

GOVERNANCE AND PUBLIC POLICY

Diploma stage examination

6 December 2007

MARKING SCHEME



Question 1

- (a) (i) The core executive comprises Ministers, the Cabinet and the Prime Minister. It is responsible for the day-to-day management of government activity and is responsible for the implementation and delivery of policy. 2
- (ii) The House of Commons scrutinises the executive through select committees and through questions put to ministers. 1

Members of select committees are back benchers.

They sit for an entire parliamentary term and select their own Chair.

In practice, the extent to which committee members act independently of their party varies, though many select committees behave in a highly independent manner.

Each select committee focuses on a particular part of the core executive (eg the Public Accounts Committee focuses on financial aspects of the core executive's activities). 2½

Questions may be put to the core executive in one of two ways.

Written questions are generally used to extract factual information from the executive.

Verbal questions are answered on the floor of the Commons. This type of question is often used to "make a point" and gain media coverage rather than to trigger serious scrutiny. Most questions at Prime Minister's Question Time are, for example, of this nature. 2½

Maximum of 3 marks if candidates only refer to one of the two methods of scrutinising the executive

- (iii) The traditional process of parliamentary scrutiny of legislation is as follows.

A Bill is introduced to the House of Commons for first reading, a formal process that presents the Bill to the House.

The Bill then goes for second reading and debate in the House of Commons.

The Bill is then scrutinized by the relevant standing committee of MPs.

The standing committee, at the report stage, presents its findings to the House of Commons, after which the Bill will be debated and possibly amended.

The Bill, including any agreed amendments, goes for third reading in the House of Commons.

The Bill then goes through a similar process in the House of Lords, which may suggest further amendments.

Any amendments by the House of Lords are then considered by the House of Commons.

If the House of Commons accept any Lords' amendments, then it will agree the final version of the Bill.

If the House of Commons does not accept any Lords' amendments, then the Bill will be returned to the Lords and then come back to the Commons (sometimes more than once) before the final version of the Bill is agreed.

½ mark for each stage identified, up to an overall maximum of 4

- (iv) In terms of scrutinising legislation, the House of Commons no longer initiates or strongly influences public policy.
This is largely done by government which, in recent years, has had very large majorities in the House of Commons.
In practice, amendments to Bills are often introduced by government in response to back bench pressure.
But amendments introduced in the House of Commons are very rare. And accepting amendments from the Lords is extremely unusual.

In terms of scrutinising the core executive, the government must explain and defend its actions in parliament. However, the size of recent opposition parties in parliament has been too small to effectively check the actions of the core executive.

This has led, especially during Mr Blair's term of office as prime minister, to criticisms that the UK has moved from a system of parliamentary government to a system of presidential government or elected dictatorship.

1 mark for each point well made, up to a maximum of 4

- (v) Government is in the best position to understand the public interest and should be left, between elections, to get on with the task of governing unhindered.

The government's ultimate responsibility to serve popular wishes is guaranteed by its exposure to general election at the end of the parliamentary term. This is where scrutiny is best exercised.

The Commons is simply an arena for partisan encounters and should have no collective or independent role vis-à-vis the government and executive. Such a role would merely blur the responsibility of the majority party for government policy on which it will be judged at the next election.

Government secrecy is desirable because it discourages too much outside intrusion into government business.

Reform of the electoral system, aimed at reducing the size of government's parliamentary majorities, is undesirable. The current "first past the post" system, though unfair to many smaller political parties, allows one major party to take clear responsibility for the policies and record of the government.

Accountability of the executive to their party members is undesirable because it renders members of the executive less able to act decisively on their own initiative.

*This question is highly subjective. The above arguments come from the OLM, but other equally valid points may be made and should be given full credit
1 mark for each point well made, up to an overall maximum of 4*

(vi) The other functions of the House of Commons are:

Representation: the Commons represents political parties, pressure groups, the constituencies and the electorate. 1

Forum for national debate: the House acts as a focus for national debate on many different kinds of occasion (eg Prime Minister's Question Time, the Queen's Speech, the normal legislative process). 1

School of statesmanship: Although the House no longer selects ministers, ministers are invariably drawn from parliament (especially the Commons) which provides exacting "training and development" for future ministers. 1

Other functions not listed in the OLM, such as "holder of the purse strings," may be mentioned and should be given appropriate credit

(23)

- (b) (i) The terms written and unwritten do not adequately explain the nature of constitutions. 1
More appropriate terms are codified and uncodified. 1
- Codified constitutions can be found in a single document that contains the fundamental laws referred to by *Budge et al.* ½
- Uncodified constitutions cannot be found in a single document. Instead they comprise a system of laws, customs and conventions referred to by *Jones et al.* ½
- The UK constitution is uncodified. Parts of it are written (eg statutory law), but sources are diverse and many are unwritten. The UK Constitution comprises a range of written rules and conventions including: 1
Statute Law (Acts of Parliament). 1
Royal Prerogative (eg declaring war, dissolving parliament) whereby ministers act on behalf of the monarch rather than parliament. 1
Common Law (legal principles developed and applied by courts in the light of custom and precedent set by previous court decisions). 1
Works of Authority (eg Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament* which is used in relation to parliamentary procedures). 1
Conventions (the rules that have become generally accepted – eg cabinet collective responsibility). 1
EU Law (this has precedence over UK law). 1

- (ii) The UK constitution is also unitary and flexible.

Unitary – power is ultimately held by central government. Although some powers have been devolved to regional assemblies and parliaments, central government can change or remove these powers at any time. The regional assemblies' and parliaments' powers stem from central government – their powers are not guaranteed by the constitution. 2

Flexible – uncodified constitutions lend themselves to being relatively easily adjusted to suit changing conditions through, for example, new precedents being set in the courts. But adjustments may, in practice, often be very slow to evolve (eg pressures to reform the House of Lords have had only a very gradual impact).

In contrast, changes to a codified constitution may require special procedures and amendments. 2

- (iii) If a written UK constitution were to replace current arrangements:

The UK constitution would remain unitary unless the new constitution guaranteed the powers of devolved assemblies and parliaments. 1

The UK constitution would become codified (ie contained in a single document) 1

The UK constitution would become relatively inflexible. 1

Answers to this subjective question may vary from those in the marking scheme but, if plausible, should be given appropriate credit

(16)

- (c) (i) Criticisms of the Lords since the 1990s have focused on 3 main areas:

The permanent pro-Conservative bias which resulted from the high number of hereditary peers. 1

Its lack of representation – the overwhelming majority of Lords members were educated at public school, only 8% were women and only 1% from ethnic minorities. 1

The Lords has very rarely changed the government's mind or exposed maladministration and it does not have the resources needed to allow detailed scrutiny of proposed legislation. 1

Credit should be given for any alternative and plausible answers to this question

- (ii) Reform approach of current proposals is to create a mix of elected and appointed members.

Main other approaches are:

Replace the Lords creating a completely new House (probably elected) which could be an effective check on government. 1

Abolish the Lords altogether, creating just a single legislative chamber in parliament. 1

Evaluation of approaches:

This question is subjective. The following points come from the OLM, but other equally valid points may be made and should be given full credit 1 mark for each point well made, up to an overall maximum of 6

Mix of elected/unelected members.	
Advantage(s): Retains expert membership and becomes more democratic.	1
Disadvantages: Still lacks democratic legitimacy plus difficulty in agreeing proportion of elected/unelected members. Patronage associated with appointed members may discredit system.	1
Abolish Lords	
Advantage(s): If an unelected Upper House cannot challenge the Lower House, why have an Upper House? An elected Upper House would simply reflect the Lower House, so why have an Upper House?	1
Disadvantages: A single House cannot provide a check/safeguard against itself.	1
Replace Lords	
Advantage(s): Gives democratic legitimacy. Provides strong check on government.	1
Disadvantages: Who decides which elected House takes precedence?	1
	(11)
	(50)

Question 2

(a) Conventional Model

The official explanation whereby politicians reflect the wishes of the electorate, using the skills of impartial civil servants. 2

Ruling Class

The Marxist view that all involved in government consciously or unconsciously protect the values of the economic ruling class. 2

Pluralist Model

Power is held by various interest groups and the government acts as a neutral arbiter. 2

Corporatism

Interest groups have power over the government, provided that they exert control over their members to ensure that they conform with government decisions. 2

Party Government

Policy is formulated within the party and then adopted by the government. 2

The Whitehall Model

Civil servants are the key originators of policy decisions which reflect the basis of conflict between various departments and offices. 2

Rational Decision Making

Decision makers undertake a logical process of decision making. This fits with the traditional/conventional view that civil servants undertake the analysis and that politicians then base their decisions on the public's wishes. 2

Incrementalism

Policy makers start with the status quo and "muddle through" continually adjusting to new situations. 2

(16)

(b) All models contain an element of truth, but no one model seems to fully explain how decisions are actually made. 1 ½

It is possible to find examples of policy decisions that support each model. 1

But policymaking in reality is an extremely complex process and it is naïve to believe that just one of the 8 models can explain the process. 1½

(4)

(20)

Question 3

- (a) What elements of income or expenditure should be devolved? Who should be responsible? 1
- What elements should be retained centrally? 1
- How should devolved budgets be planned and who should devolve them? 1
- Should the devolved budget be allocated to types of spending (capital, revenue) or as a lump sum? May managers transfer budget from one heading to another? 1
- Who is accountable? 1
- How is performance monitored? 1
- How is performance rewarded or penalized? 1
- (7)
- (b) Cash accounting simply records all income and expenditure at the time where payment was made. As a result, the purchase of new equipment is recorded only for the year of purchase. The value of the purchased assets is not, in future years, recorded as part of organisations' asset base. 2
- Accruals accounting categorizes the budget into current and capital costs and is designed to include the resources that will be used to deliver services. The capital is amortized over its useful life, rather than simply being included with other cash purchases. Capital costs include an allowance for depreciation and a capital charge to reflect the costs of using the assets. 2
- (4)
- (c) Having a budget that lasts more than one year means that managers do not have to rush to spend their budget (or make savings) by the end of the financial year. 1
- Decisions about spending can be made more rationally. For example, having an annual budget could encourage managers to go for short-term solutions; they were now able to take a longer term view, perhaps making a large capital investment that would create savings in the long term. 1 ½
- It allows running costs to be separated from programme budgets. For example, under cash accounting, managers in Social Security offices tried to reduce their staff costs when unemployment was high - they were trying to reduce the overall budget. Under the accruals approach, it is clear that more staff will be needed if the department is to make more social security payments. 1 ½
- (4)
- (15)**

Question 4

- (a) **Executive**
Examples include the BBC, The Arts Council, Commission for Racial Equality 1
- Advisory**
Examples include the Electoral Commission, Advisory Committee on Hazardous Substances 1
- Quasi Judicial**
Examples include Employment Tribunals and Pensions Tribunals 1
- Quasi Independent Economic Regulators**
Examples include the Bank of England 1
- Regulatory**
Examples include the Audit Commission, Ofcom, Food Standards Agency 1
- Cross Cutting**
Examples include the Social Exclusion Unit and the New Deal Taskforce 1
- (6)
- (b) **Patronage**
Quango membership is decided by politicians, leading to accusations of political partisanship. 1 ½
- Accountability and the Democratic Deficit**
Quangos are not directly accountable to the electorate. They often meet in secret and there is no formal system for scrutinizing their performance. 1 ½
- Fragmentation**
A system of running the country through around 20 Whitehall departments and a few hundred local authorities has, in part, been replaced by about 6,000 Quangos, involving around 70,000 appointments by ministers. 1 ½
- This inevitably leads to inefficiency arising from the overlap of functions of different Quangos. 1 ½
- Inefficiency**
In 1994, the House of Commons Public Accounts Committee found that many Quangos were operated inefficiently. 1 ½
- As a result a number of new audit organisations (around 150 in total) were formed with an annual budget of £900 million. Examples of these organisations include the National Audit Office, formed in 1983, and the Office of Public Service. 1 ½
- (9)
- (15)

Question 5

- (a) Candidates are required to describe any three of the following major constitutional changes.

Independence of the Bank of England

This emphasized New Labour's aim to devolve power, in this case the power to control interest rates.

In practice, however, the Bank's power is limited by the requirement to meet an inflation target (CPI of 2%) set by the Treasury.

If actual inflation rises above 3% or falls below 1%, the BoE Governor must write an explanatory letter to the Treasury.

Human Rights

The Human Rights Act was passed in 1998.

This incorporates into UK law the European Convention on Human Rights which empowers the courts to strike down British secondary legislation that is inconsistent.

It is too early to assess the likely impact of the 1998 Act as there are currently many cases, with potentially important constitutional implications, before the courts.

Devolution

The Scotland Act 1998 gave significant powers to the Scottish parliament (e.g. powers relating to social, educational, local government, agriculture, transport and economic development).

The Government of Wales Act 1998 gives the Welsh assembly fewer service responsibilities with no tax raising powers.

The Good Friday Agreement of 1998 (confirmed in June 1998 by a referendum) gave similar powers to the Northern Ireland Assembly as had been given to the Scottish parliament.

The Greater London Authority Act 1999 created a system with an elected mayor and assembly with wide-ranging powers.

House of Lords

The House of Lords Act 1999 removed most hereditary peers, leaving power with the life peers.

The second stage of reforming the Lords has been discussed at length.

In March 2007, the Commons voted to make the Lords into an entirely elected assembly, but it is likely to be some time before further progress towards this objective is achieved.

Electoral Reform and Referenda

Reform has occurred in Scotland, Wales, Northern Ireland and London.

There has also been reform of European elections, with a range of additional members and a regional list system.

There have been no changes in the system of electing MPs to the Commons, reflecting at least in part the fear that any move towards a PR system would lead to weaker coalition government in the Commons.

Labour has increased the use of referenda on major national issues. It held 4 within 2 years of coming to office and has promised two more, one on a new electoral system and the other on the UK joining the euro when the time is right.

Freedom of Information

The Freedom of Information Act 2000 gives additional rights of access to information held by public authorities.

However, other legislation such as the Terrorism Act 2000 has significantly increased government powers to collect information on individuals and organisations.

In addition, the Regulation of Investigatory Powers Act 2000 gives government access to electronic information not previously available to it.

1 mark for each point well made, up to a maximum of 3 marks per constitutional change and an overall maximum of (9)

- (b)** Labour had been in opposition for 18 years and the fear that it might not win another election made constitutional reform more attractive.

Many were dismayed by what they regarded as the Conservative government's (1979-97) excessive secrecy, disregard for individual and group rights, and increasing concentration of power in the party's own hands.

The lack of power of backbench MPs in all major political parties.

Although the House of Lords acted as a constitutional backstop, its large Conservative majority on most issues meant that it rarely opposed Conservative government measures.

Labour's acceptance of a Scottish parliament, which they would expect to dominate, was seen as a small but necessary price to pay for heading off the SNP and sidelining the Conservative Party in Scotland.

Once the Scottish Parliament was conceded, it followed that the Welsh should have an Assembly of their own and perhaps the English regions and the large metropolitan areas as well.

1 mark for each point well made, up to an overall maximum of (6)

(15)