

Institution: University of Liverpool
Unit of Assessment: 19 – Business and Management Studies
Title of case study: Shaping Devolution in Wales
<p>1. Summary of the impact</p> <p>The impact pertains to material changes instituted in UK devolution, principally in Wales, but increasingly beyond. The impacts on public policy, law and services are:</p> <ul style="list-style-type: none"> ▪ Improved governance, operational and service provision within devolution; ▪ The reconfiguration of the legislative framework for devolution; and ▪ Improved political capacity in Wales to support devolution, including in, but not restricted to, the main political institutions, practices and parties. <p>This impact occurred in the period from 2008-2013 and flowed from research led by Professor Laura McAllister which had identified:</p> <ul style="list-style-type: none"> ▪ The unsustainability of the ‘first’ and ‘second’ devolution settlement for Wales; and ▪ The capacity required to discharge the principal duties of a democratic parliament.
<p>2. Underpinning research</p> <p>The underpinning research is translational in nature, using research findings to identify solutions for real-world problems, and straddles two closely-related themes:</p> <ul style="list-style-type: none"> ▪ The unsustainability of the Government of Wales Acts of 1998 and 2006. McAllister’s research challenged the clarity, coherence and workability of the first and second ‘models’ of devolution that they framed, as well as their impact on the operation of the National Assembly for Wales. ▪ The necessary capacity (defined as the political resources - human, system, legislative, financial, fiscal) to discharge the principal duties of a democratic parliament. <p>The research was undertaken after the advent of devolution in 1999 and up to 2013 by McAllister (Professor, 1998-present), with Liverpool University colleagues Stirbu, PhD 2005-9, and Cole, Lecturer 2007-present.</p> <p>1999-2004: Innovative, exploratory research was conducted between 1998 (first Act) and 2004 (Richard Commission Report), around what McAllister was the first to hypothesise as a flawed devolution model. This identified the core system problems - legislative, administrative and political - and generated subsequent projects around potential ‘solutions’. This work drew on traditional academic research and on McAllister’s active engagement with devolution practitioners, most notably as a member of the Richard Commission on the Powers and Electoral Arrangements for the National Assembly for Wales. Key research findings were: the unsustainability of the first ‘settlement’; that executive devolution was unlikely to survive; and that the Assembly was not ‘fit for purpose’ due to systemic capacity constraints.</p> <p>2005-2007: The early research described above, together with the Richard Commission Report which McAllister co-authored, critiqued the devolution model and articulated the intellectual case for change that then influenced the White Paper, ‘Better Governance for Wales’, 2005, and which precipitated the second Government of Wales Act, 2006. Whilst this Act addressed some of the flaws in the first ‘settlement’ (many of which had been identified and analysed in Section 3.1-3), it left other areas untouched. Significantly, Part IV of the Act included a trigger mechanism for future changes, subject to a popular referendum. Subsequent research by McAllister (and McAllister and Stirbu) on continuing flaws in the legislative process stimulated further investigation of the second research theme - capacity constraints. The key findings were that even with more expansive legislative competence, there remained capacity issues that threatened organisational capability, good governance and public confidence.</p> <p>2008-2013: The political decision to enact Part IV of the Act in 2010 and to trigger a referendum (held in March 2011) referenced system pressure and constraints, and the intelligibility and workability of the ‘settlement’, as key rationales. This stimulated a third stage of research by</p>

McAllister around political capacity. As the Assembly adjusted its own operation to a fluid constitutional remodelling process, with a trajectory for further legislative power, this brought significant pressures for the management of parliamentary and political business by practitioners (specifically, the CEO/Clerk, Presiding Officer, Deputy Presiding Officer, Business Minister, Assembly Commission, Welsh Government officials). McAllister's research developed and was crafted around administrative and political capacity challenges, as well as exploring some potential operational and legislative solutions. This included the function and focus of committees, the management of parliamentary business, and support for politicians, including remuneration, induction, training and staffing.

Some of this research was undertaken during a 14-month secondment to the Assembly Commission, a secondment designed specifically to develop new thinking around capacity.

3. References to the research

1994-2004: (initial exposure of constitutional flaws and critique of first devolution settlement):

1. McAllister, L., (1999), 'The Road to Cardiff Bay: The Process of Establishing the National Assembly for Wales', in *Parliamentary Affairs*, vol. 52, no. 4, pp. 634-648. (ABS rank 2*, impact factor .814)

2005-2008: (development of critique to include capacity challenges from legislative change and the second legislative 'settlement').

2. McAllister, L. and Stirbu, D., (2007), 'Improving the Scrutiny Capacity of the Committee System at the National Assembly for Wales: Lessons from elsewhere', *Policy and Politics*, Vol. 35, No.2, pp. 289-309. (ABS rank 3*, impact factor .697)
3. McAllister, L. and Stirbu, D., (2008), 'Influence, impact and legacy: assessing the Richard Commission's contribution to Wales's evolving constitution', *Representation*, Vol. 44, No. 3, pp. 209-224.

2009-2013: (capacity and ongoing weaknesses in the third 'settlement').

4. McAllister, L. and Kay, A., (2010), 'Core tensions in Wales's new politics: pluralist trends in a majoritarian system', *Public Money and Management*, Vol. 30, issue 2, pp. 103-108. (ABS rank 2*, impact factor .781)
5. McAllister, L. and Cole, M., (2013), 'The 2011 Welsh General Election: an analysis of the latest staging post in the maturing of Welsh politics', *Parliamentary Affairs*, (doi: 10.1093/pa/gss036). (ABS rank 2*, impact factor .814)
6. McAllister, L. and Cole, M., (2013), 'Committee Scrutiny in the UK: an Empirical and Theoretical Evaluation with Relevance for Scrutiny Debates at Local Level', *Local Government Studies* (ABS rank 3*, impact factor .91).

4. Details of the impact

Professor McAllister's research has generated significant and wide-ranging impacts on the development of devolution in Wales since its advent in 1999. However, the impact detailed here occurred between 2008 and 2013. The primary beneficiaries are politicians (Assembly Members, party leaders and CEOs of the four main political parties); practitioners and professional services staff in the Assembly and in wider civil society (specifically, the Assembly Commission, the Presiding Officer, the Chief Executive Officer/Clerk, chair of Business Committee, Remuneration Panel chair, Chief Operating Officer, Director of Assembly Business, chairs of the scrutiny committees); political correspondents in the broadcast media and press; and other academics.

Improved governance, operational and service provision within devolution

Following McAllister's identification of flaws in the initial devolution settlement, she was invited to undertake a 14-month secondment to the Assembly Commission in 2008-9. At the instigation of the Presiding Officer, Lord Dafydd Elis-Thomas and the CEO/Clerk, McAllister conducted a comprehensive review of the operation of the Assembly Committees with a brief, set by the Assembly Commission and its Business Committee, to ensure that the overall political capacity of the Assembly was best utilised. McAllister's research also led to her appointment as expert advisor to the Independent Review of Politicians' Pay and Support for the National Assembly for Wales,

Impact case study (REF3b)

2008-9 and input to the [All Wales Convention Report](#) whose recommendations referenced issues from McAllister's research around constitutional workability and capacity constraints. The findings from McAllister's research were used to guide changes in parliamentary and political business practices to improve capacity, notably:

- An induction and professional development programme for Assembly Members was introduced;
- The Assembly Commission's budget for induction, training and personal development of Members and their staff was substantially increased;
- Changes were made to the operation of Assembly Business in plenary and Committees, including timings, frequency of meetings, agendas, terms of reference and membership; and
- Changes were made to the system of remuneration, pensions and expenses for Assembly Members.

For example, *Getting it Right for Wales* (2009), the report of the Independent Review Panel (above), reflects the research and advice based on it given by McAllister to the Panel, particularly on Assembly Members' training, development and support services (Chapters 3, 4 and 9, especially). Many of the key recommendations of the Panel, for example, improved investment in induction, training and development of elected members, appropriate staffing configurations and consistent and equitable remuneration have subsequently been implemented.

This work has also had impact in other jurisdictions elsewhere in the UK and beyond: McAllister's research was used, for example, by the UK Independent Parliamentary Standards Authority in its review of MPs' expenses, 2009-2010, and as context for Parliamentary reviews elsewhere (e.g. the Northern Ireland Independent Financial Review Panel appointed in 2011).

The reconfiguration of the legislative framework for devolution

Within each stage of legislative change from the first, to the second and third devolution 'settlements' – and from White Paper to Bill to Act to referendum – there is clear evidence that McAllister's original research, critiquing the sustainability of the first settlement and identifying capacity challenges, has played a significant role in shaping the subsequent constitutional developments.

Alongside Lord Richard, McAllister was co-author of the Richard Commission Report 2004, described by the Deputy Presiding Officer as "the most authoritative, constitutional report ever commissioned by a government in the UK." It is widely acknowledged as the benchmark critique of the first settlement and McAllister's work is especially evident in Chapters 2,4,5,9 and 12. Some of its recommendations stimulated the Government of Wales Act 2006; others remain unimplemented but continue to frame the thinking of political practitioners.

McAllister's evidence to the Scrutiny Committee on the White Paper 'Better Governance for Wales', which drew on her early research to propose a series of changes to the first Government of Wales Act 1998, was quoted extensively by MPs and Peers as the subsequent Bill (leading to the 2006 Act) made its parliamentary passage.

Capacity reviews, especially of candidate selection procedures in the political parties in Wales

McAllister's research on capacity issues has also had an impact on political parties in Wales: three of the four main parties invited McAllister to lead advisory sessions on i) capacity management; and ii) election candidate selection, especially on methods and approaches to assist capacity through promoting a diverse slate (in terms of gender, age and ethnic origin). Two parties have since reviewed their recruitment procedures on the basis of the seminars led by McAllister and one continues to liaise with McAllister with regard to producing a wider diversity strategy linked to acknowledged inelastic capacity constraints.

McAllister's impact and influence has been recognised through further appointments. She has

been called as an expert witness on the further devolution of powers to the National Assembly by the [Commission on Devolution in Wales](#), established by the UK Government in 2011. She has also produced further follow-on practical 'think-pieces' for the Assembly Business Committee, delivered specialised Continuing Professional Development/Knowledge Exchange sessions to the Assembly, and has been awarded £1.5K as part of the Institute of Welsh Affairs' *UK's Changing Union* project to develop further her work on political capacity.

5. Sources to corroborate the impact

1. Corroborating statement from Director of Assembly Business, National Assembly for Wales, confirms that work by McAllister has led to material changes in the functioning of devolution, specifically impacting upon the internal architecture of the Assembly through changes to committee systems and members' support. It also indicates the impact of McAllister's work with the Independent Review Panel as well as the significance of its original challenge to the sustainability and capacity of the devolution settlement.
2. Corroborating statement from Chair of Richard Commission and former Leader of the House of Lords corroborates that McAllister's work with his Commission on Devolution constructed the original critique of the flawed first settlement. It also evidences impact by way of shifts in political support for a new Government of Wales Act between 2004-6.

Alongside Lord Richard, McAllister was co-author of the Richard Commission Report. Impact from McAllister's work is especially evident in chapters 2, 4, 5, 9, 12.

3. Corroborating statement from former House of Commons Clerk and Clerk to the National Assembly for Wales, and Chair of the UK Government Commission on Devolution in Wales provides details of impact from McAllister's research across all time phases. It corroborates claims of influencing political thinking which, in turn, stimulated constitutional and legislative change. It also documents specific impact around managing constraints in political capacity and evidences how this impact is being transferred elsewhere in the UK.
4. Corroborating statement from Presiding Officer of National Assembly for Wales indicates impact on changes to training, induction and support services to members, drawing upon McAllister's research on capacity.
5. Former clerk to the Houses of Parliament, Fellow of Magdalen College, Oxford, can be contacted to confirm the impact of research conducted by McAllister to various commissions on devolution and committees on members' support and its impact on new approaches to establishing parliamentary and constitutional good practice.
6. [McAllister's evidence to the Scrutiny Committee](#) on the White Paper, 'Better Governance for Wales' proposed a series of changes to the first Government of Wales Act 1998, based on her research outputs in Section 3. This was extensively quoted by MPs and Peers as the Bill proceeded through its readings in both the Commons and Lords.
7. McAllister has given many [national and international keynote addresses](#) as part of the impact of her work detailed here. These were not simply dissemination vehicles, rather the nature of them (for example, to the Independent Remuneration Board, the Study of Parliament Group and the E-MPA network) entailed discussion with practitioners as to the enactment of the research findings and how impact might best be maximized.
8. Official reports and publications that evidence impact.
 - i. [The Richard Commission Report](#) on the powers and electoral arrangements for the National Assembly for Wales (2004) (see source 2, above).
 - ii. Independent Review Panel (2009) [Getting it Right for Wales](#): An Independent Review of the current arrangements for the financial support of Assembly Members. Cardiff, National Assembly for Wales.