make policy in a distinctive way, rather than simply implement UK policies. UK devolution has given many ‘pressure participants’ (JORDAN *et al.*, 2004) such as interest groups a strong incentive to engage with territorial governments. KEATING *et al.* (2009) describe Scotland as the most developed ‘territorial policy community’ in the UK. It possesses the strongest form of uninterrupted devolution in the UK and, therefore, the most developed group-government arena outside London. Its legislative powers extend to areas, including health, education, local government and criminal justice. It provides a new ‘venue’ for group influence rather than an extension of relationships already developed at the central UK level. Its new status has prompted many UK or British-wide groups to reform, to research devolved issues and engage in Edinburgh with Scottish policy-makers.

Second, the Scottish Government has encouraged groups to play an important part in policy development. It has developed a reputation for seeking meaningful engagement with groups. Devolution has prompted a distinctive ‘policy style’, which relates to the ways in which the Scottish Government makes and implements policy in consultation with interest groups and bodies such as local authorities. The quantity and ease of

contact have generally improved. Groups describe a different consultation ‘culture’ in which ministers and civil servants are more accessible and open to advice. The Scottish Government has also developed a reputation for implementing policy in a less top-down way than its UK comparator.

These arrangements are not completely new. There is an important degree of path dependence and continuity in group-government relationships, since the most devolved areas, such as education and health, were devolved administratively before 1999. The post-war era saw the responsibilities of the Scottish Office, the former UK Government department in Scotland, grow in tandem with the growth of the UK welfare state. As its responsibilities for the implementation of UK policy grew, so too did the incentive for groups to influence its activities. Many Scottish groups, or regional arms of UK groups, already existed.

However, the shift in the Scottish Government role, as a body *making* and implementing policy, is a major development. Political devolution has prompted greater interest group devolution and produced new frames of reference for policy-making. Groups seeking to influence Scottish policy-makers accept that problems are defined from a territorial perspective, as summed up in the phrase ‘Scottish solutions for Scottish problems’. There is a new group-government dynamic following the shift in Scottish Government focus. Before 1999, groups often formed broad coalitions against central UK government policy, or joined with the Scottish Office to influence UK policy formulation (MIDWINTER *et al.*, 1991). After 1999, the Scottish Government became responsible for policy formulation and groups were expected to perform a more positive role, providing new policy ideas. This could produce coalitions of groups with common aims, or groups could find themselves in competition with each other to frame problems and solutions in different ways (KEATING *et al.*, 2009, p. 55)

To explain these developments, the article has three main parts. First, it sets out the Scottish Government’s main policy responsibilities and the extent to which devolution produced a new ‘venue’ for group influence. Scottish devolution has produced a set of policy choices and outcomes that diverge from the UK. Consequently, it may represent an alternative venue for groups dissatisfied with UK Government policy.

Second, it identifies a ‘Scottish Policy Style’ and compares it with the ‘British Policy Style’. Devolution produced new group-government relationships. Much of the explanation for these developments may relate to practical issues, such as Scotland’s size and the ability of senior policy-makers to maintain personal networks with groups and implementing bodies. Or, a new culture of cooperation may be linked to a ‘honeymoon’ period in which there was goodwill and a favourable economic environment producing few hard policy choices.

Third, it demonstrates the significant extent to which policy-making and group-government relationships vary by policy area. The public policy literature suggests that such variation is a feature of all political systems, based on the distinctive problems that governments face, the types of policy instruments they choose and the types of group with which they engage (CAIRNEY, 2012a). However, devolution provides a further element of variation, since we would expect territorial policy community development to mirror the extent to which policy is devolved: in the most devolved areas, we would expect territorial policy communities to emerge or strengthen; in the most reserved areas, we would expect minimal change, as groups retain a primarily UK focus; and, in areas with devolved, reserved and European elements, we would expect groups to maintain multi-level strategies, maintaining multiple channels or forming networks with bodies at other levels.

Consequently, it is difficult to identify a singular form of group–government relationships and describe a uniformly Scottish Policy Style, in a multi-level environment, in which more than one government may have responsibility for policy, and groups have to maintain several channels of access. Most notably, the Scottish Government does not control the economic and employment policies traditionally at the heart of corporatist relationships. Furthermore, areas such as environmental and agricultural policy are devolved and ‘Europeanised’, requiring group knowledge of policy development at multiple levels. This leaves a small number of areas, including education and health, in which there is an almost-complete level of policy-making and group devolution.

‘SCOTTISH SOLUTIONS TO SCOTTISH PROBLEMS’: A NEW VENUE FOR INFLUENCE?

Scotland has a relatively simple division of policy responsibilities compared to countries such as Germany, Spain and Italy (KEATING, 2012, p. 219). A policy area is devolved unless reserved in law to the UK Government (Table 1). The UK–Scottish Government relationship has been smooth, with the former unlikely to challenge the latter’s responsibilities (CAIRNEY, 2012b). In fact, in areas such as public health, the UK has helped resolve issues of overlap, not exploit them (CAIRNEY, 2006). The UK Government determines the Scottish Government’s budget, but provides a generally stable settlement and sets few limits on how it is spent (CAIRNEY and MCGARVEY, 2013, p. 217; KEATING, 2005a, p. 140). Intergovernmental issues arise, particularly:

- when devolved public services overlap with reserved social security and taxation arrangements—including housing, child poverty and fuel poverty;
- in criminal justice, where there are potential loopholes across borders and
- in industrial policy, where the Scottish Government has limited powers to ‘save’ large companies, and the EU has strict rules on state aid.

The EU dimension also overlaps with devolved responsibilities in areas such as environmental policy, agriculture and fisheries. Still, the Scottish level has become a distinct sphere of activity, producing a clear incentive for groups to engage. The Scottish Government makes the key strategic decisions in most public services, including health, education, social work, policing and housing, and oversees the local, health and public bodies carrying out policy.

It provides a new ‘venue’ for group influence. BAUMGARTNER and JONES (1993, pp. 32–37; 2009; CAIRNEY, 2012b, p. 176) describe venues as institutions such as central government departments, legislature committees, the courts or other levels of government, where ‘authoritative decisions are made’. They highlight the incentives for groups to ‘venue shop’, or seek sympathetic audiences elsewhere, when they are dissatisfied with the way that policy-makers understand and seek to solve policy problems. When groups feel excluded at one level, they can seek influential audiences in other venues. If they catch the attention of another venue, newly involved policy-makers increase their demand for new information and new ways to think about and solve old policy problems.

Generally, groups focus on the Scottish Government because they are dealing with Scottish specific issues rather than taking an explicit decision to venue shop to influence UK Government decisions. In fact, devolved policies rarely influence the UK policy agenda (KEATING *et al.*, 2012). However, some UK groups operating in Scotland, such as the British Medical Association (BMA), have lauded the Scottish policy agenda and used it to criticise UK policy initiatives. This position has two main elements.

Table 1. *Reserved and devolved policy areas.*

Policy areas reserved	Policy areas devolved
International relations	Health
Defence, national security	Education and training
Fiscal and monetary policy	Economic development
Immigration and nationality	Local government
Drugs and firearms	Law and home affairs
Regulation of elections	Police and prisons
Employment	Fire and ambulance services
Company law	Social work
Consumer protection	Housing and planning
Social security	Transport
Regulation of professions: The civil service	Environment
Energy, nuclear safety	Agriculture
Air transport, road safety	Fisheries
Gambling	Forestry
Equality	Sport
Human reproductive rights	The arts
Broadcasting, copyright	Devolved research, statistics

Source: KEATING (2005a, p. 22) and MCGARVEY and CAIRNEY (2008, p. 2; pp. 160–163).

First, certain groups may have a greater influence on the development of policy in Scotland—or, at least, they are happier with policy decisions, particularly when they diverge from UK policies. For example, public sector professionals may have an unusually important role, directly, through relatively close contact with policy-makers, and indirectly, since Members of the Scottish Parliament are more likely than their UK counterparts to have worked in public sector professions (KEATING and CAIRNEY, 2006). Those professionals may also be more supportive of ‘universalist’ forms of public service provision and be more likely to see it occur in Scotland (GREER, 2005; KEATING, 2005a; 2010).

Scottish Government policy decisions, and their outcomes, have not diverged radically from those of the UK Government. However, there are several areas in which we can see significant changes of direction (see KEATING, 2010, ch8; CAIRNEY, 2011a, pp. 177–180; CAIRNEY and MCGARVEY, 2013, pp. 177–183). They combine to produce a more ‘social democratic’ image of Scottish policy, based on the preservation of ‘universal’ welfare entitlement and the abolition of means-tested charges for public services (for a critical view of this image, see MOONEY and POOLE, 2004; LAW and MOONEY, 2006; SCOTT and MOONEY, 2009; MOONEY and SCOTT, 2012). For example, ‘flagship’ policies by the first Scottish Government included:

- the introduction of ‘free personal care’ for older people;
- the reduction and then abolition of higher education tuition fees;
- a significant pay increase for school teachers, to address years of industrial tension between teaching unions and local authorities and
- the abolition of ‘quasi-markets’ in health care.

A further cognitive frame for groups relates to a broad aim to tackle inequalities and deep-seated or 'wicked' policy problems relating to a complex mix of, reserved and devolved, issues such as poverty and deprivation (in individuals and communities), education, health, crime and economic inactivity (KEATING, 2010, pp. 240–249).

THE SCOTTISH POLICY STYLE: MORE INCENTIVES TO CONSULT IN SCOTLAND?

Groups may be more satisfied with the 'Scottish Policy Style'. 'Policy style' refers to the way that governments make and implement policy (RICHARDSON, 1982; CAIRNEY, 2008; CAIRNEY, 2011b; KNILL and TOSUN, 2012, pp. 32–36). We can identify two dimensions: the way that governments make policy, in consultation with 'pressure participants' such as interest groups; and, the way that they implement policy in partnership with organisations such as local authorities. In other words, there is often a distinction between the way that governments engage with groups when making policy and the 'policy tools' they use to implement it (GREER and JARMAN, 2008). The distinction between policy-making and implementation is problematic (HOGWOOD and GUNN, 1984, p. 198) and often difficult to operationalise. However, it is an important analytical distinction, providing a degree of clarity when we describe Scotland as different from the UK—a claim often made by interest groups, civil servants and scholars such as FLINDERS (2010). The evidence suggests a mixed picture: there are similarities in UK and Scottish consultation styles, but more notable differences in implementation style.

Keating, Cairney, Hepburn and Stevenson have conducted over 400 interviews in the UK since devolution, including over 200 in Scotland. Interviewees include policy-makers, representatives of interest groups, the third sector, unions, businesses and business groups (see KEATING *et al.*, 2009). Policy areas include compulsory and higher education, health care, public and mental health, housing and local government. This empirical work, which underpins the case study analysis in this article, highlights the generally open and consultative approach of the Scottish Government and the strong willingness, and ability, of groups to engage constructively in policy-making in Scotland (KEATING and STEVENSON, 2001). However, this evidence alone does not demonstrate that the 'Scottish Policy Style' has diverged from the 'British Policy Style'.

Consultation in Scotland and the UK

Pressure participants in Scotland are generally positive about devolution (CAIRNEY and MCGARVEY, 2013, p. 159). Groups feel that they have the chance to take some part in policy-making and enjoy regular dialogue with civil servants and ministers who are a 'phone call away'. Many discuss the chance to influence the terms of reference of wider consultations by, for example, becoming part of working groups. Many describe a small world and the 'usual story of everybody knowing everybody else' (KEATING *et al.*, 2009, p. 57). Consequently, 'there is broad support for government action ... Supporters of this type of policy making talk of partnership, of stakeholder empowerment, of consensus' (2009, p. 57; see also TISDALL and HILL, 2011, pp. 33–35). Groups interviewed in 2003 often contrasted this style with their perception of the UK policy process which they believed to be more top-down, less reliant on professional or policy networks and more competitive between groups (CAIRNEY, 2008, p. 357).

However, this picture of high consensus and group influence in Scotland may be qualified in five main ways. First, interviewees are not in a good position to compare the Scottish and British styles. Their impressions may be based on their experiences as

small and ill-resourced Scottish groups trying to influence UK institutions, rather than the experiences of their larger and better-resourced and connected UK counterparts (CAIRNEY and MCGARVEY, 2013, pp. 160–161). Many of the most vocal supporters of devolution were from groups that had poor contacts with successive UK Conservative Governments and pursued agendas not favoured by the Conservatives.

Second, devolution was accompanied by a significant increase in UK public expenditure. The main effect was comparatively few major policy disagreements in Scotland. Departments or groups were competing with each other for resources, but that competition was not fierce because most programmes were relatively well funded. Now, there is more potential for strained relationships (CAIRNEY, 2011a, p. 80). Austerity may have a broad effect, such as when health and local authorities and universities compete to receive their share of Scottish Government expenditure, or a specific effect, such as when the Scottish Government engages with local authorities and teaching unions to reform pay and conditions.

Third, the new arrangements may be explained by Scotland's size and policy capacity. Scotland's size allows relatively close personal relationships to develop between key actors, and for closer links to develop across fewer, much-smaller departments (CAIRNEY, 2011a, p. 80). For example, a ministerial or senior civil servant team could meet with all university, local authority or health board leaders in one small seminar room while, in England, it would require a lecture theatre. Furthermore, the policy capacity of the Scottish Government is relatively low, prompting civil servants to rely more—for information, advice and support—on experts outside of government. This was particularly the case in the early years of devolution, when the Scottish Government was becoming used to its new role and it relied on more established organisations such as local authorities. As KEATING (2010, p. 258) argues, the Scottish Policy Style resembles that of 'other devolved governments in Europe' (and many 'small independent states') which are 'weak compared with [large] nation-states, limited in their powers, resources and policy capacities'. Consequently, the Scottish Government 'is obliged to cooperate with outside groups, and policy making tends to be negotiated, gradual and, to a large extent, consensual'.

Fourth, Scottish groups qualify their own experiences. Many acknowledge the difference between being consulted regularly and influencing policy choices—particularly when ministers have already formed views on the subject. Furthermore, many distinguish between their influence at the point of Scottish Government choice and the eventual policy outcome (CAIRNEY, 2011a, p. 81; TISDALL and HILL, 2011, p. 37).

Fifth, any group-government system has winners and losers. For example, if Scotland's system is more open, it produces the potential for greater competition between groups, or at least more of a chance for previously smaller or relatively excluded groups. This produces occasional reports by the larger groups that smaller groups often have disproportionate influence (not surprisingly, smaller groups do not share this view).

When we draw on interviews with their UK counterparts, we often find a similar picture. CAIRNEY (2008) finds an impressive degree of consultation in the UK. For example, most teaching unions were represented on the 'social partnership' with education ministers and enjoyed frequent contact with senior civil servants. Furthermore, the partnership's convention was to negotiate 'to exhaustion' (CAIRNEY, 2008, p. 365). Similarly, there was systematic 'cooperative work' between the Department of Health, BMA and Royal College of Nursing (RCN). In local government, consultation rose during Labour's term and 'the working relationship between government and the Local Government Association is good' (CAIRNEY, 2008, p. 368).

These relationships endured despite some headline-grabbing conflicts between UK ministers and the heads of prominent interest groups. In each policy area, there is a combination of a small number of high profile and controversial issues, and a much larger number of issues on which groups and government cooperate routinely (the same can be said when the UK government consults with devolved governments (CAIRNEY, 2012b)).

Implementation Styles

The second aspect of the Scottish Policy Style relates to the ‘policy tools’ (GREER and JARMAN, 2008) it uses to achieve its aims. The Scottish Government is more likely to use a ‘bottom-up’ approach to implementation, in which flexibility is built into the initial policy and there is less of a sense of top-down control, linked to specific targets which are monitored and enforced energetically, that we associate with the UK government (CAIRNEY, 2011a, p. 184). Implementing bodies are often given considerable discretion and/or pressure participants are well represented in working groups set-up to manage implementation.

GREER and JARMAN (2008) highlight the emergence of very different Scottish and British styles from 1999 to 2007. In their account, the British style was ‘top-down’, based on its ‘low trust in providers’; it used market mechanisms reinforced by a large number of targets strengthened by stringent audit-based procedures (GREER and JARMAN, 2008, pp. 172–173). For example, the UK Government encouraged a range of different schools (relatively independent of local authority control) to compete with each other by using pupil testing to build league tables of school performance; introduced tuition fees to encourage universities to compete with each other for students; set strong centrally driven targets for local authorities and used an audit and inspection regime to make sure that they were met; and drove health policy by setting targets on key aims such as reducing waiting times for treatment (backed by strong punishments for non-compliance) and encouraging ‘foundation’ hospitals to compete with each other for business (GREER and JARMAN, 2008, pp. 173–178).

In contrast, the Scottish Government formed relationships with its policy partners, based more on ‘a high degree of trust in the professionalism of providers’ and with less emphasis on competition (GREER and JARMAN, 2008, p. 178). For example, it oversaw a ‘comprehensive’, or less differentiated, schooling system (relatively subject to local authority control) in the absence of competition based on pupil testing; rejected the introduction of tuition fees to Scottish students; set fewer targets for local authorities (or used fewer punitive measures to ensure delivery) and set similar health policy targets but without competition within health service markets or a punitive regime (GREER and JARMAN, 2008, pp. 178–183).

This approach may be linked to the scale of Scottish systems where policy-makers can form direct, personal relationships with the chief executives of health boards and local authorities. It compares to the much larger England in which policies travel further distances and the UK government attempts to control far more organisations—producing a relative desire to set quantitative targets for service delivery organisations.

The approach may also be linked to the philosophies of particular governments, such as the Scottish National Party (SNP) Government in 2007 which signed a ‘Concordat’ with the Convention of Scottish Local Authorities (CoSLA). It committed both to a package of Scottish Government aims (SCOTTISH GOVERNMENT and CoSLA, 2007). In return, the Scottish Government agreed to increase the flexible local delivery of Scottish Government policies by promising to not consider reforming local government

structures; introducing Single Outcome Agreements, which involve a longer term and less punitive approach to agreed targets; reducing the amount of 'ring-fenced' budgets from 22% to 10%; allowing local authorities to keep their 'efficiency savings' and rejecting a tendency to 'micromanage' local government (CAIRNEY, 2011a, p. 130). The language used by First Minister Alex Salmond to describe these developments—"The days of top-down diktats are over"—was significant, since it suggested that arrangements in Scotland, already very different from England, would become even more 'bottom-up' (CAIRNEY, 2011a, p. 130).

However, this approach has not been uniform. Added devolution to local authorities compares with a centralising trend in areas such as finance (most local authority income comes from the Scottish Government), the move to single police and fire services, and the reduced-budgets and merger agenda for further education colleges (CAIRNEY and MCGARVEY, 2013, p. 142).

In this context, the analytical distinction between consultation and implementation styles is important. It helps to explain the surprising finding that Scottish groups, who seem relatively satisfied with the consultation process, often appear more disappointed with policy outcomes than their UK counterparts. Such dissatisfaction may be an unintended consequence of the combination of Scottish Government styles. First, it adopts a consensual consultation style, promoting high group ownership of policy and signalling to groups that they can make a difference to government decisions. Second, it pursues a bottom-up implementation style, in which it sets strategic priorities but often leaves the details of implementation to other organisations (CAIRNEY, 2009b; 2011a, p. 135).

Some groups are less supportive of this approach than others. Groups with limited resources may be the least supportive of flexible delivery arrangements because they only have the ability to influence the initial policy choice made by the Scottish Government (CAIRNEY, 2009b, p. 366). The additional devolution to local authorities since 2007 may produce further dissatisfaction among groups with limited resources. While they once had to influence a single Scottish Government, or a number of actors within it, they may now have to lobby to influence 32 local authorities and the organisations within them.

CASE STUDIES IN MULTI-LEVEL POLICY-MAKING

Overall, we can identify a distinctive policy agenda and policy style in Scotland, which provides strong incentives and opportunities for groups to engage at the Scottish level. However, this development is complicated by the multi-level nature of policy-making, in which more than one level or type of government has policy responsibility. This may produce the need for many groups to organise and lobby at local, Scottish, UK and/or EU levels. Most importantly, the UK government is still at the heart of economic policy, explaining the reluctance of many groups to reorganise until they could gauge the practical importance of devolution. Business and union reorganisation has developed relatively slowly, as many business groups opposed devolution and struggled to take it seriously, and many trades unions maintained their core focus on issues, such as employment law, reserved to the UK. Areas such as environmental and agricultural policy are also 'Europeanised', requiring group knowledge of policy development at multiple levels, and the maintenance of networks with UK and EU groups.

The picture varies markedly from issue to issue, across time and according to the extent to which the issue is high profile, capturing attention by many groups or venues, or low profile, and processed routinely out of the public spotlight.

Consequently, it defies simple categorisation, but we can identify two main frames of reference. First, there are devolved, reserved and cross-cutting issues:

- *Primarily devolved*, including health and education;
- *Devolved and Europeanised*, including environment, agriculture and fishing;
- *Primarily reserved*, including economic, finance, employment and energy; and
- *Cross-cutting*, including crime, anti-social behaviour and housing.

Second, there are some areas in which devolution has prompted major changes in policy and policy-making, and others in which there is considerable continuity in policy and group-government relationships. In practice, each area has produced a mixture of continuity and change, with devolution often accelerating differences that existed before 1999. In a small number of cases, such as the mostly devolved public health and mostly reserved energy, greater Scottish Government attention has produced more significant effects.

Primarily Devolved Issues: Compulsory Education

In compulsory education (pre, primary and secondary schooling), Scotland has always had a separate system and a distinctive set of policies and policy-making arrangements (CAIRNEY, 2013; although it is influenced by European and global developments—GREK *et al.*, 2009). For example, students may combine up to five, one-year, school qualifications with a four-year University degree (fostering broad-based knowledge) compared to students in England combining fewer A-level exams over two years with a three-year degree (fostering specialisation at an earlier age). There has been a greater commitment to comprehensive schooling and to keep schools under direct local authority control. Scotland was not immune from UK Conservative government (1979–1997) initiatives from the late 1980s—including attempts to set-up school governing bodies out of local authority control and to introduce student testing to produce league tables of school performance—but its professional, local authority and parent bodies waged a successful campaign in the 1990s to water down these proposals, which were then removed after 1999. Devolution helped accelerate differences between education policy in Scotland and England when Scottish governments were able to produce their own policies in concert with groups. For example, a devolution-inspired ‘national debate’ led to the development of the *Curriculum For Excellence*: the age 3–18 arrangements that replaced the 5–14 curriculum and testing policy introduced by the Conservatives.

We can identify relatively few organisational changes in 1999. Most key groups existed long before devolution. For example, the Educational Institute of Scotland (EIS), Scotland’s largest teaching union, was established in 1847, and the Association of Directors of Education (in local authorities) was established before the Second World War. Some British unions boosted their interest in devolution, but they remain small players.

Of greater importance is the growing sense of relational change. The dynamic between unions has been stable, with the EIS represented more than most groups on committees, on issues such as current pay and conditions, which divide seats according to membership (groups representing head teachers play a small additional role). Devolution also initially produced a marked degree of stability in the relationships between government, local authorities and unions in relation to teacher pay and conditions. More recently, we can identify points of tension associated with the new economic climate

and the devolution of powers to local authorities. One effect is that the ‘tripartite’ relationships between unions, local authorities and the Scottish Government (used to negotiate pay and conditions and set the tone for relationships) often give way to bilateral relationships.

Before 2007, the Scottish Government was more clearly responsible for national policy. Local authorities delivered a policy given to them, backed by an inspection regime, some ‘ring-fenced’ money and a tendency for local authorities to follow a common, detailed curriculum. This picture is now less clear and the acceleration of local devolution, combined with a new curriculum devolved to schools and local authorities, may produce significantly new arrangements. Locally determined implementation has the potential to change interest group relationships. While there may be a policy community at the Scottish level and, for example, teaching union representatives have strong links with other unions despite their competing roles, local level relationships between unions and local authorities are often relatively strained and unions are more likely to identify top-down decision-making with limited consultation. The groups at local levels may be obliged to compete with other groups and other demands on the budget, and the local authority could be referee to that battle rather than just another interested party. At the Scottish level, the civil servants with whom the groups interact may share goals with groups, but at the local level the relevant officers may not be service specialists or as sympathetic to group demands. Such developments make it difficult to conclude simply that Scotland enjoys more consensual interest group politics.

Higher education. In 1999, universities as organisations came under the control of the Scottish Government, but higher education still has many UK elements. The UK Government still controls Research Councils UK, and a science budget of approximately £3bn per year (RCUK, 2013). England, Scotland, Wales and Northern Ireland engage in a joint Research Excellence Framework (REF) to measure the quality of research in individual universities, before each government distributes funding. Compared to teachers in compulsory education, university academics are more likely to move across the UK. Overall pay and conditions are determined in UK-wide negotiations between the representatives of universities (Universities UK) and the profession, including the University and College Union (UCU), which has a Scottish branch, although universities have increasingly developed their own pay scales and senior faculty salaries are negotiated individually.

In one sense, devolution did not prompt organisational change, since Scottish Universities are well-established (some existed before the Union in 1707) and representative groups existed before 1999. However, one aspect of cognitive change became instantly significant: organisations found a new arena in which to articulate territorial interests. Unions and universities were invited to form part of networks examining issues such as a major reduction of student tuition fees and reform of university funding, and many, such as the UCU Scotland, shifted their focus primarily to Scotland. KEATING (2005b, pp. 428–429) describes a distinct Scottish style built on closer cooperation with groups and attempts to foster alliances across the sector (for example, between university employers and unions). Like GREER and JARMAN (2008), he identifies, initially: a distinct research policy agenda based less on competition, which favours a small number of elite institutions and researchers, and more on ‘egalitarianism’, by distributing research quality funding more evenly and encouraging cross-university partnerships; an approach to student recruitment which is less ‘top-down’ and target based; and, an approach to University teaching evaluation which is less about ‘punishing or shaming institutions’ (KEATING, 2005b, p. 432).

However, its approach has changed somewhat. For example, it is now more likely to concentrate research funding based on the REF exercise. There are also important spillovers from UK Government policies on tuition fees for English students. From 2012, the UK Government allowed universities to charge students £9000 per year—from approximately £3000 from 2004 to 2010, and around £1000 from 1998 to 2004. This major rise has prompted the Scottish Government to allow Scottish Universities to charge ‘rest of UK’ students full fees while maintaining a commitment to free tuition to Scottish students and, in line with its current interpretation of the rules, students in other EU member states. UK policy also puts pressure on Scottish Government budgets, since the fee rise was accompanied by a reduction of direct support to English universities. As the Scottish block grant is linked to spending in equivalent service in England, this forced the Scottish Government either to follow the UK lead or to find the money from another part of its budget (KEATING *et al.*, 2012, pp. 293–294). Overall, there is a Scottish-level group-government relationship, but it is more subject than compulsory education to shifting UK agendas.

Primarily Devolved Issues: Health Care

Almost all health-care policy is devolved, although aspects such as pay and conditions, and pensions negotiations and professional training/standards still take place at the UK level. The Scottish arm of the (UK) National Health Service had some distinctive elements before devolution. For example, Scotland is unusually active in professional standards and training, it has a disproportionate number of medical Royal Colleges, and its universities train far more doctors than are employed in Scotland. However, unlike compulsory education, it did not have a separate system and the profession can move more freely across the UK. It implemented UK-wide ‘general management’ and ‘internal market’ reforms in the 1980s and 1990s, with only some scope for differences in the timing and detailed implementation of policy, in the context of ‘greater suspicion’ by the medical profession of their value (HARRISON *et al.*, 1992, p. 114; CAIRNEY, 2002, p. 377). Groups such as the BMA and RCN maintained relationships with the Scottish Office before 1999, but they were not of the nature or scale as in education.

In this context, there has been qualified organisational change in both the Scottish Government and groups. The NHS is still has important UK-wide elements, since it remains a tax-funded service that is generally free at the point of use, and issues such as medical standards and training generally remain UK wide. The Scottish and UK governments often pursue similar policies, such as the maintenance of high profile performance measures such as waiting times, and the centralisation of acute care functions in particular hospitals. Yet, the Scottish Government’s attempt to abolish the NHS internal market, and, more recently, criticise market reforms in England, is significant.

The Scottish branches of professional UK groups—including the BMA, RCN and groups representing the ‘allied health professions’—enjoy high autonomy on Scottish matters but have small staff and budgets (CAIRNEY and MCGARVEY, 2013, p. 166). The Scottish Government’s policy-making approach and agenda compensates to a large extent, since groups can more easily maintain a government presence, particularly when their aims are broadly in line with the government agenda, a feature that is often absent in the UK Government. All focus on Scottish NHS delivery and issues such as Scottish public health. The Royal Colleges of Surgeons and Physicians may monitor the Scottish NHS and bodies such as the Scottish Medicines Consortium, but tend to focus on UK-wide standards and clinical guidelines.

Mental health. The early devolved experience of mental health law reform demonstrates a degree of organisational and cognitive shift, with a range of Scottish-based medical groups and mental health charities coalescing around the Scottish Government's Millan Review from 1999 to 2001. Mental health law reform appeared to confirm differences in the British and Scottish Policy Styles (CAIRNEY, 2009a). The UK Government presided over a 10-year stand-off with groups, followed by legislation that did just enough to be compliant with the European Convention on Human Rights; the Scottish Government oversaw a 2-year consultation process that produced consensus and extensive legislation. Notably, the UK and Scottish legislation was similar in many respects, and groups in Scotland had concerns about the reforms, but they were managed effectively in this new venue. This process was aided by the Scottish Government's ability to manage cross-cutting issues, whereas in the UK the Home Office, which did not enjoy good links with mental health groups, often took charge at the expense of the Department of Health. This case study in mental health is perhaps unrepresentative of British policy-making; it demonstrates the remarkable ability of governments and groups to compartmentalise their disagreements—more consensual processes, on issues such as mental capacity law reform, and health-care reform, took place at the same time and with the same groups (CAIRNEY, 2009a). The example may also exaggerate group satisfaction in Scotland; groups often struggle to maintain policy-maker attention to mental health compared to health care.

Public health. There is a new frame of reference for public health policy in Scotland, with a broad emphasis on the wider determinants of health and specific high profile innovations. The Scottish Parliament banned smoking in public places one year before the UK (CAIRNEY, 2007) and has legislated to introduce a minimum unit price for alcohol (HOLDEN and HAWKINS, 2013). Both measures have major symbolic importance even though Scottish and UK Government aims are very similar.

In tobacco, group-government relationships had already changed markedly in the UK: a strong post-war tobacco industry presence in government networks was replaced, mostly before devolution, by the presence of public health and medical groups (CAIRNEY *et al.*, 2012, p. 112). However, the alcohol industry is still a major part of policy networks in the UK and Scotland. Alcohol controls could prompt a major shift in group-government relationships in Scotland. The minimum pricing policy in particular has shaken up relations. It has been challenged strongly by the industry, with the Scotch Whisky Association leading a court challenge and encouraging the EU to strike down the policy as an infringement on trade (HOLDEN and HAWKINS, 2013, p. 11).

Devolved and 'Europeanised' Issues: Environment, Agriculture and Fishing

Environmental and agricultural policies are made increasingly at the EU level, with scope in Scotland to modify the implementation of policy (CAIRNEY and MCGARVEY, 2013, pp. 165–166). This is a field in which groups, such as National Farmers Union Scotland, may be Scottish or Scottish based, but far more likely to maintain networks with their UK and/or European equivalents.

KEATING (2010, p. 47) identifies a slightly higher probability, compared to the UK, that the Scottish Government will put business and growth before the environment, based largely on its desire to regenerate industry, and less need to address 'developmental pressures' in population-concentrated areas. This image was reinforced by its decision in 2007 to allow Donald Trump to develop a golf course complex in the Aberdeenshire countryside (KEATING, 2010, p. 123). Environmental groups often express a degree of

pragmatism about their relative status compared to the meat and timber industries, and the greater likelihood of the Scottish Government compared to the UK's Department for Environment, Food and Rural Affairs, to use EU funding for farmers rather than environmental schemes (CAIRNEY and MCGARVEY, 2013, pp. 165–166). Certainly, a new focus on 'rural policy' did not disrupt group-government relationships focused on agriculture (JORDAN and HALPIN, 2006). On the other hand, the Scottish Government set some ambitious climate change targets in 2009 and it articulates its economic growth aims in terms of 'sustainability', which allows groups to attach their strategies to Scottish Government aims (KEATING, 2010, p. 122; CAIRNEY, 2011a, p. 181; SCOTTISH GOVERNMENT, 2013a).

Fishing has long been a bone of contention for groups representing commercial companies. In the early years of devolution, there was a tense split between groups, based in Scotland, seeking to oppose the EU Common Fisheries Policy and groups seeking to work with the Scottish Government to influence the outcomes. This has given way to a more Eurosceptic approach in general, often accompanied by a sense that Scottish Government ministers are peripheral to EU negotiations, although the regional management scheme has taken a lot of the heat out of this issue and fishing interests are not making a lot of trouble for the SNP government (KEATING, 2010, p. 84; CAIRNEY, 2011a, p. 112; see also ROSS, 2013).

Primarily Reserved Issues: Economic, Finance, Business, Banks and Employment

Scottish devolution was marked by an unusual combination of spending discretion but from a budget largely set and raised by the Treasury, which controls fiscal and monetary policy. Devolution did not prompt major organisational change, partly because the initial Scottish Government focus was not on business and finance. The Scottish Parliament also briefly provided a venue to challenge landowners, with some sections of Scottish Labour hostile to groups such as the Scottish Landowner's Federation (now the Scottish Rural Property and Business Association). From 2003, the Scottish Government became more interested in economic development, linked to areas such as education and training, job apprenticeships, planning, transport, and regional aid for businesses.

Major banks and businesses still operate in a UK and international economy, and finance and business groups focus on key decisions made in London. There is also a Scottish presence for (mostly UK) groups. Groups such as Scottish Financial Enterprise exist to represent the broad sector—banks, investment managers and brokers, accountants, and lawyers—in Edinburgh, which has the second largest presence in the UK after London. Their focus is specifically on ad hoc Scottish issues, such as the partial location of the Green Investment Bank in Edinburgh (SCOTTISH FINANCIAL ENTERPRISE, 2013). The so-called gang of 5 business groups operating in Scotland (SFE, Confederation of British Industry, Scottish Council for Development and Industry, Scottish Chambers of Commerce, Institute of Directors) formed some personal networks to help present a united voice to the Scottish Government on specific business issues—including planning, education and enterprise. The Federation of Small Businesses in Scotland also maintains an almost exclusive Scottish focus, relying on networks with counterpart bodies in the UK and EU.

The role of unions is mixed. There is a notable devolved or Scottish union presence in education and health. In most other areas, unions retained a UK focus and devolved their organisations minimally, to reflect a retained focus on UK responsibilities such as employment law, UK-wide pay bargaining, pensions and the minimum wage. The main exception, after several years of devolution, was Unison—which represents a

large part of the Scottish health-care workforce, gathers dues in Scotland and has an unusually large staff in Scotland. The Scottish Trades Union Congress (STUC, a separate body from the TUC) became a hub for Scottish Government-union contact, particularly when they jointly produced a ‘concordat’ in 2002 to make STUC-civil service contact more routine. Previously, union-government links often went through Scottish Labour.

There is some evidence of joint working between government, business and unions, but the Scottish Government’s lack of powers undermines its ability to develop ‘its own version of corporatism, binding government, business and unions’ (KEATING, 2010, p. 98). The current SNP-led Scottish Government is now much more focused on its economic development role, and in securing the support of business leaders, partly because the fate of the Scottish economy is at the heart of the Scottish independence debate (SCOTTISH GOVERNMENT, 2013b). If there is a ‘no’ vote in the 2014 referendum, the Scotland Act 2012 will instead introduce further Scottish Government taxation (income, stamp duty and landfill) and borrowing powers (£2.7bn from the Treasury) (CAIRNEY and MCGARVEY, 2013, p. 247).

Energy. Energy is reserved, but the Electricity Act 1989 devolved some functions to Scottish ministers. Furthermore, since 2002, UK ministers have confirmed that any decision on building new nuclear power stations in Scotland would be made by the Scottish Government (CAIRNEY, 2011a, p. 99). From 1999 to 2007, the Labour-Liberal Democrat coalition put off that decision. The SNP Government is pursuing renewable energy—largely by providing a permissive planning environment for off and onshore new wind farms—and rejecting new nuclear stations (MCEWEN and BOMBERG, 2013; TOKE *et al.*, 2013). Energy is therefore an unusual case in which environmental groups and electricity companies need to adapt to territorial policy and a new frame of reference on some aspects of a reserved issue.

Cross-Cutting Issues: Crime and Anti-Social Behaviour, Housing

Crime is a cross-cutting issue in several ways: the UK has reserved some elements, such as the classification of illegal drugs, control of firearms and removal of illegal immigrants; there is a particular incentive for UK and Scottish Governments to cooperate to minimise legal loopholes (CAIRNEY and KEATING, 2004; CAIRNEY and MCGARVEY, 2013, pp. 207–210); there are important overlaps between crime and mental health law; and governments partly link their penal system to welfare- and economic-based rehabilitation programmes.

MCARA (2007, p. 107) and KEATING (2010, p. 251) describe a shift to ‘penal welfarism’ from the 1960s—for example, the Social Work Act 1968 took children under 16 out of the criminal justice system and placed probation services in social work departments. This approach was replaced, at least in government rhetoric, by a focus on more punitive measures during the UK Conservative era (1979–1997)—but the Social Work Act remained and the old approach ‘sustained longer’ in Scotland where ‘the policy community was resilient and Conservative support weak’ (KEATING, 2010, p. 252). Some differences were maintained or accelerated after devolution, with the Liberal Democrat side of the Scottish Government coalition heading justice from 2003 and resisting some of the more punitive UK Labour initiatives.

From 2003 to 2007, Labour took charge in Scotland, partly to present a harder line on crime and introduce anti-social behaviour orders (ASBOs) in line with England, prompting MCARA (2007, pp. 107–108) to note the irony of criminal justice losing its

Scottish identity in the early years of devolution (see also HAMILTON-SMITH and HOPKINS, 2013 on ‘football banning orders’, FBOs, with the Scottish Government following the UK lead until its proposed legislation on sectarian offences in 2011). However, the implementation of ASBOs did not take off in Scotland and, from 2007, the SNP partly changed direction with a focus on rehabilitation and community service for sentences below six months (KEATING, 2010, p. 253), and on ‘prevention’ and ‘early intervention’ in youth justice (MCARA and MCVIE, 2010, p. 73; a preventive approach can also be found in child services—TISDALL and HILL, 2011, p. 32). Beyond these high profile aspects of justice, we can identify the more routine reforms of the statute book, largely by successive governments following the recommendations of the Scottish Law Commission (CAIRNEY, 2011a, pp. 196–197).

Overall, we can identify a high degree of policy community continuity but with change in some areas. Key organisations and actors, including the legal profession and police forces, have long since operated at the Scottish level but, for example, the British Association of Social Workers has benefited from a new territorial venue with a new frame of reference on matters such as mental health law reform. MCARA and MCVIE (2010, p. 74) also report ‘anecdotal evidence’ of ‘stronger and less confrontational relationships with policy and practitioner elites’ associated with its focus on early intervention.

In housing, there is an important mixture of reserved (housing benefits, the ability of local authorities to borrow to build housing) and devolved (social housing regulation, homelessness) elements. Devolution initially produced an important new venue and cognitive frame for groups, with the first Scottish Government prioritising issues such as homelessness and minimum housing standards—producing unusually high reliance on housing and homelessness groups. However, by the next session (2003–2007), the implementation of these policies had faltered (CAIRNEY, 2009b, p. 366) and the Scottish Government had partly moved on to other issues. One new issue was the introduction of rules on ASBOs which could undermine access to social housing homelessness targets (CAIRNEY and MCGARVEY, 2013, p. 189). So, the same groups faced periods of inclusion and exclusion—perhaps exacerbated by the strategies of some (such as Shelter) to challenge Scottish Government and local authorities on their lack of progress.

CONCLUSION

Devolution has produced a new form of group–government relationships in Scotland. The Scottish Government has become the key policy-maker in many areas, and has signalled a strong desire to engage with pressure participants to make policy. This development has prompted groups to reorganise, to allow them to engage regularly with Scottish policy-making institutions, and has allowed relatively small groups to engage, despite having limited resources. Scotland has become a new and important venue for group influence. There is a distinctive Scottish policy agenda with which groups must engage, focused more on the maintenance of ‘universalism’ and less on the ‘marketisation’ of public service provision than in the UK, although the differences should not be exaggerated. There is also some evidence that Scotland has provided a venue conducive to positive relationships between pressure participants, such as ‘tripartite’ relations between national and local government and teacher unions in education. From the Scottish experience, it is difficult to identify ‘regions without regionalism’. Groups seeking to influence policy outcomes in Scotland cannot afford to bypass the Scottish Government and focus simply on the UK or EU.

This was true, to some extent, before 1999 in areas such as education, in which we can identify path dependence in policy and relatively well-established group-government relationships. However, even in such cases, devolution has produced a qualitatively different policy process. The Scottish group-government dynamic changed markedly, to reflect a new Scottish Government task, moving from implementation to formulation. The frame of reference for groups has also changed, to reflect new policy agendas in Scotland. Indeed, devolved arms of UK groups often complain that their UK counterparts do not understand the Scottish agenda.

Yet, if we move from the broad Scottish picture to a focus on individual policy areas, we find a large amount of variation. The formation of new ‘territorial policy communities’ has largely mirrored the devolution process, with the most-devolved areas, such as health and education, and some cross-cutting areas, such as crime and housing, producing the most developed networks. In Europeanised areas, such as agricultural and environmental policy, there are important group-government relationships in Scotland, but as part of a wider multi-level network. Crucially, areas such as economic, welfare and employment policy are still controlled largely by the UK Government, and the UK remains the level at which most unions and business groups operate. There is some evidence of joint working between government, business and unions—and of the Scottish Government trying to establish a strong image of economic competence—but little evidence of the sort of corporatism that we associate with small independent states.

We are now entering a period of uncertainty, caused partly by an ‘age of austerity’, which has the potential to destabilise relationships, when harder choices have to be made and groups may compete more with each other for limited resources. The prospect of a Yes vote in the independence referendum in September 2014 would also mark a major extension of the Scottish group-government arena. However, we are also likely to see a high degree of continuity, as all major political parties have coalesced broadly around a ‘Scottish approach’ (SCOTTISH GOVERNMENT and ESRC, 2013) to policy and policy-making.

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