



POWER MOVES:

Exploring Power and Influence in the UK

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The **Rural Programme** examines and promotes ways in which rural communities across the UK and Ireland can be empowered to shape and influence change and works to ensure that rural priorities are fully recognised by decision makers. The programme began with the establishment of the Commission for Rural Community Development in 2004 in the light of significant political, environmental and economic challenges affecting rural areas. The Commission's work is now complete and the findings are contained in the report 'A Charter for Rural Communities.' To date, a core part of the work has been the Rural Action Research Programme. Carnegie has worked with over 40 partners to demonstrate cost effective, community-led solutions to the challenges facing rural areas. Now the Rural Programme is now leading on the creation of a 'community of practice' (with participation from community activists, professional community development workers, policy makers and funders) and the implementation of the ideas set out in the Charter for Rural Communities in real places.

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Foreword



'Democracy is not a static thing. It is an everlasting march' (Franklin D. Roosevelt, 1935).

Observers disagree on where we are on that march. On the one hand, we have a 'democratic deficit' with low levels of voter turnout and low levels of trust in politicians. On the other hand, we have a growing number of civil society associations, acknowledged and embraced by politicians of all persuasions. But how do civil society associations and democracy relate to each other? How, if at all, do civil society associations contribute to democracy? Are they, as some might suggest, powerless in the face of other interests? How much room is there for ordinary citizens to shape the decisions that affect our daily lives, beyond or in addition to the ballot box?

This report tells the stories of four recent policy decisions and examines the role of civil society associations in influencing those decisions. These four stories, which examine the issues of energy, school dinners, equalities and English language teaching, illustrate the complexity of power, and the way in which power moves between issues and over time.

The message from these stories is largely positive. However disadvantaged they may be, citizens, working together, can and do influence decisions. But effective influence requires more than demonstrations and placards (though in some cases those have a place). We hope that these stories will be of value to civil society associations in thinking through the tools and strategies – the power moves – they need to adopt, and the spaces they can occupy, to ensure that their voices are not merely broadcast but are also received.

This report has been developed as part of the Trust's Democracy and Civil Society Programme and specifically in relation to the Trust's interest in how civil society associations apply and engage with power and influence.

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Introduction

Focus of the Report

“Participation”, “civil society” and “citizen engagement” are now part of the political lexicon. Increasingly, such concepts are frequently discussed – often with a view to encouraging *more discussion*.¹ For example, in 2007 the UK government’s Office of the Third Sector (OTS) published a review of the third sector (non-governmental organisations) emphasising “voice” and campaigning as a key role. However, the third sector is clearly not the only sector with a voice, and is not the only means by which citizens may engage with decisions that affect their lives. In addition to the ballot box, citizens may, in theory, exercise power both individually and collectively, via various organisations such as political parties, faith-based organisations, trade unions, occupational interest groups and so on.

But is the idea that citizens can influence decisions affecting their lives, by whatever means, an illusion? Put crudely, who really has power, and do some groups and interests in British society have a lot more power and influence than others? What space is there for “ordinary” citizens to exert influence? Who participates in determining policy outcomes and decision-making and through what structures and by what means? In particular, what power do the socially and economically most disadvantaged have? These issues underpinned Carnegie UK Trust’s desire to look more closely at power and influence in contemporary society.

Power, in the sense of the ability to influence change, is not evenly distributed. In addition to the concentrations of power within government, the corporate world, the media and among the rich, various studies demonstrate that public participation through the third sector is dominated by the middle class who have greater access to the resources required for participation, mobilisation and influence (Weir et al 2008). But power is complex and who has it and who does not varies over time, between regions (and devolved governments) and between issues. Power may be exercised in the interests of the powerful, as well as by those with power in the interests of the powerless.

Power entails control over resources, but those resources are more complex than money. One of the more powerful resources illustrated in this report is the power to set the agenda and the terms of consultation/power sharing. As the case studies demonstrate, the “powerless” may have more power than they tend to assume; there are various levers which ordinary people can grasp including civil and political rights, the ombudsman service, statutory and other rules. But to be effective, power has to be mobilised.

A literature review

In seeking to help citizens and civil society associations, in particular those keen to address social injustice and to strengthen the voice of the less powerful in society, the Carnegie UK Trust began by commissioning a literature review from Democratic Audit.² The purpose of the review was to draw together existing knowledge of:

- how power and influence is defined and understood, and which agencies/individuals are most powerful in influencing change;
- how the distribution of power and influence impacts on decision-making and, in particular, how it influences those that are least advantaged;
- the effectiveness of civil society groups in influencing change;
- the current gaps in understanding and where the Carnegie UK Trust could most effectively channel its resources.

As the literature review noted: “Political power is important, because it constitutes the very fabric of politics, and of society itself, and determines how the benefits and opportunities of life in the United Kingdom are shared between its inhabitants and communities. Remarkably, however, empirical study of power in the UK is, as the sociologist Anthony Giddens wrote 30 years ago, ‘almost uncharted territory’, and this generally remains the case; Anthony Sampson’s *Anatomy of Britain* series from 1965 to 2004 represents virtually a one-man show.”

Case studies of power and influence

Following the literature review, the Trust commissioned four detailed case studies of examples of recent policy change in which various civil society groups were involved. The case studies were designed to tell real-life stories of how people had influenced change and to explore how, where and when influence was brought to bear effectively, and not so effectively. The case studies relate to changes in policy to do with school meals, energy, provision of education for students with low-level English and sexual discrimination in provision of goods and services.

Exploring Power and Influence

Power in Britain Today

What does the literature tell us about the ability of ordinary citizens to exert political power and influence?

Collective action

The literature on political power pays considerable attention to collective action and the obstacles/difficulties of dispersed individuals in coming together to take collective action. But recent protests and campaigns (see box below) suggest that these obstacles can be overcome even among supposedly disadvantaged groups. In recent years, the Internet has played an important role in some of these examples.

Some key UK civil society protests and campaigns 1997–2007

Animal welfare

- Disruptions of hunting with hounds
- Releasing animals from mink farms
- Actions against animal experimentation
- Protests against the policy of destroying livestock in the foot and mouth epidemic

Capitalism and globalisation

- May Day protests against capitalism
- International demonstrations involving UK activists at meetings of international financial organisations
- Mass demonstrations in UK cities demanding international debt cancellation
- The Gate Gourmet workers' actions
- "Make Poverty History" and Jubilee 2000
- Fair trade campaigns

The environment and transport

- Actions against road-building and airport extensions
- "Reclaim the streets" protests against traffic and pollution
- Blockades of fuel distribution in protest against high fuel duties
- Modbury ban on plastic bags
- Transition towns movement (lessening reliance on oil)

Farming and the countryside

- Countryside Alliance demonstrations against neglect of rural needs and hunting ban
- Farmers' blockades of ports and supermarkets in protest at the import of cheap meat
- Mass trespasses by walkers demanding open access to the countryside
- Destruction of trial genetically modified (GM) crops
- Campaign against post office closures

Social justice and racial disadvantage

- Campaign for public inquiry into police handling of Stephen Lawrence's murder
- Mass protests by Asian youth in Oldham, Burnley and Bradford
- Protest demonstration in Brixton against the police shooting of a black youth
- The McCartney sisters protest against their brother's murder
- Protests against deportations of asylum seekers

Social policy and welfare

- Demonstrations by the disabled against changes to benefit regulations
- Campaigns and demonstrations against hospital closures
- Unofficial referendum in Scotland to keep "clause 28" ban on local authority support for homosexuality
- Fathers for Justice protest over access to children
- Hospital closures campaigns
- Campaigns against PFI (private finance initiative) schemes
- Campaign in defence of council housing
- Service families' campaign against service conditions
- Various patients' campaigns against NHS refusals of cancer and other drugs
- Numerous self-help associations of sufferers from medical conditions
- Parents' and other campaigns against deaths caused by dangerous driving

Vigilantism

- Actions to force known or suspected paedophiles from their homes and neighbourhoods
- Campaign to identify the killers of James Bulger on release from detention

War and weapons of mass destruction

- Mass campaign to ban handguns ("Snowdrop" campaign)
- Campaign to ban the use of landmines
- Protest against Trident base in Scotland
- Invasion of Menwith Hill communications base in protest against its use in "Star Wars" programme
- Anti-Iraq war rallies and marches and some children's demonstrations
- Direct actions seeking to disable United States Air Force (USAF) bombers on eve of bombardment of Iraq
- Anti-Trident campaign

What is common to all these actions and campaigns is a shared sense of anger or grievance about a situation or policy decision that is perceived as damaging to people's well-being, whether that of the activists involved or those they care about. In some cases, the action is reactive to a policy decision by a powerful public or private body that affects people negatively (for example, post office or hospital closures, Gate Gourmet workers, Trident missile replacement, the Iraq war). In other cases, the action is *proactive* in the sense that the activity seeks to remedy a failure of those in power to take action (for example, Jubilee 2000, Fair Trade, police inaction over the Stephen Lawrence murder, the Modbury ban on plastic bags, the transition towns movement). It is the shared sense of grievance or injustice among a relevant public that provides the "fuel" for the campaign, but it usually requires one or two individuals to provide the "spark" that sets it alight, while existing informal networks or organisations typically give additional "combustibility".

But does it work?

Assessing the impact or “success” of these citizen actions is more difficult than explaining why they occur in the first place. Impact is fairly clear where actions lead to a reversal of a contested policy decision, as in the climb-down of the Greene King brewery in the face of the Lewes pub boycott, or the courts’ reversal of a local NHS decision to refuse a cancer drug. Impact is less clear where a policy is modified in the face of protest rather than being abandoned outright.

Yet politics is not a zero-sum game; compromise is a part of its fabric; and even a failure to reverse a contested decision can lead to a change in the calculations under which future decisions are made. A classic example was the campaign against the Newbury bypass; it did not succeed in stopping the bypass, but by hugely inflating the cost of security for such developments, it led to the more contentious road plans being abandoned for a decade. Here the “law of anticipated reactions” can work in campaigners’ favour.

Then there are other more indirect effects, such as influencing the climate of public opinion within which government and corporations have to work, but whose precise impact is more difficult to assess. The global demonstrations against the Iraq war could not stop it happening, but they are said to have influenced the UN Security Council’s decision to deny it international legitimacy, which in turn had significant consequences for the course of the occupation.

The struggle for legitimacy, or “reputation” is an important part of what is at issue in these campaigns. As one of the Lewes pub campaigners remarked: “We’ve shown that it’s possible for a small group of committed people to change the mind of a huge company. We knew the loss of trade was hardly going to make a dent in their huge profits, but the loss of reputation would really make them think, so that’s what we had to aim for, and we succeeded.”

At its most basic, power is the ability people have to achieve their purposes, whatever these purposes happen to be. The extent of their power depends on a combination of their capacities, resources and opportunities. Power as so defined is unequally distributed within British society – some people and some groups have greater power than others. The inequalities in political and social power are not random but are structured by capital, class, gender, ethnicity, age and so on.

Processes of exclusion, typically embodied in rules and laws, which prohibit access to key resources, and which determine who may use or possess them, are central to the social organisation of power. Rules of property and land-ownership are the most obvious example of these rules. But social attitudes and socially necessary skills and activities also become a source of power through rules of exclusion and access – leading, for example, to discriminatory practices on the one hand and differentials in education and qualifications on the other.

Power is also relational, that is, it is structured and exercised in relations between people in a variety of ways. People’s capacity to achieve their purposes can be realised *through* others, by influence or persuasion; it can be realised over others, by the power to grant or withhold some resource or service that they need, or by virtue of a position of authority; it can be realised with others, through co-operation and organisation in a common enterprise or activity. And, of course, all three modes – through, over and with – can occur simultaneously, and in both private and public contexts.

The ability to form groups is crucial to the acquisition of power: political and social power always depends upon a coalition of interests. It is typical of the relatively powerless in the basic sense (those with limited resources and opportunities) that they need to co-operate with others to achieve their purposes; but they are also particularly vulnerable to “collective action problems” – the disincentives and obstacles to forming a coalition. The unemployed are a classic example of a so-called “latent” pressure group, that is large but geographically dispersed, heterogeneous and short of any of the “power resources” described above.

In modern societies, relational power is structured and concentrated in institutional systems of authority in the economy and state (defined broadly), and in the shifting patterns of relationship between them. One characteristic of the present phase is that of private and voluntary enterprises taking over public functions previously carried out by elected authorities.

However, two features are common to all institutions and corporate bodies in a democracy, regardless of whether they are operating in the private or public sectors:

- They have to meet certain publicly validated criteria of legitimacy, both for the way they are organised (accountability etc) and for what they do (satisfying needs, not causing harm etc). While these criteria for legitimacy both reinforce and set limits to institutional power, public challenges to them can form among the most serious challenges to that power.
- These institutional systems of authority also have to provide space for the voices of different groups of stakeholders, whether as citizens, consumers, shareholders or whatever, including opportunities for individual complaint or redress. Though these spaces are enormously varied in form and extent, they are typically controlled from above.

A simple further aspect of “power” is the “law of anticipated reactions”, which draws out the logic of power as an ability or capacity. Suppose you have the capacity to jump over a three-foot wall. You do not have to be continually exercising the capacity by jumping over walls to retain it – the capacity remains even if it is unused. Similarly with power: people adjust their behaviour in the context of the powerful because of their anticipations of how they may react if they do not, without power having to be exercised or even made explicit. This logic is what explains the “invisible face” of power.

In contrast, the power of the relatively powerless has typically to be visibly exercised, sometimes in apparently confrontational or disruptive ways, if it is to achieve any effect. “Participation” refers to the visible exercise of a latent capacity in collaboration with others, which is only effective through its public manifestation.

Power is not an unchanging or finite resource, but is a fluid entity that has differing effect and impact in different circumstances and between actors, depending often on whether actors are in agreement or opposition. A powerful authority may accept a proposal or demand from others if it is in the authority’s interests, or reject it when it is not.

Power in all the modes outlined above is affected by the prevailing ideas and beliefs of the respective players – from beliefs about their respective powers, to the wider ideas, ideologies, “common sense of the age” etc, which structure what is thought possible and desirable. As Keynes noted, “[The] ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed, the world is ruled by little else.”

“Non-decisions” – determining what is on and what is off the political agenda – are not necessarily the result of people working intentionally to prevent the consideration of certain courses of action (though, of course, that happens), but are often the product of deeply engrained mind-sets. Naturally, the power to shape or influence ideas is one of the most significant powers there is, though tracing the precise nature and course of such influence is rarely easy.³

Analysing power

The case studies presented in this report draw on the approaches outlined above, paying particular attention to actors, levers, resources and spaces, and the interaction of these.

Power as resources

Keith Dowding's (1996) book *Power* identifies the different kinds of resource through which people are able to get others to do what they want. Dowding starts from the notion that actors are powerful because of the resources they bring when they are bargaining with other actors. David Beetham (1991) draws attention to a further aspect of power: the way its acceptability and effectiveness depend upon its degree of legitimacy.

Drawing on these two approaches, there are five resources that are important in determining an actor's power:

- An actor's ability to structure the choices others make. The incentives are unconditional in the sense that the second actor bears the costs or receives the advantages no matter what they do.
- An actor's capacity to affect people's choices through offers or threats, or "thoffers"
- The ability of an actor, such as the state, to make and enforce laws.
- The ability to withhold, discover, publish or disseminate information can be crucial. Knowledge and information are important power resources.
- The ability to harness reputation, including for example, celebrity approval or drive (Bob Geldof and Bono, Jamie Oliver etc), a pressure group's reputation for sound research (Child Poverty Action Group) or for "making waves" (Greenpeace), or the mafia's reputation for relentless pursuit of its threats and interests.

Faces of power

In the context of public policy, Steven Lukes' classic *Power, a Radical View*⁴ distinguishes three different dimensions or "faces" of power: the public face, the hidden face, and an "insidious" third face. These dimensions are:

- the ability to get one's way despite opposition or resistance;
- the ability to keep issues off the political agenda in the first place;
- the shaping of the public domain through the beliefs, values and wants that are considered normal or acceptable; or the process "through which the relatively powerless come to internalise and accept their own condition, and thus might not be aware of nor act upon their interests in any observable way."

John Gaventa (2007) extends Lukes' multi-dimensional approach to power in the public domain by adding, first, different spatial levels (supra-national, national, sub-national), and, secondly, setting out a typology of "spaces for participation". Gaventa distinguishes between closed, invited, created or claimed spaces.

Closed spaces

Although decisions taken at national level may be the product of a range of pressures including electoral calculations, interest groups, the media and so on, closed spaces, within which political actors make decisions *behind closed doors* – often without even the pretence of extending the opportunities for inclusion – are common in the UK.

For example, the discussions that lead to the UK's participation in inter-governmental organisations (IGOs) and foreign policy in general are secret. Policy and decision-making within global institutions and bodies like NATO are opaque. The deliberations of the EU Council of Ministers are confidential. The 2004 Butler Review (a government-commissioned inquiry into the intelligence relating to Iraq's weapons of mass destruction⁵) found that a "small number of key ministers, officials and military officers" provided the "framework of [government]

discussion and decision-making” on war with Iraq in a series of 25 meetings between April 2002 and the invasion, thus limiting wider cabinet discussion and by-passing the concerns of many MPs, the churches and a majority of the public.

Invited spaces

Efforts to facilitate participation and to move from closed to “open” spaces have created what Gaventa calls “invited spaces” into which people may be invited to participate as citizens, beneficiaries or users by various kinds of authorities, be they central or local government, supra-national agencies, quasi-governmental bodies or NGOs. Within the UK, such spaces are opening up at every level, from a representative gathering of people at No. 10 Downing Street – a kind of super focus group – to citizens’ juries, citizen panels, user programmes and other mechanisms by assorted bodies at local level. However, it is important to be aware of the purposes and limits of these spaces (see Weir et al for further discussion.)

In such spaces, formal power may be more diffusely shared between authorities and members of the public and groups of citizens or users may be empowered. Organised people’s groups or individuals may attempt to use such spaces to engage with the authorities and may even shift from advocacy strategies to collaboration, or more likely, to adopt a mixture of both.

On the other hand, it is the authorities that determine the agenda for such openings and they are often seeking consent or its appearance for policies on which they are already decided; consultation may be used to fine-tune policy rather than set agendas. Key figures – officials in central government offices, say, or local councillors jealous of their elected status – may limit the opportunities for citizens and communities to participate fully, or head off proposals or ideas that they dislike.

Created/claimed spaces

These are the spaces for action and participation claimed by “less powerful actors from or against the power holders, or created autonomously by them”, though very often relatively powerful actors such as Bob Geldof or Jamie Oliver lend the weight of their fame, or reputation, to particular causes. Creation of these spaces breaks down into two broad categories – structured, through formal civil society associations or social movements, and unstructured often ad hoc campaigns and protests, though they overlap and metamorphose. For example, unstructured protests or groups very often overcome Dowding’s “collective action problems” and form into short- or long-term associations.

Even at global level, citizens can unite across the world and claim and create a broad space that can have a profound effect on public policy. For instance, John Gaventa has analysed how the global movement, that came to be known as Jubilee 2000, managed in less than ten years to put the impact of debt on poor nations on the public agenda across the world, informing and mobilising millions of people. This broad coalition of people from 60 countries finally brought about debt cancellation for dozens of developing nations, “with tangible effects in some places on education, housing and health care”.

Gaventa explains how the coalition aligned itself across both “vertical” and “horizontal” dimensions of power:

- vertically, it mobilised globally at G7, World Bank, Paris Club and other gatherings, nationally with organisations and campaigns in over 60 countries, and locally linking with groups such as the Ugandan Debt Network;
- horizontally, it not only challenged and made transparent the deliberations in relatively closed spaces, it also took advantage of new opportunities for consultation and negotiation in invited spaces.

There is no systematic published analysis of claimed and created spaces, as there is with at least a sample of invited spaces. To get some grasp on this, Weir et al present a list of protests and campaigns since 1997, reflecting the diversity of activity around claimed or created spaces (see box, p5–6).

The case studies: cross-case study analysis

The four examples of power and influence in action illustrated in this report took place at, and over, particular times and in the context of a particular government and particular policy concerns and orientations. They were also played out in wider social and political contexts. The effects of these contexts, and the way in which they changed over time, are outlined in each case study.

One note of caution: the case studies are based on published material and on interviews with selected actors; while every effort has been made to include a range of views, the case studies – like all case studies – necessarily provide a partial picture. The case studies are presented in rough date order – but even this is misleading in the sense that it is questionable when each issue “began”. For example, the Sexual Orientation Regulations (SOR) came to public and policy prominence in 2006, but it would be easy to argue that this issue dates back decades, to the beginnings of concerns around equality.

Key themes from the case studies

The case studies draw on the concepts outlined above illustrating the use of created/claimed, invited and closed spaces. They also illustrate that exerting influence is more complex than might be assumed. Exercising effective influence requires passion and persistence; conversation more often than demonstration; visibility, an evidence base and reputation. It involves careful attention to timing, clever framing of issues, exploiting inconsistencies, and providing constructive solutions. Exercising influence involves collaboration, co-ordination and compromise, networks and relationships, and using existing legal frameworks.

The four case studies provide rich and diverse illustrations of the role and complexity of the exercise of political power and influence by civil society and other organisations and actors.

In addition, they illustrate both high levels of citizen influence and a lack of citizen influence – contrast the *ESOL* (English for Speakers of Other Languages) and *School Meals* cases with that of the *2006 Energy Review*. They also provide examples of “expected” and “unexpected” power; it might have been expected that in the *SORs* (Sexual Orientation Regulations) case the churches would have “won”, and in the *ESOL* case that the significantly disadvantaged students would have “lost”.

The cases also remind us that “winning” and “losing” may be transitory. How and when do we measure “success”? Changing or not changing policy is one thing, implementation is another. For example, the 2006 Energy Review arose at least in part because the City did not financially support the conclusions of the 2003 Energy Review; the policy on school meals may have changed but whether or not children will actually eat the meals is another matter.

These two examples raise another consideration: the power of people to vote with their feet before and after the event. In some cases, citizens may fail to influence policy but may still be able to influence whether or not it works; in other cases – such as policy on nuclear energy and other major infrastructure decisions – citizens may be left with few choices once policy is enacted. (It is also worth noting the point made by some college managers in the *ESOL* case that there is often space to interpret and translate policy in creative ways).

Looking across the four cases reveals some interesting issues in applying the notion of spaces. First, there is an issue to do with where some events/actors/processes belong. For example, where does debate in the House of Commons and the Lords fit? Historically the Commons could be seen as a claimed space but at another level it could be seen as an invited or closed space. Second, the cases raise questions about the links between spaces. For example, in the *School Meals* case, the use of a created space prompted the creation of the School Meals Review Panel – an invited space.

Traditionally, civil society associations have probably been seen as exerting influence by working in created or claimed spaces, most obviously and visibly via demonstrations and petitions. If we look at these case studies (again the caveat that these are only four cases), we see that created/claimed spaces were important in three of the four.

Created/claimed spaces

School Meals – general press and media coverage of issues to do with healthy eating and school meals in particular; Channel 4 website; Jamie Oliver website.

Energy Review – little effective use of created spaces by civil society associations.

Sexual Orientation Regulations (SORs) – Labour Campaign for Lesbian and Gay Rights (LCLGR) campaign and motion at the Labour party conference; use of the media primarily by the Catholic church; public demonstrations notably by Christian Concern for Our Nation; use of the Internet by Stonewall and others.

English for Speakers of Other Languages (ESOL) – media coverage; debate in the House of Commons and use of the media; public street protest; colleges, community organisations and unions including use of the Internet and Google discussion group.

One of the interesting points in the above list is the way in which groups creatively looked for spaces to claim. For example, in the *SORs* case LCLGR claimed a political space within the Labour party conference agenda; Jamie Oliver (with the backing of Channel 4) claimed a space on television (and on the associated website) in the *School Meals* case; MPs effectively used an Early Day Motion (EDM) in the *ESOL* case, even though EDMs are not usually regarded as effective.

But the case studies also illustrate the importance of invited spaces.

Invited spaces

School Meals – School Meals Review Panel composed of invited interest groups (but widely regarded as being a good mix of interests); government consultation on school meals guidelines.

Energy review – eight Department of Trade and Industry (DTI) organized regional seminars as part of the consultations.

SORs – public consultation on proposals contained in Getting Equal document; debate in the House of Lords; ministerial dialogue with civil society associations.

ESOL – KPMG review 2005 (consulting ESOL students among others); National Institute of Adult Continuing Education (NIACE) Committee of Inquiry into ESOL; Race Equality Impact Assessment (REIA) consultation.

In these invited spaces, it seems that consultation may be most effective in leading to delay and debate, as a policy-making tool for finessing regulations and exemptions (eg in the case of *SORs*), and in mitigating negative impacts (as in the *ESOL* case).

Closed spaces also exist.

Closed spaces

School Meals – ultimately a policy decision driven by the Prime Minister and fuelled by Jamie Oliver, but input by a range of actors including the School Meals Review Panel and civil servants.

Energy Review – decision-making said to revolve around the Prime Minister and a small number of advisers and senior civil servants.

SORs – private discussions between Labour MPs and ministers “to assemble a blocking majority in cabinet” (because *SORs* were being brought through by means of a Statutory Instrument, they could not be amended in the House of Commons).

ESOL – cabinet; Learning and Skills Council (LSC) and Department for Education and Skills (DfES) strategy meetings (in which NIACE also sometimes participated).

The case studies suggest that “closed spaces” are more complex than might be assumed. First, government/governance styles can be more or less open. Second, processes can be more or less closed. For example, SORs were brought through by statutory instrument rather than primary legislation and so could not be amended in the House of Commons, but the House of Lords played a role in the battle for SORs. Third, power moves; for example, the power of backbench MPs and party members is different at different times as illustrated in the *SORs* case at the time of the deputy leadership battle within the Labour Party and when Tony Blair was less strong in his leadership.

As discussed in more detail below, the picture is far from bleak for civil society associations. Using the right resources, they can create spaces, they can access invited spaces and they can even access closed spaces. And it seems that they are able to overcome collective action problems illustrated in particular by effective use of the Internet in all but one case.

Resources

So what do the case studies tell us about necessary resources to influence decisions made in closed, invited and created spaces? Perhaps the first message for civil society associations is that exerting influence is more complex than might be assumed. If the average person were asked to name examples of effective citizen action, he/she might mention highly visible and vociferous demonstrations by people with passion. In other words, the assumption might be that the resources of passion and profile are exercised via the claimed space of public demonstration to produce success. These four case studies suggest that this perception of ingredients for effective influence is sometimes insufficient.

Passion and commitment

Passion and commitment are important but the case studies suggest that they are not enough. The churches felt passionately about adoption agencies, the environmental organisations felt passionately about nuclear energy, the school meals campaigners (long before Jamie Oliver) felt passionately about children’s nutrition – but passion alone did not win the argument.

Demonstration or conversation?

Public demonstration was only important (and then only as part of the mix) in the *ESOL* case. The claimed space of demonstration played little part in the *Energy*, *SORs* (the churches used demonstration but lost) or *School Meals* campaigns – although in the latter it might be argued that the Internet acted as a virtual street. In the *SORs* case, the churches and Stonewall attempted to exercise influence via direct talks with ministers and talked of the need to educate not alienate; similarly, conversation played a dominant role in stages of the *School Meals* case. It is worth reflecting here that the biggest public demonstration of recent decades – against the war in Iraq – had no effect on the decision to go to war.

But the role of conversation may depend on the issue, the environment and the stage in the process. More confrontational methods may sometimes create spaces and may be most appropriate as a “last resort” and/or as a way of re-opening or overturning an existing agenda.

Publicity/visibility

The case studies provide mixed and complex messages on the role of visibility and profile – and the media – in effective citizen influence. The role of the media is, in any case, a complex issue in that the media are both a resource and a space. In the *School Meals* and *ESOL* cases, the media and publicity appear to have been a key resource. In the *Energy* case, the lack of media attention may have been important but in the *SORs* case, the churches sought and gained more media coverage than their opponents and yet they still failed to win their case. One simple lesson may be that publicity can be a powerful resource around election times and on populist issues. And, as we discuss below, the media and publicity may be very important in how issues are framed and in getting issues on to, and up, the political agenda. But like other ingredients in the mix, they are often insufficient alone to bring about change.

Media coverage may sometimes entail a tension between coverage and playing into popular stereotypes, as in the *ESOL* case. Nevertheless, the media can be a voice for the disempowered, not least because hearing their stories may be a novelty making good coverage.

In getting media coverage, high-profile champions may be very helpful. Jamie Oliver with his image of sincerity, and his knowledge and communication skills was perfect for the school meals issue but for the media there may also have been a question about the story. For example, was the school meals story about Jamie Oliver or about school meals and children's nutrition? In this case, Oliver did not co-opt to the detriment of the desired policy change – but it is debatable whether the media would have seen a story without him.

Champions

Champions played a key role in each of the case studies. Key individuals may perform various roles from gaining publicity and profile, to lending reputation and legitimacy to, as one respondent put it, “leap frogging the small steps” (as, for example, Oliver did in school meals and Tony Blair did in the energy case). In the *School Meals* case, the champion was a celebrity – but if every case were championed by a celebrity then we could end up with “Star Wars”. It is also worth noting that champions are not necessarily transferable across issues or time; for example, Blair played a crucial role in the *School Meals* and *Energy* cases but was less important in the other two cases.

An evidence base

A sound, clear evidence base was a significant resource in all four cases. The school meals groups had developed a solid evidence base over many years, on which Oliver subsequently drew. In the *SORs* case, Stonewall used examples of real-life discrimination, whereas the Catholic church could only point to “what might be”. In the *Energy* case, the renewables sector clearly did not have the resources to match the nuclear lobby, and their evidence was fragmented, stale and difficult to communicate.

The *School Meals* case, however, also suggests that evidence alone is not enough; although there had been some work (especially in Scotland), there had been no large-scale policy response in England to very sound research over a number of years. In this case, the addition of a high-profile champion and the coming together of various agendas gave the research profile.

Human stories

Evidence is not only about solid data and statistics. Making issues “live” and real – telling human stories – is also a powerful tool. In the *Energy* case, no one tried to make issues surrounding energy “human”, and it is clear that many citizens do not question their energy sources. In the *SORs* case, Stonewall and others used evidence from the consultation to collect real-life stories of discrimination. In the *ESOL* case, human stories and voices were powerful. In the *School Meals* case, Oliver’s television programme and campaign brought to life in an accessible way what the research had already revealed. The overall lesson may be that effective evidence requires a “human face” for some audiences and purposes, and a more nuanced, and harder, face for others.

Reputation

A sound, well-researched evidence base is one source of reputation – another resource for influence. But reputation may also come from a sound track record (for example, NIACE gave “authoritative legitimacy” in the *ESOL* case). Champions may also provide reputation. But reputation is tricky. For example, there is no question that the churches and their representatives have reputation but arguably the problem in the *SORs* case was that they were seen to have a vested interest in opposing the changes.

Time and timing

Time is clearly a hugely valuable resource, as is timing. Social change is rarely dramatic, more often taking years to achieve as in, for example, the *School Meals* and the *SORs* cases. Similarly, the issue of nuclear energy had been on and off the political agenda for decades. Keeping up to date, gathering evidence, building networks, bridging and bonding all require persistence and time.

But timing is important, too. For example, in the *ESOL* case, the cost-cutting around ESOL was badly timed relative to the cohesion agenda. In the *Energy* case, the change in policy between 2003 and 2006 was in part a matter of timing related to heightened fears of energy insecurity and growing concerns about climate change.

Timing may be a matter of luck or it may be one of spotting and exploiting links and opportunities. For example, the nuclear energy lobby linked itself with concerns around the environment (using the phrase “low carbon energy of choice”); in the *SORs* case, the Labour Campaign for Lesbian and Gay Rights (LCLGR) used a decision by Bromley Council to ban civil partnership ceremonies in its town hall as a hook or trigger for opposition.

Timing in the political environment may also be important; for example, the proximity of a general election in the *School Meals* case, and a deputy leadership election in the Labour Party in the *SORs* case. In the latter, it may also have been important that, at the time, the Conservative Party presented little opposition partly because David Cameron was attempting to position the party as being more “liberal” and “modern”.

Persistence and timing raise a question as to whether you can plan or engineer a new momentum (as Oliver did in relation to school meals).

Framing

The way in which issues are framed (and re-framed) is enormously important. As already mentioned, the nuclear lobby successfully re-framed, or re-branded, nuclear energy as the “low carbon energy of choice”. The school meals groups publicly framed school meals as related to obesity and the burden on public health; in Scotland, school meals were re-framed as a health issue not a commercial service. Framing and re-framing

works at various levels and stages; for example, at one stage in the *ESOL* case, the supporters of *ESOL* as a free service attempted to re-frame the proposed cuts as a false economy in the light of the costs of translation of essential information.

Interestingly, the Catholic church attempted to re-frame the *SORs* in terms of “a new secularist intolerance”, the role of religious bodies in the public realm and “against hundreds of years of British history”, presumably attempting to build wider support.

Framing and re-framing are partly a matter of hitching issues to agendas that are already rolling or have some support, and partly one of choosing the right “verbal levers” or buzz words. At any given moment, there are likely to be words and phrases that almost automatically generate support. For example, in the *SORs* case, both sides used the language of “rights”; “security” played a role in both the *Energy Review* case and the *ESOL* case (unintegrated immigrants are “dangerous”); “low carbon” was used to good effect in the *Energy* case; “health”, “obesity” and “achievement” were similarly used in relation to school meals. The problem is that verbal levers and discourses change and groups wishing to exert influence must be constantly alert to pick up on and appropriate the new.

Inconsistency and cross-ministry opportunities

Pointing to inconsistency is a powerful weapon. For example, in the *SORs* case, those in favour of the proposed legislation claimed parity with religious discrimination; in the *ESOL* case, the inconsistency of cuts with the government’s cohesion and integration agenda was highlighted; and in the *School Meals* case, it was the gap between policy actions and stated policy agendas to do with obesity and health. In some cases, highlighting inconsistencies means exploiting spaces between ministries and highlighting opportunities for creative, constructive cross-ministry budgeting.

Interestingly, in the *Energy* case, exploiting spaces between ministries and “constructive” cross-ministry budgeting did not really exist in 2006, since the consultation was run by the DTI alone.

Constructive solutions

Politics is the art of the feasible. Constructive criticism and solutions can be very effective resources in engaging and persuading. For example, NIACE were seen by a number of actors to have played a constructive role in the *ESOL* case, as were Stonewall in the *SORs* case.

Constructive solutions are especially effective if they involve demonstrable examples; demonstrable examples show that something can be done and, in some cases, create a precedent and a space for inconsistency. The school meals groups could point to experience of implementation in Scotland. Peter Hain’s decision to impose *SORs* without religious exemptions in Northern Ireland created both example and precedent. Arguably, one of the weaknesses of the renewables/alternative energy lobby was that they did not have – or did not present – constructive solutions.

Willingness to collaborate and compromise is another element in a constructive approach.

Collaboration, co-ordination and compromise

Collaboration, co-ordination and compromise are related in so far as effective collaboration requires co-ordination/orchestration and, usually, some degree of compromise. Each played some part in the *School Meals*, *ESOL* and *SORs* cases. For example, the School Meals Panel represented a willingness to supersede potential divisions of professional expertise and to come together; the *ESOL* groups accepted the need for an umbrella group and the image of a united front under UCU; the resolution on *SORs* at the Labour party conference required compromise. Given that politics is the art of compromise, it is perhaps surprising how little it is discussed – possibly because it sits uneasily with the passion and conviction characteristic of many civil society associations.

But, collaboration and a united front did not work for the churches in the *SORs* case – perhaps because they were confronted by the united front of cross-party support. Arguably, what the renewables and alternative energy lobbies lacked was a united front and being willing to collaborate. Less fragmentation and a willingness to pool resources might have contributed to production of materials effectively to counter those of the nuclear lobby. Furthermore, had the alternative energy sector had a Jamie Oliver-type figure head, they might well have been stronger.

Allies are sometimes found in unlikely places. Support may come as a trade-off or part of another agenda. For example, in the *SORs* case, there was Anglican support for the Catholic church in order to hold the churches together at a difficult time; and David Cameron’s lack of opposition to *SORs* was related in part to a desire to position the Conservative Party favourably with liberal-minded voters.

In both the *ESOL* and *School Meals* cases, the Internet played an important role in providing either or both an information hub and rallying point for collaboration and co-ordination.

Networks and relationships

Pre-existing relationships matter. In the *Energy* case, the nuclear lobby clearly used its pre-existing relationships with policy-makers, as did NIACE and University and College Union (UCU) in the *ESOL* case. In the *SORs* case, both Stonewall and the churches had good networks and relationships within government – in this case “establishment” relationships were not sufficient to ensure that the churches’ views held sway.

It is worth noting the comment by one interviewee that a potential danger of good established networks and relationships may be being perceived as a familiar and partial voice. This relates back to the point above concerning reputation as a resource.

The *ESOL* case also illustrates the importance of pre-existing relationships and networks, and vehicles for their creation, among the less powerful. College membership provided a geographical and social meeting point, a bonding opportunity and an information base in the form of mailing lists, to overcome some collective action problems for a very disadvantaged group.

New networks and relationships may also be significant as the Google discussion group in the *ESOL* case demonstrates. As noted above, the Internet potentially provides a powerful networking and co-ordinating resource, and an information hub.

Of course, the more subtle resources connected to power – such as relationships and dialogue with policy-makers, networks, evidence base – are most likely to be accessible to the professional classes. “Professional” advocacy and campaigning groups may access and create these resources, but the “ear” of the minister and/or a network of powerful people is beyond the reach of many civil society actors/associations.

Legal frameworks

Networks and relationships are both a resource and a way of making spaces. The same might be said of legal frameworks. These provide spaces for consultation as in the *ESOL* and *Energy Review* cases. In the *ESOL* case, the Race Equality Impact Assessment (REIA) also functioned as a face-saving device in what was to many a policy u-turn.

Two other points are also worth highlighting. The first is the role of European law (which civil society associations might see as a closed space) in triggering change in the political agenda and opening up debate as in the *SORs* case (beyond the power of Westminster). The second is the importance of the power to set targets and other performance measures (e.g. the Department for Education and Skills and Learning and Skills Council in *ESOL*).

Finally, it is worth repeating the point that political power varies – between places and governments and administrations, as well as between issues and over time.

Implications for civil society associations

The following implications for civil society associations have been teased out from the analysis of the four case studies that follow. They offer suggestions (rather than a blueprint) of the ‘power moves’ that civil society associations can plan and execute to effectively apply and engage with power and influence to affect change.

- Political influence involves a mix of ingredients and resources, working together and at appropriate times.
- Passion and “having a case”, as a driving force, are an important part of the mix but rarely sufficient alone.
- Conversation with those who have the power to bring about change, if you can gain access, may be as powerful, if not more powerful, than public demonstration.
- The importance of media coverage may vary at different times in the electoral cycle. Media coverage is important not merely in mobilising support but also in reflecting how issues are framed and their place on the political agenda.
- A sound evidence base is crucial but not sufficient. Evidence has to be effectively used and communicated.
- Telling human stories, making issues live and real is important in gaining broad support and giving voice to the disempowered.
- Evidence, track record and champions may contribute to reputation – another important resource.
- Effective influence for change requires persistence and attention to timing. Timing may be a matter of patience and luck but it is important to look for links and opportunities. For example, look for links with other policies and issues, and study the wider political environment.
- Build capacity for the long haul and consider ways in which you can maintain momentum and inject new blood.
- Pay attention to the way your issue is framed, and how it might be re-framed to play into other established current concerns.
- Build capacity to spot upcoming issues.
- Choosing the right “verbal levers” is important. Those wanting to exert influence need to keep up to date with new verbal levers and buzz words.
- Those wanting to exert influence need to be alert to inconsistencies between policies and opportunities to exploit cross-ministry relationships. They also need to be alert to subtle, and not so subtle, changes in power.
- Constructive solutions rather than opposition and criticism are effective levers for influence. If you can provide demonstrable examples, so much the better.
- Collaboration, co-ordination and compromise may be difficult and time consuming – but they can be effective.
- Allies may be found in unlikely places. “Unlikely” allies often give an additional legitimacy, and multiple attachments can generate wider interest and support.
- The Internet is a potentially powerful resource in collaboration and compromise.
- Pre-existing relationships matter, and groups need to develop rich and varied relationships. But relationships do not guarantee success. The Internet is a potentially powerful networking resource, and may be a means of bringing together isolated individuals and groups.
- Consultation is neither a “red herring” nor a “magic bullet”.
- Do not underestimate the potential of legal frameworks as both a resource and a vehicle for making or entering spaces.
- EU decision-making may seem more remote but it is no more closed than decision-making at Westminster.

The above cross case-study analysis has drawn out some of the key themes that emerged from the four case-studies that follow. These four stories provide rich and diverse illustrations of the role and complexity of the exercise of power and influence by civil society associations and other agents of change.

Diana Leat

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Footnotes

¹ See the working definition of civil society used to inform the work of the Carnegie Inquiry into the Future of Civil Society at http://democracy.carnegieuktrust.org.uk/civil_society/what_is_civil_society

² See Weir et al 2008. To help the Carnegie UK Trust shape its work on power and influence, the Trust commissioned the Democratic Audit to undertake a literature review. The report is available in full on the Carnegie website: www.carnegieuktrust.org.uk. To obtain a hard copy of this literature review please contact: Democratic Audit, Denmore Lodge, Brunswick Gardens, Cambridge, CB5 8DQ.

³ For further conclusions from the literature review, see Weir et al 2008.

⁴ Second edition, Palgrave Macmillan 2005.

⁵ http://news.bbc.co.uk/nol/shared/bsp/hi/pdfs/14_07_04_butler.pdf

Appetite for change: School meals policy in the limelight 2005

RAND Europe

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Executive summary

This case study examines the Government's decision in 2005 to establish new nutritional standards for school meals. This case is well known for the part played by Jamie Oliver, the celebrity chef, but there were many others involved too. This study aims to identify some of those involved, consider the tools, resources and mechanisms through which they accessed the policy process, and where possible reflect on their impact.

The case study finds that:

School meals play a central role in children's nutrition. In a survey carried out by the Local Authority Caterers Association in 1999, 22% of parents said that they rely on school meals to ensure a balanced diet for their children and 60% said that school meals played a vital role in their children's diet. The centrality of school meals in children's nutrition has helped make school food the subject of campaigning and research for many years. Since full deregulation of provision and standards in 1988, a number of groups have been campaigning to raise awareness of the link between children's health and school food.

Campaigning and research had been building up for years. Campaigning and research by organisations like the Child Poverty Action Group, the Caroline Walker Trust, the Health Education Trust and the Soil Association among others helped to build both the case for intervention in the quality of school food and a body of knowledge about how it might be done. Work from within government and other organisations reinforced awareness of the relationship between school meals and health and strengthened the case for intervention.

Jamie Oliver's 2005 TV show and campaign built on and amplified existing calls for change. The advice of campaigners, academics, experts and practitioners in the field of school meals informed the television programme, *Jamie's School Dinners*, and the *Feed Me Better* campaign. Oliver's profile and celebrity, together with sound research and a well-designed campaign, popularised and amplified the demands of existing campaigners.

The policy changes themselves were broadly welcomed by most stakeholders. The School Meals Review Panel was created to prescribe changes to school meals. It consisted of representatives from a range of groups with an interest in the delivery of school food (including campaign organisations, the catering industry and schools). There was almost unanimous agreement on the panel on the introduction of nutritional standards and the banning or restriction of certain types of food from the school canteen. The School Food Trust was set up to help schools implement the standards. However, there were complaints from some, particularly those with knowledge of the delivery side of school meals, that perhaps the process was too quick, creating challenges for implementation.

Traditional media appear to have been a lever for influencing opinion and the policy agenda. Over five million viewers tuned into *Jamie's School Dinners*. This television programme highlighted issues that had been promoted by school meals campaigners for many years. The programme succeeded at presenting some of the problems with school meals in a way that was engaging and accessible to members of the public. However, access to public platforms such as the mainstream media requires the ability to draw on a range of resources, tools and levers. Jamie Oliver's fame, knowledge (of food in particular) and track record in popular television meant that he was able to use the media in a way many other campaigners could or would not. For professional campaign organisations such as the Soil Association, having the resources to develop campaign-oriented media-friendly materials, backed up by sound research, was key to accessing press and media coverage.

The media allowed the wider public to engage with the debate on school meals policy. The media, and in particular the Internet, were among the few spaces where members of the general public were able to engage in the debate about school food. Members of the public were able to participate in the 12-week consultation the Government opened in advance of the adoption of the School Meals Review Panel's recommended guidelines for school meals. People were also able to post their comments on the Channel 4 website message boards, and participate in the forum on Jamie Oliver's own site. In February and March 2005 (when the programme was broadcast) Oliver's website generated five million hits. Oliver also encouraged people to sign an online petition for presentation to the Prime Minister, for which over 270,000 names were gathered.

Different campaigners and groups have different skills for influencing policy. One example of the different impact of these campaigning organisations includes the work of the Caroline Walker Trust. This used its nutritional expertise to develop a set of scientifically based nutritional standards, providing the basis for the standards eventually adopted in 2005 following a 12-week consultation period on the proposals. The Soil Association also used its campaigning and lobbying techniques (backed up by robust research) to publicise the need for change to school meals provision.

Timing and credibility may be important factors in success at influencing policy. It appears that timing may have been an important factor in the success of Jamie Oliver's campaign. By 2005, evidence of rising levels of obesity and ill health in the population provoked concern among experts and policy-makers; there was also increased public awareness of health problems caused by a nutritionally poor diet. The growing concern was in part the result of high-profile research, such as the 2004 House of Commons Health Committee report. At the same time, people were beginning to understand the link between poor diet and eating habits picked up during childhood. Campaigners and experts had already been developing a set of possible solutions to address the issue, some of which had been successfully implemented, notably in Scotland. This meant that by the time *Jamie's School Dinners* appeared, the time was ripe for change, built on and supported by credible research, and with a focus on suggested solutions.

Effective implementation may benefit from stakeholder engagement. Evidence from research conducted by Ofsted (the Office for Standards in Education, Children's Services and Skills) and the Local Authority Caterers Association suggests that, following the introduction of the new standards, uptake of school meals fell by up to 25% *in some schools*, although this decline was not uniform.¹ In those schools that experienced decline in uptake, arguably this was at least in part due to the negative portrayal of school meals in Jamie Oliver's programme that some may have mistakenly taken as representative of all school meals, even those that were not of poor quality. In schools in which there was not such a decline, it appears that one of the keys to sustaining take-up may have been prioritisation by head teachers and senior managers successfully to engage parents and children through the implementation of the changing policy. The Department for Children, Schools and Families and the School Food Trust have a range of initiatives aimed at engaging local authorities, head teachers, parents and pupils in delivery.

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Introduction

In 2005, the issue of school dinners rose to prominence on the public policy agenda. Contributing to this prominence, celebrity chef Jamie Oliver made a highly successful TV series, accompanied by a campaign to improve the quality of food that children are offered in school. Over 270,000 members of the public signed an online petition that was part of the campaign. Oliver delivered the petition to 10 Downing Street, requesting improvements to school meals. The groundswell in public opinion around the issue appears to have contributed to galvanising the involvement and commitment of the Prime Minister. However, the allocation of further funding that ensued was the culmination of years of groundwork by campaigners, as well as being facilitated by the interest of policy officials and the timeliness and skill of the Oliver campaign. This case study tells the story of the change of school meals policy and the factors that appear to have influenced the change in 2005.

At the centre of Oliver's *Feed Me Better* campaign was a five-point "Manifesto", calling for:

- guaranteed nutritionally balanced meals for school children;
- the introduction of nutritional standards and banning of junk food from schools;
- training and support, more food preparation time and better kitchens for dinner ladies or catering staff;
- the reintroduction of cookery, food and nutrition to the curriculum;
- long-term funding for the improvement of school food.²

Following a meeting between Tony Blair and Oliver, the Prime Minister committed the government to immediate action, investing £220 million in improving the lunches served to children. This included a new set of nutritional guidelines to be drawn up by a panel of experts and other stakeholders, and a further £15 million earmarked for the establishment of the School Food Trust to take forward the panel's recommendations.

Oliver's programme and campaign were clearly important in stimulating the government to act. However, it would be mistaken to regard them as the only influence on school meals policy. There were other organisations and factors in the environment and timing that appear from our research to have been important including:

- health campaigners and organisations, including the Caroline Walker Trust and the Child Poverty Action Group,³ had been lobbying for improved school meals since the early 1990s;
- one particular NGO campaign, Food for Life (more below), helped raise the profile of the issue through media-savvy campaigning, including the use of provocative language such as "muck off a truck" as a description of poor school meals;
- the show tapped an increasing public and policy concern with childhood obesity and diet-related ill health; for example, the House of Commons Health Committee report of 2004 stated that, if continued unchecked, childhood obesity could reach 50% by 2020;⁴
- as Blair himself said soon after his meeting with Oliver, the government had been working on the issue for "quite a long time".⁵ Between 1998 and 2005, there had been a number of initiatives, particularly from the Department for Education and Skills (DfES) and the Department of Health (DoH), designed to find acceptable ways to improve the quality of food served to young people, including for example Choosing Health.

Therefore, while Oliver was an important catalyst in the process, he was by no means the only voice calling for change, or the only actor influencing the decision to raise standards and increase investment in school meals.

In addition, the debate on the nutritional quality of school meals was, and still is, embedded in wider policy agendas of public health and social justice, not only in the UK but also in Europe as a whole.⁶ Growing national and European concern over the burden of diet-related diseases on the public health system has generated interest in finding levers for change. UK and European research shows that there is an inverse relationship between levels of overweight and obesity on the one hand, and educational qualifications and socio-economic status on the other.⁷ School meals have come to be seen as one means of tackling health problems that disproportionately affect the underprivileged.

As such, provision of healthier school meals can be seen as part of a wider emergent strategy in Europe and the UK to promote social justice, equity and improved outcomes for disadvantaged groups.

This case study is based on document and literature review, as well as interviews with individuals inside and outside the policy process with an interest in school meals. The case study aims to identify the main actors involved at various stages of the decision to improve school meals in 2005, their interests in policy change, and where decisions were taken. As a single case study, this research maps out what happened in the process of the changing policy, including some of the related events, research, campaigns and proposals at the time.⁸ However, it is not possible to know whether one event or circumstance *caused* another, or was a necessary precondition. This is because we do not know “what did not happen” or “what would have happened if”. It is nonetheless worth maintaining awareness of other possible questions or outcomes of the process while tracing through the process that unfolded. For example, rising concern over diet, nutrition and health could have led to a preoccupation with a range of different issues and challenges other than school meals policy – concern over packaging, advertising, supermarket stock, etc. No other related issue rose to such prominence, obtained such public recognition and support, or received such significant response from government at the time.

We have built up a picture of the process of change from our review and from interviews in which participants were asked about their perspective on what happened and why, and given the opportunity to comment on and verify the case study as a whole. It is hoped that the experience and expertise of these participants in the field of school meals policy, and our process of building up the case study from a range of views and sources, has allowed us to draw out findings from the research that may be informative and useful for others interested in the policy process and in bringing about change. From our document reviews, participant interviews and our validation process, we aimed to get as balanced a picture as possible of how the policy change unfolded and (to the extent possible) what resources and levers may have been instrumental in that change. Further research and other case studies on levers and resources that appear to be associated with policy changes would add to our understanding of whether and how these levers and resources might be applied more widely.

The story: Appetite for change

The background to school meals policy

Changes to school meals policy from 1906 until 1980 increasingly positioned school meals as a public service (see Appendix 1). However, the 1980 Education Act changed school meals provision in a number of important ways. First, instead of a compulsory, nationally provided service, school meals became a discretionary local one (except in the case of those children entitled to free school meals); second, the Act removed the obligation for meals to be sold at fixed prices; third, the Act eliminated any requirement to meet formal nutritional standards; finally, the entitlement to free school milk was abolished. Caterers were increasingly expected to provide meals with no subsidy, or provide for those on free school meals only. As one interviewee in this case study commented, after deregulation many local authorities opted out of a meal service altogether and many school kitchens began to close.

Since deregulation of school catering, a number of inquiries, campaigns, governmental and non-governmental reports have highlighted an urgent need to improve nutrition among the young. According to one campaigner, changes in the 1980s “ended up driving down costs at the expense of quality”. Another interviewee in this research explained that, by the early 1990s, concern about nutrition in schools was rising among non-governmental organisations (NGOs) and activists; and in 1992, more than 50 different organisations joined together in the School Meals Campaign to put the nutritional case for school meals. The early 1990s also saw the appearance of a number of important and influential initiatives. This same interviewee noted that Professor Tim Lang of *Parents for Safe Food* devised and advocated a “whole school” approach to nutrition, insisting that including pupils in devising new menus was paramount and that schools needed to look beyond the canteen, to the messages in classrooms and corridors. At the same time, the Caroline Walker Trust convened a working group to formulate scientifically based nutritional guidelines, which remain viewed as a “gold standard”. Additionally, research by the Health Education Trust (HET) stated that if children were offered food

of higher nutritional value, they would accept it, and put together a series of toolkits for schools to work towards change. While there was little official response to these activities, they laid the foundations for later developments.

A series of government initiatives from 1998 to 2001, such as the National Healthy Schools Programme and the Nutritional Standards for School Lunches regulations⁹, were welcome, but for many campaigners they did not go far enough.¹⁰

By 2002, however, the concern of campaigners and NHS staff dealing with obesity problems was being echoed by experts, MPs and others. A decisive event was the release of the Scottish Executive's report, *Hungry for Success*: "it is doubtful if the awareness of alternatives would have developed as early as it did in the absence of *Hungry for Success* in Scotland".¹¹ The report highlighted that school meals should be regarded more as a health service than a commercial service and introduced into policy for the first time the "whole school approach" that had been advocated by Tim Lang ten years earlier.¹²

In 2003 the Soil Association (SA), backed up by the *Hungry for Success* report and inspired by the on-the-ground expertise of Jeanette Orrey and Lizzie Vann's campaigning expertise, initiated a crucial intervention in the form of its *Food for Life* campaign, which would have an important influence on Jamie Oliver's more dramatic one in 2005. According to one participant in this research, the campaign suggested that much of the food available in schools was "muck off a truck" and recommended that a similar initiative as that proposed for Scotland in *Hungry for Success* should be set up in England and Wales.¹³ The significance of the SA's role should not be underestimated as it contributed to raising awareness and influenced Oliver, the government and the media in the run-up to policy change.

At the same time, pressure was building from other quarters. A 2004 House of Commons Health Committee Report projected that, on the basis of existing trends, the obesity rate among children would reach 50% by 2020.¹⁴ The report recognised the crucial role of healthy school meals in tackling this problem, and was highly critical of what it saw as the government's failure to address the issue. In the same year, another attempt from government came when the *Healthy Living Blueprint for Schools* was launched by the Department for Education and Skills.¹⁵ The scheme set out to revise school-meal standards, provide support for heads and governors in tendering and monitoring catering contracts, as well as training for catering staff. Further, in November 2004 the government White Paper "Choosing Health" and the subsequent delivery plan "Choosing a Better Diet" included a government commitment to revise primary and secondary school meal standards and strongly to consider introducing nutrient-based standards.

Readiness for change

Around the time of the *Food for Life* campaign, Jamie Oliver conceived the idea for the TV series *Jamie's School Dinners*. Oliver wanted to run a campaign alongside the programme that would grab the attention and support of the public. The campaign and programme appear to have succeeded at achieving this. Alongside the series that was watched by five million viewers, the *Feed Me Better* campaign website generated five million hits, thanks to "parents, teachers and dinner ladies [who] swarmed onto the... discussion forum with stories and suggestions".¹⁶ The campaign rapidly captured the imagination of the public and politicians: a petition on the website generated over 270,000 signatures, while MPs from most parties signed an early day motion in support.¹⁷

In March 2005, Oliver presented the petition to Tony Blair. The response from government was swift. The government pledged £220 million to invest in school meals over three years, with additional funds for the DfES to set up the School Food Trust to give independent support and advice to schools.¹⁸ In addition, the School Meals Review Panel was set up by the government to review current standards in school meals and make recommendations for how they should change. The panel consisted of a range of key stakeholders including head teachers, governors, school and public-sector caterers, trade unions, public-health experts, dieticians and nutritionists, consumer and environmental groups, as well as representatives from the food industry. The panel's report, *Turning the Tables: Transforming School Food*, contained numerous recommendations, including nutrient standards and strategies to maximise access to healthier food while reducing the availability of less-healthy food.

The report was widely welcomed and the government endorsed its recommendations. The new standards were to come into force from September 2006 and be fully implemented by 2009. In line with this agenda and in addition to the £220 million mentioned above, there has been further allocation of funds and investment of resources including a further £0.5 million for the School Food Trust (bringing the total for the trust to £15.5 million from 2005-2008); up to £4 million for training centres for school catering staff (known as school FEASTS); 2008-11 £240 million direct subsidy for direct costs of school lunches; and £21 million for the School Food Trust.

It appears from this discussion that, over the course of 20 years, campaigning activity and research evidence raised awareness that action was needed. Jamie Oliver's intervention helped stimulate the government into decisive action, resulting in the 2005 policy decisions and further funding. The next section looks more closely at the actors involved, their roles in the process and the resources they used to access it.

Reflection and analysis

This section, which focuses on the key contributors to change in school meals policy in 2005, addresses the following questions:

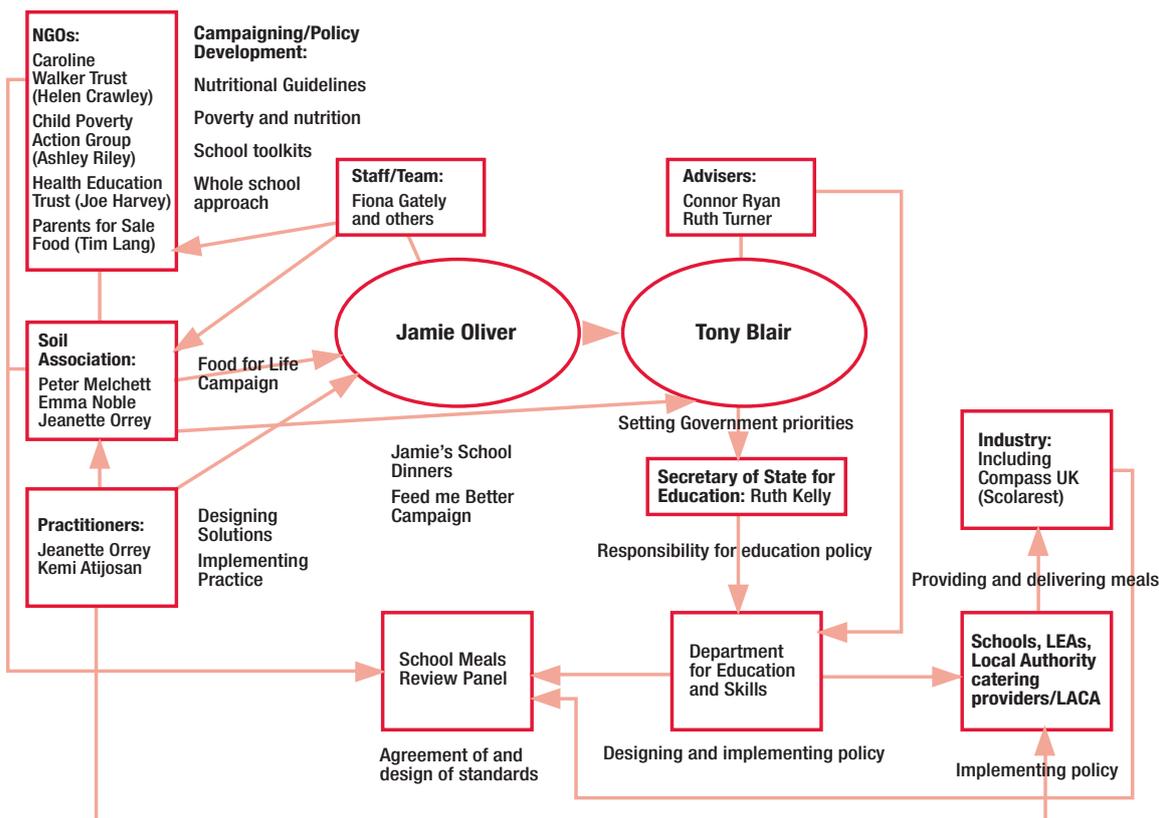
- Who were the key actors in this policy change? In what spheres did they operate (eg government, civil society, business)? How did various actors from various spheres interact to inform the current policy environment?
- Were there stakeholders who seemed to have less influence, impact or meaningful input than others? If so, is it possible to draw out any consequences of this?
- What resources were used to access power? What levers and mechanisms were used by various actors and stakeholders to influence the policy process?
- What were the social, political and economic environments in which actors were operating, and in which power was exercised (or not)? What aspects of the policy environment appear to have influenced the government's possibilities for action?

The political context at the time of the change in school meals policy in the run up to 2005 was one of rising concern over diet, nutrition and health. As mentioned above, this concern could have led to a preoccupation with any of several different issues and challenges other than school meals policy. Arguably, this focus on school food reflects the concerns highlighted by the particular actors who laid the groundwork and took the agenda forward. We orient the discussion that follows around key actors in the process identified by our research. However, actors succeed in influencing policy and exercising power by drawing on resources at their disposal, some of which may be explicit and recognisable as tools (such as reports and the ability to articulate them clearly), and others that are more difficult to pinpoint (such as the ability to go with the grain of a given political climate and situation). We therefore also follow the section on actors by drawing out the tools, levers and resources the actors appear to have been able to draw upon, and point to any notable aspects of the political or physical/geographic space that appear to have been key to the relevant actors' engagement with school meals policy.

Actors, levers and resources

This section identifies key actors and their part in the policy process, as well as resources, tools and levers facilitating access to the process. These actors have been categorised as follows: NGOs and activists; government; independent practitioners; and the School Meals Review Panel. A number of key individuals and organisations are identified separately. The figure below provides an overview of the most significant actors involved in the process, and maps some of the relationships between them.

Figure 1: Relationship map of actors identified in the case study research



NGOs and activists

This group included the Child Poverty Action Group, the Caroline Walker Trust, the Health Education Trust, Parents for Safe Food, and many other organisations involved directly or indirectly in the campaign for nutritional standards for school food. Over time the activity of these organisations and the individuals within them helped build an information base informing a new policy direction. They contributed to defining the issues, and designed possible solutions, some of which were adopted. Their work formed part of the building evidence base around school food that appears to have contributed to creating the conditions for change in 2005.

Organisation and co-operation between various NGOs and activists were key to what was achieved in the early stages of campaigning. For organisations like the Child Poverty Action Group, the Caroline Walker Trust and the Health Education Trust, seeking the introduction of nutritional standards into school meals service, the achievement of their goals was a relatively long process. These organisations used academic expertise, a preparedness to work together on the whole, and the conviction and persistence to engage government gradually and begin to address the issues with which they were concerned. They did so by co-operating in the School Meals Campaign, and through the use of campaigning and lobbying techniques, research and the

development of policy solutions. The work of the Soil Association was important: the launch of the *Food for Life* campaign inspired by Jeanette Orrey generated wide media coverage, and their link with Jeanette Orrey – former “dinner lady” and later involved in the *Food for Life* campaign – helped inspire Oliver’s team later (see below). One interviewee in this research suggested that this high profile may have contributed to the government’s perception that they were important ‘players’ with whom to speak.

Resources used by NGOs and activists

- Development of guidelines and approaches: for example, Tim Lang’s advocacy of the “Whole School Approach”, which was later influential on the Scottish Executive’s *Hungry for Success*; the Caroline Walker Trust’s development of nutritional guidelines that were influential on the same initiative and also on the policy that emerged for the rest of Britain in 2005; and the Health Education Trust’s work on toolkits for schools;
- Campaigning, advocacy and the use of media, particularly the Child Poverty Action Group, the Health Education Trust and also the Soil Association;
- Research, expertise and knowledge about nutrition (used to produce nutritional guidelines and other solutions) and also about children and poverty (in producing campaigning around poverty issues and nutrition);
- Dedication and commitment to a cause;
- Persistence and staying power.

Government

In the 1980s and 1990s the Department for Education and Skills (and predecessor departments) and the Department of Health began to address the issues of nutrition, dietary health and school meals in various ways. In addition to the campaigning work of NGOs and other organisations, ongoing research by government departments and agencies, Parliament and other bodies into related issues (such as diet-related health, obesity, diabetes and child poverty) was building up an evidence-base for action on school meals policy. Incremental activity within the Departments of Health, Education, and Culture, Media and Sport (often working across the departmental divide) appears to have kept the issue alive, albeit at a fairly low level, on the internal governmental agenda. Policy on school meals was designed and implemented through the Department for Education and Skills, and officials from there and the Department of Health also provided secretarial support and advice to the School Meals Panel.

Resources used by government⁹

- Consultation papers and reports, such as *Ingredients for Success*, *Choosing Health*;
- Standards and regulations, such as the Education (Nutritional Standards for School Lunches) Regulations 2000;
- Surveys and research, such as National Diet and Nutrition Survey;
- Schemes and programmes, for example the National Healthy Schools Programmes 1999, School Fruit and Vegetable Scheme, Delivery Programme of *Choosing Health* (which made a formal commitment to review standards);
- Departmental resources (staff, researchers, knowledge and skills-base, financial resources) that allowed such reports and research to be produced;
- Ability to design regulations and mechanisms for enforcing them;
- Provision of support and secretariat, in particular to the School Meals Review Panel.

Jamie Oliver

Jamie Oliver is widely viewed as the most influential actor in bringing about changes to school meals policy in 2005. However, this case study research indicates that this impact was aided by other actors and direct or indirect access to powerful resources. Oliver’s television programme and campaign helped spread a message, which campaigners and experts had communicated in various ways for many years.

Interviewees in this case study agreed that Oliver’s contribution was key to the speed and scale of the policy change:

When the Jamie Oliver campaign came forward, one could have been cynical and said that it’s not right that politics works that way, but it was really big. Jamie Oliver was selling [the issue]. He was on TV and people liked him, so the Child Poverty Action Group said what can we do to make sure there is a good research base and ongoing pressure?

He picked it up at the perfect moment, caught the mood, gave it a popular spin and, bless them, the media actually got it right that time ... [Oliver’s] indignation was very infectious, so the rest of us got down to trying to put it into practice.

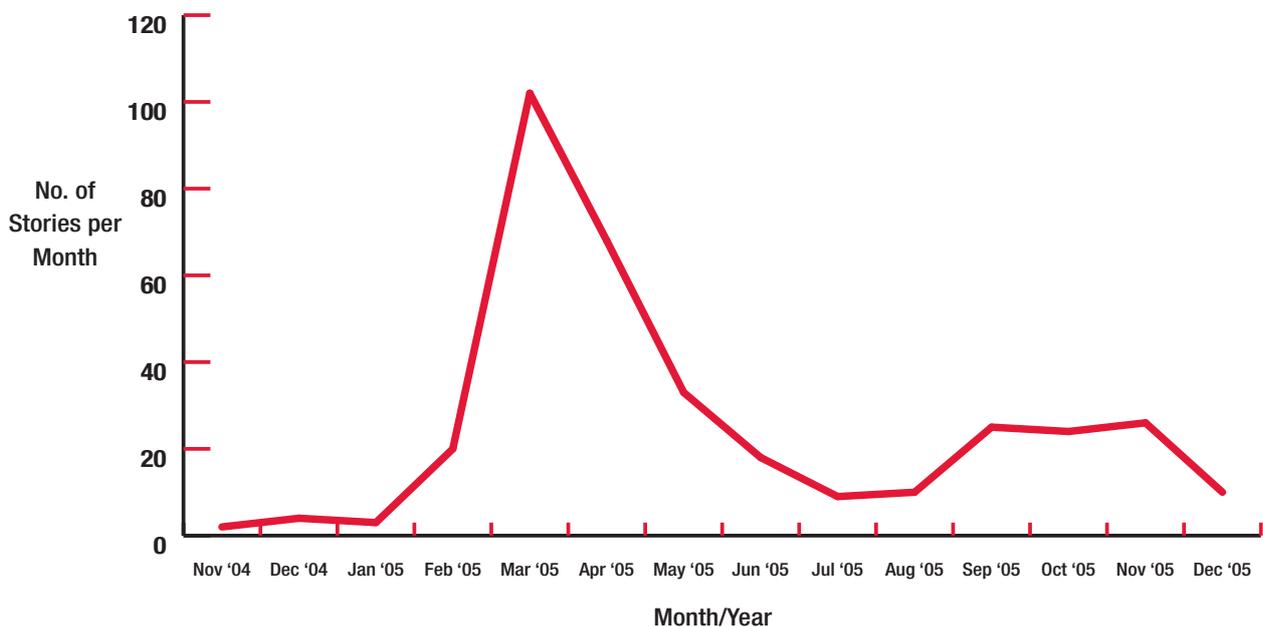
We would have got there eventually but it would have taken longer than it did. Before the programme came along, No. 10 had said at the time they weren’t able to find more money and were concerned about introducing national guidelines because of their complexity ... [But] Jamie helped create a step-change, and leap-frogged the “small steps” and the mediocre policy that happens officially. He became a figurehead for changing food culture.

There was also recognition within government that he helped force the agenda further and faster than it might otherwise have moved:

Orders were given [and] rapid policy development was taking place: what are we going to do, how much money do we need? The scale was ratcheted up in terms of what would be allocated financially.

The *Feed Me Better* campaign did what most previous campaigning had failed to do, attracting mainstream public attention to the issue, generating increased media coverage and drawing the direct attention of the Prime Minister. The figure below illustrates the extent of the media’s attention to the issue of school meals, and Oliver’s campaign, over the few months before the policy decision:

Mention of School Meals and Jamie Oliver in the Same Story in UK National Papers 2005



Oliver's work was backed up by sound research and advice, an imaginative campaign by a committed team of people, and an ability to communicate in an entertaining and engaging way.

Further, Oliver's impact built on and was supported by a range of interested bodies including those mentioned above. Organisations like the Soil Association were consulted by Oliver's campaign, and played a role in bringing Oliver together with a third crucial element, Jeanette Orrey (the school dinner lady). Orrey had begun to gain national recognition for the changes she had been making at a school in Nottinghamshire. This triumvirate helped ensure that *Jamie's School Dinners* was based on wide research, backed up by strong campaigning and delivered in a popular way that engaged the public and the press, helping catapult the issue to the top of the policy agenda.

Resources used by Jamie Oliver

- Celebrity, fame and reputation: facilitating engagement with the public and the media. Oliver had a reputation for commitment to issues related to health and school meals. His work with young people at *Fifteen*²⁰ helped shed light on how some young people had little basic knowledge of fresh ingredients, food and eating. According to an interviewee from his team, this realisation strengthened his commitment to improving school food. According to other participants in the research, his work on *Fifteen* helped Oliver gain respect, credibility and trust with respect to food-related issues, giving him strong personal currency;
- TV programme: the ability to access the facilities for making the programme, including his own production company, Fresh One Productions (a joint venture with Fremantle Media). He had a record of popular broadcasting with *The Naked Chef* and with *Jamie's Kitchen*, which followed his training of disadvantaged youth to work in his *Fifteen* restaurant;
- Back-up from Channel 4, who provided publicity and promotion for the programme.;
- Ability to popularise the message: Oliver's unique position enabled him to draw together issues that campaigners had been working on for many years and make them popular and accessible. This raised the profile of the issue of school dinners;
- Strong organisation, research and consultation underpinned Oliver's work. He was skillful at drawing together the work and practice of others, including experts, campaigners and practitioners. Those consulted included Tim Lang and other academics, Jeanette Orrey, Kemi Atijosan,²¹ and the Soil Association;
- A dedicated team: Oliver did not carry out these tasks alone. He had a team of people working for him, responsible for organising and running the campaign;
- Public engagement: The *Feed Me Better* campaign also made use of popular avenues for public engagement, such as internet message boards and an on-line petition, which helped to create momentum and proof of popular support behind the campaign.

Tony Blair

The Prime Minister is clearly an extremely important part of the story. His willingness to meet with Oliver and his response to Oliver's agenda, were crucial: it is doubtful that the policy would have been driven through government in the way that it was without the Prime Minister's personal involvement.

According to one participant close to the policy process, both the Prime Minister and Jamie Oliver contributed important skills: *where Oliver brought tenacity and commitment, Blair brought a "clear-sightedness" and an ability to get the infrastructure in place.* With this combination, the new guidelines and the School Food Trust were quickly put in place. In addition, the Prime Minister's ability to generate publicity over an issue was also great. With the media focused on the Prime Minister, and the "sofa politics" generating its own interest, the school meals policy agenda had extremely high profile and arguably the most powerful advocate.

Prime Ministerial advisers also played an important role in advising, informing and facilitating communication for and with Blair, and civil servants played a key part in the process by putting the standards in place as regulations, and in setting up the School Food Trust.

Resources used by Tony Blair

- Authority to set and make policy and the ability to make commitments on behalf of the government (including the allocation of money, setting up of School Meals Review Panel and the School Food Trust);
- Authority over the activity and machinery of government and infrastructure which ensured that school meals would become a government priority in general, and for the Department for Education and Skills in particular;
- Advisers and policy team to act as prime-ministerial “eyes and ears”. This might include helping to formulate and drive through policy, communicate with departments, facilitate contacts with outside organisations, research information and conduct briefings;
- Power over government ministers and the ability to direct their work;
- The ability to generate media and publicity over an issue with the Prime Minister being a focus of media attention.

Independent practitioners

The application of new approaches and well thought-out solutions in schools by individual actors like Jeanette Orrey, with support of the Soil Association as part of the Food For Life initiative, and Kemi Atijosan (founder and director of a consultancy firm) contributed by developing effective new approaches to provision of healthy meals.

Resources used by independent practitioners

- Practical knowledge, including the “local knowledge” of schools themselves and the children, local authorities, contracting, health and safety standards, technical arrangements involved in implementation;
- Operational experience of putting regulations into practice; understanding of practical issues around implementation;
- Reputation and recognition for work done (Kemi Atijosan through business success and practice; Jeanette Orrey through her touring of schools and awards);
- Passion and commitment to the subject.

School Meals Review Panel

The School Meals Review Panel, involving representatives from key stakeholder groups, was set up to recommend a set of nutritional standards designed to be implemented by schools and local authorities. The key actors in this stage were the various representatives of stakeholder organisations, including the campaign groups that we have identified, representatives from schools and the catering industry, as well as experts and academics in the field of diet and nutrition. A key participant in the process was Suzi Leather on the School Meals Review Panel (SMRP), who was very committed to the substance of the changes and was important in driving the process forward, ensuring deadlines were met.²²

At the same time, government officials were present as observers and to provide secretarial support to the committee. Although government ministers were not directly represented on the panel, they, in particular the Minister of State, were regarded by participants as having been highly influential on the proceedings and outcomes of the panel's deliberations.

Participants in this research commented that the panel broadly reflected the appropriate stakeholders, and indeed the panel was composed of 26 core members, including a spread of school representatives (head teachers and a governor), a representative from the National Council for Parent Teacher Associations, catering representatives and local authority catering managers. There was discussion and debate, as well as some disagreement, on the panel about the most appropriate form for regulation around school meals. However, those involved were apparently able to compromise and arrive at enough of a shared set of goals to achieve progress on changing school meals.²³

Broadly, the composition of the panel included representatives of organised groups: campaign groups, business groups and head teachers. Ordinary parents and the children who would also become more involved at the point of delivery were less represented in the process of advice and decision-making around school meals policy.²⁴

Resources used by the School Meals Review Panel

- The panel brought together expertise, knowledge and experience of a range of stakeholders, including nutritionists and health experts, schools, catering industry, the food and drink industry and NGOs and campaign groups. The panel also called in some experts from outside to present evidence; but less emphasis was placed on informing the debate with formal input from children and parents;
- Government funding and support;
- Time and space for deliberation;
- Evidence and existing work on the issue.

The environment

This section explores the policy environment in which the school meals campaigns unfolded, noting apparent barriers and facilitators influencing the campaign's trajectory and outcome. We identified six main contextual issues emerging from the case study as significantly influencing the eventual shape and timing of the policy:

Approaches to governance

The framing of approaches to governance influences the kind of response that government is able or likely to offer. It is useful to view the changing approaches to policy around school meals over time in light of shifts in broader approaches to governance. According to participants in our research and the wider literature, during the 1980s a market-based, consumerist approach dominated policy around school meals. However, by 2000, the emphasis had begun to shift towards "informed choice", with market mechanisms remaining in place but guided and directed towards achieving certain outcomes. Government's role then became one of providing information, expert guidance and funding.

However, emphasis on choice, as opposed to direction and imposition from above, was still the guiding principle behind government policy in this area. The *Choosing Health: Making Healthy Choices Easier* white paper of 2004 made clear that direct intervention was outdated and "inadequate" in an age of consumers and choice. "Informed choice", "personalisation" and "working together" (with a range of agencies and community groups) were key underpinning principles of the document.²⁵ Government's role articulated in this model was, according to the white paper at the time, to "lead, co-ordinate and promote" partnership, rather than intervene directly.²⁶

Developments in Scotland: Hungry for Success

The publication of the Scottish Executive's report, *Hungry for Success* in 2002, was a turning point.²⁷ The report took on important parts of the nutritionists' and campaigners' agenda, such as Tim Lang's "whole-school" approach and the nutritional standards devised by the Caroline Walker Trust, and highlighted that school meals should be regarded more as a health service than a commercial service. According to one interviewee, the report stimulated campaigners, and in part inspired the Soil Association's *Food for Life* campaign, which would have an important influence on Jamie Oliver's more dramatic campaign in 2005. As mentioned above, the campaign proposed replacing the existing "muck off a truck" with a similar initiative as that proposed for Scotland in *Hungry for Success*, for England and Wales.²⁸

Other aspects of government policy

Policy-makers were increasingly aware of the problems related to unhealthy eating and were anyway beginning to seek to change attitudes around and approaches to personal health and nutrition.²⁹

More broadly, government policy towards children, such as the plan to eradicate child poverty – and more especially, *Every Child Matters* – created further facilitators for action on the issue of school meals. The aim of *Every Child Matters* is to link health, family support, child care and education services into a single area of policy for children.³⁰ Part of its programme on health includes targets on reducing childhood obesity. To that end, a public service agreement (PSA) target in 2004 aimed to halt the rise in obesity among children under the age of 11 by 2010. The initiatives to help meet this target included the Healthy Schools Programme, the Food in Schools Programme and the School Fruit and Vegetable Scheme.³¹

Build-up of campaigning and research

The long-term work by campaign groups, public health professionals, lobbyists and others, in combination with the government's various incremental policy developments, laid a foundation for further action. As mentioned in the previous chapter, during the 1990s there were a number of important and influential initiatives, including research and lobbying by *Parents for Safe Food*, the Caroline Walker Trust, and the Health Education Trust (HET). Participants in our research noted that the Soil Association's *Food for Life* campaign, which called for good quality, local food to be served in schools, "reached 18 million people" and attracted media attention.

Around the time of the Food for Life campaign, Jamie Oliver was beginning to show an interest in the issue of school meals. One participant in the case study research explained how Jamie Oliver's contact with the Soil Association led to the development of the idea for the TV series, *Jamie's School Dinners*, and the campaign which ran alongside it. The key to getting the campaign right was sound research and consulting the right people; according to one interviewee who was working for Oliver on the campaign that developed with the programme: "In Autumn 2004 we were filming. There was a lot of evidence coming through the programme itself, so I sat down to work out what to do with the campaign. I was trying to see if we could substantiate what we were finding in the programme."

Over the previous years, campaigners, experts and practitioners had all provided a strong base of evidence and a convincing case for fundamental changes in policy. As discussed above, Oliver popularised the issue of school meals, accessing over five million viewers with the television series, generating five million hits with the *Feed Me Better* campaign website. This wider engagement included "parents, teachers and dinner ladies [who] swarmed onto the discussion forum with stories and suggestions".³² The campaign captured the imagination of the public and politicians alike: a petition on the website generated over 270,000 signatures, while MPs from several parties signed an early day motion in support.³³

Proximity of the general election

Finally, the general election was on the horizon. One interviewee suggested that the "the fact there was an election [coming] and massive media attention on the programme" triggered the government's swift response. A section of the Labour Party's 2005 manifesto was devoted to "Healthy Choices for Children", promising investment in training for cooks, tougher nutritional standards and the banning of foods with high fat and salt content.³⁴

Spaces

The events that led to the policy changes on school meals unfolded in a number of “spaces” where interactions between actors took place, messages were relayed and ideas of the problem and the solutions were formed. The degree to which these different spaces were accessible to campaigners varied widely; while access to decision-makers was limited to a few key actors (notably Jamie Oliver and Peter Melchett, Policy Director of the Soil Association), the media and internet constituted more open spaces for participation and activity. As discussed below, however, not all spaces provided the same opportunities to influence the decision-making process.

There were three main levels at which discussion and decisions around school meals took place. First, general discussion and debate about healthy eating, the negative effects of unhealthy eating, and the role of government in influencing people’s diets and food choices took place widely. This public discussion included the general public and experts across a range of fields, not just those involved in education and school meals provision, and took place in the media generally as well as through formal websites and more general and widespread chat rooms on the internet. Second, more specialist expert and practical input was sought through selected participants on the School Meals Review Panel. At this level of deliberation any input or advice around policy design participation was more closed and “by invitation”. Finally, decision-making and budget allocation were the most restricted, including primarily relevant senior Ministers, Jamie Oliver and the Prime Minister, supported by advisers and policy officials.

Most of the decision-making activity involved meetings in offices within government departments and Downing Street. The Soil Association and individuals such as Peter Melchett were included in some of these meetings. However, decision-making and expert deliberations were largely inaccessible to the wider public except as spectators. However, the government consulted for 12 weeks on the School Meals Review Policy recommendations, allowing a space for wider public input.

Jamie Oliver’s campaign then also opened up other accessible spaces. In particular, Oliver’s own website and that of Channel 4 were open spaces where anyone (or at least anyone with access to the web) could contribute to discussions through message boards or sign the petition.

Arguably the general press and the media are also “spaces”. They were places where the issues were discussed. However, the nature of the media coverage, particularly the emphasis on Jamie Oliver, to some extent reduced the role of the public to onlookers. And yet, the press can provide a place in which otherwise unheard voices could be heard (or seen). Although the event occurred in 2006 and thus did not influence the policy change in 2005, an interesting example of the media giving voice to interests outside the normal policy process was the coverage received by the South Yorkshire parents who objected to their children being forced to eat certain food in school, and brought orders from local takeaways, passing them through the fence to their children.³⁵

After the decision: lessons on implementation

This case study focused primarily on the context and processes leading up to the change in school meals policy. The “life” of a policy, however, continues long after decisions are made. The ways in which policies are implemented may be key influences on and indicators of success or failure in the policy process. The following section briefly sets out a number of points about the implementation of the school meals policy that this case suggests. Further research would be necessary to assess whether these points apply to policy change and implementation in other cases.

Successful implementation of policy such as this one is usually a long-term process. The pace of change was rapid in this case. According to one interviewee this meant that some schools failed to include parents, children and schools along with the changes: “that is perhaps why take-up is now falling, we moved too far too fast”. Another interviewee suggested that “the policy was arrived at first without a delivery strategy because the policy was the result of a political announcement, which was the result of a TV programme, (just before) an upcoming election”. In any case, as one campaigner put it, “the lesson is that it’s not easy. There is no quick fix, it takes a long time. We are making a difference but there must be patience.”

The actual implementation can also be particularly revealing because this is the point at which the appetite for change beyond the policy community, campaigners and experts (who have provided the focus for our discussions so far) becomes more evident. Reports about take-up of school meals raise important questions about factors influencing compliance and uptake. An Ofsted assessment of the situation in 2007 found that in 19 of 27 schools inspected, the school meals take-up had fallen by between 9% and 25%. All of the schools had met the menu-revision requirements and introduced freshly cooked, seasonal food, but had failed to keep up sales. Earlier in the year, a Local Authority Caterers Association report found that there had been a decrease in meal take-up in 75% of local authority areas.³⁶

However, the uptake story is more complicated than a simple one of “too much too soon” or widespread backlash. First, levels of uptake of school meals are affected by many factors. For example, according to an official from the Department for Children, Schools and Families (DCSF), uptake of school meals may have declined in some schools in response to the TV programme’s depiction of unhealthy and poor-quality school meals, before the new healthy meals were even implemented. Some parents concluded from the show’s depiction of poor-quality meals that meals across the country were of poor quality and began providing packed lunches for their children, even in areas that had relatively healthy meal provision. It has also been pointed out that take-up of school meals more recently appears to be flattening out rather than falling as it seemed to be in some schools initially. Second, there is evidence that uptake was maintained in some schools and that this may be related to the process of consultation and implementation in those schools.³⁷

Policy makers and researchers, as well as those involved in designing and implementing policies and interventions, are faced with the question of how to engage and persuade various stakeholders (in this case schools, children and parents) to support and participate in change. Imposition, either by the government on schools, or by schools themselves on their pupils, rarely works, according to one participant in the case study who has extensive experience of policy implementation: “if you impose a menu you’re going to have people objecting to it. But if you have a process leading up to the change, where you explain and gather opinions, then the take-up will increase; that is what seems to have happened in places like Bristol.” There was widespread support for more inclusive approaches; for example, the idea that children should be involved in the design of their own menus, and that parents should be invited to “taster evenings” so they could try for themselves what their children were eating, and that they would then be more likely to accept and help implement the changes. Accordingly, the DCSF and the School Food Trust have been seeking and implementing ways of engaging local authorities, schools, parents and pupils who will ultimately determine the success or failure of school meals policy.

Final remarks

This case study examined the government's decision in 2005 to establish new nutritional standards for school meals. It aimed to identify the key actors involved, consider the tools, resources and mechanisms through which they accessed the policy process, and reflect on the role of the environment in the policy process.

The case study suggests that the actors involved in the story of this policy case overlapped and influenced each other over time, and were ultimately able to compromise and reach a shared aim for healthier school meals. This was the case in spite of the varying agendas and priorities of those involved in the process – public-health professionals and campaigners, environmentalists, head teachers, parents and children, dinner ladies, the catering industry, policy-makers and celebrity chefs among others. Jamie Oliver, who is often credited with securing the government's favourable response in 2005, was important to the speed and degree of commitment to policy change. One significant aspect of his role was in triggering the Prime Minister's personal intervention. This success in turn appears to be at least in part attributable to Oliver's own understanding of the issues, backed up by research and campaigning from his own team and other organisations (especially the Soil Association) and good practice developed on the ground.

Significant publicity meant that the government considered swift action necessary and desirable. Much of the process was then driven by senior ministers within government paying close attention to the work of the panel that had been set up to flesh out and legitimise a series of recommendations. In turn, these recommendations, in particular the nutrition-based standards, relied heavily on work that had been undertaken more than a decade earlier by expert specialist organisations like the Caroline Walker Trust and individuals within them, like Helen Crawley. Without the persistent work of these organisations from at least the early 1990s onwards, it is unlikely that Jamie Oliver, or indeed government actors, would have had such a rich vein of research and thinking about nutrition in schools on which to draw.

With respect to the design of a deliverable and workable policy and implementation plan, participants in this case study research indicated a reasonably shared view that this process was somewhat rushed, possibly as a result of the high degree of media attention and public interest, leading to government making a high-impact decision shortly before the general election. It was felt by some of those operating at the delivery end of school meals, such as head teachers and cooks, that there were serious time and resource pressures on successful delivery.

A final note should be made about the implementation process. As discussed in the previous chapter, while this case study focuses primarily on the context and processes leading up to the change in school meals policy, it is important to acknowledge that the "life" of a policy does not end at the stage decisions are made. The ability and commitment of head teachers and senior school managers, school communities and "users" (ie children and their parents) should be considered and facilitated in and through policy design and especially at the point of delivery. It is worth noting that the exact detail of the new standards for meals (that formed the basis for the policy changes in 2005) was somewhat contested. However, in this case study long-term and continued engagement by campaigners and other stakeholders was integrated enough to lead to a major policy change and the allocation of significant new funds and resources by government.

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Appendices

Appendix 1: Timeline

1906

The Education (Provision of Meals) Act introduced after concerns about the state of health of army recruits. Boards of Education are given powers to provide school meals, although this is not made compulsory.

1944

The Butler Education Act requires Local Education Authorities (LEAs) to provide school meals to particular nutritional standards for all children who want meals.

1967

Full responsibility for the provision of meals passed to LEAs.

1980

The Education Act turns school meal provision from a compulsory national service to discretionary local one (except for those entitled to free school meals). It also removed the obligation for fixed prices, eliminated the requirement to meet nutritional standards and abolished entitlement to free school milk.

1988

Local Government Act introduces Compulsory Competitive Tendering for public-sector catering. School dining halls become in effect cash cafeterias.

1991

A Public Health White Paper: *The Health of the Nation* raises concerns about children's diets.

1992

The School Meals Campaign is formed, involving 50 different organisations to put the nutritional case for school meals.

The Caroline Walker Trust convenes a working group to formulate scientifically based nutritional guidelines, which quickly become regarded as a "gold" standard.

1998

Ingredients for Success, a consultative paper from Department for Education and Employment (DfEE), invites comments from "all those with an interest in school meals", receiving 180 responses from a range of interested parties (including LEAs, nutritional organisations, schools, governors and parents). This led to the reintroduction of nutritional guidelines in 2001.

1999

The National Healthy Schools Programme was launched. It explicitly acknowledged the role of schools in children's health and promoted eight areas of activity to help improve health including eating and physical activity.

2000

National Diet and Nutrition Survey: Young People aged 4–18 years (Stationery Office) highlights the inactivity and poor eating habits of children, in particular a lack of fruit.

2001

New guidelines come into effect on nutritional standards by the UK government under the Education (Nutritional Standards for School Lunches) Regulations 2000. These, however, were based on food groups rather than nutrients and went largely unmonitored.

Public Service Agreement target involving the Department for Education and Skills, the Department of Health and the Department of Culture Media and Sport, established a commitment to halt the increase in obesity among children

2002

The Scottish Executive publishes *Hungry for Success: A Whole School Approach to School Meals in Scotland*. It suggested that school meals should be seen as a health service rather than a commercial one. It also recommended a “whole school approach” to nutrition and called for better-quality food.

2003

A Soil Association report condemns the continuing low-quality food being served to school children and recommends that an initiative should be set up in England and Wales similar to that in Scotland. They suggest the scheme would cost £200m a year.

2004

The Department for Education and Skills publishes the *Healthy Living Blueprint for Schools* which promises a further revision of school meals standards.

The House of Commons Health Committee Report Obesity projects a 50% obesity rate among children by 2020 and emphasised the crucial role of schools in tackling the problem.

November white paper *Choosing Health: Making Healthy Choices Easier* plus three delivery plans establish a further formal commitment to revise meal standards.

The Food in Schools programme, a joint initiative of the Departments of Education and Health, is launched.

February – March 2005

Jamie's School Dinners broadcast on Channel 4, *Feed Me Better* website goes live – five million people visit the website and over 270,000 signatures on the online petition demand change; 116 MPs sign an early day motion in support of the campaign.

March 2005

Jamie Oliver presents the petition to the prime minister at 10 Downing Street.

Soon after the petition is presented, the government pledges £220 million to invest in school meals over three years. With additional cash pledged by the government, the DfES sets up the School Food Trust to give independent support and advice to schools.

The School Meals Review Panel is also set up to review current standards.

October 2005

Turning the Tables: Transforming School Food report published by the School Meals Review Panel. It makes 35 recommendations, including 14 nutrient standards advocated by the Caroline Walker Trust.

Appendix 2: Methodology

As part of its long-term interest in strengthening democracy and civil society in the UK and Ireland, the Carnegie UK Trust is exploring themes of power and influence. The Trust commissioned RAND Europe to conduct a case study that would illustrate the relations between power, influence, participation and decision-making, and how these play out in public policy decisions.

The research team's members were selected on the basis of their familiarity with the relevant area, and defined the focus of the project in co-operation with the Carnegie UK Trust. The research team undertook desk-based research, collecting relevant literature. Research consisted primarily of reviewing journal articles, newspaper and media reports, research reports, drawing on relevant databases such as JSTOR and Nexis UK. Through this initial research, the team identified likely key informants for interview, which included leading figures in influential campaigning organisations, government advisers and officials, head teachers and representatives of catering companies among others.

An interim report detailing preliminary findings was submitted to the Carnegie UK Trust, with an outline plan for the next stage of key informant interviews. The research team designed a semi-structured interview, based on the key methodological themes agreed between Carnegie, RAND and other case study teams. Interviews were conducted either face-to-face or by telephone during September and early October 2007. The initial interviewees were also asked to identify additional possible participants who could inform the research. The full list of interviews may be found in Appendix 3.

The research team summarised the case study narrative integrating findings from the interviews and the document and literature reviews. This material was then synthesised into a draft process map and timeline, and was written up as a first draft of the report. A meeting with Carnegie and other case study research teams drew out key themes and contrasting findings from the four case studies and fed into the overarching analysis by Carnegie. A second cross-team meeting reviewed the overarching analysis. The draft final case study report was subject to review and validation by the participants and interviewees from the case study. Feedback from participants and the commissioning team were incorporated into a revised draft forming the current report of the case study.

Appendix 3: Interviewees and relevant affiliation

Kemi Atijosan, Managing Director, Eagle Solutions Services Ltd

Beverley Baker, Local Authority Caterers Association, School Food Trust

Gaynor Bussell, Food and Drink Federation

Helen Crawley, Caroline Walker Trust

Fiona Gately, Jamie Oliver's team

Joe Harvey, Health Education Trust, Caroline Walker Trust

A senior official, Department for Children, Schools and Families

Joan McVittie, head teacher, on the School Meals Review panel

Emma Noble, Soil Association

Jeanette Orrey, former school caterer, who works with the Soil Association

Ashley Riley, Action for School Meals, presented to School Meals Review Panel

Conor Ryan, adviser to the Prime Minister

Tony Sanders, Compass Group, which includes Scolarest, provider of school meals

Ruth Turner, adviser to the Prime Minister

Footnotes

- 1 Levels of uptake may be now be flattening out and, in any case, further research on the exact relationship between policy change, policy implementation and uptake in meals would be informative.
- 2 Jamie Oliver “How the Feed Me Better Campaign Happened” http://www.jamieoliver.com/media/jo_sd_history.pdf?phpMyAdmin=06af156b76166043e2845ee292db12ee
- 3 As well as the The Children’s Food Campaign by an organisation called Sustain.,
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- 6 Morgan, K. (2006) School Food and the Public Domain: The politics of the public plate, *The Political Quarterly* 77:3.
- 7 Martinez, J.A., Kearney, J.M., Kafatos, A., Paquet, S., and Martinez-Gonzales, M.A. (1999) Variables independently associated with self-reported obesity in the European Union, *Public Health Nutrition* 2(1a), pp.pages 125–133. Also: World Health Organization (2006) *Diet and physical activity for health*, WHO European Ministerial Conference on Countering Obesity, Istanbul, Turkey, 15–17 November 2006.
- 8 In doing so the case study seeks to provide an informative overview rather than an exhaustive discussion of all related events and circumstances at the time of the policy change.
- 9 The first such regulations since 1980.
- 10 For example, the nutritional standards were expressed in terms of food groups rather than nutrients, and no enforcement mechanisms were proposed.
- 11 Morgan (2006), 384
- 12 Hungry for Success: A Whole School Approach to School Meals in Scotland (Scottish Government Publications, 2002).
- 13 *School Lunches “Cheap Muck”* BBC News Website website 6/10/ October 2003 http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/education/3162942.stm
- 14 House of Commons Health Committee (2004) *Obesity: Third Report of Session 2003–04*, Vol.1 (London: The Stationery Office)
- 15 Department for Education and Skills (2004) *Healthy Living Blueprint for Schools*, Ref: DfES/0781/2004
- 16 Jim Coe – “Planning A Successful Campaign” NCVO – VS Magazine magazine June 2007 <http://www.ncvo-vol.org.uk/vsmagazine/features/index.asp?id=2648>
- 17 Refers to EDM 754 tabled 22/2/07 see <http://edmi.parliament.uk/EDMi/EDMList.aspx>
- 18 It is worth noting that the government had already begun to consider revising nutrient standards for school meals a few months ahead of the screening of the programme.
- 19 Local government was not mentioned by interviewees in this research as a significant part of the policy process. It is an open question, but beyond the scope of this case study, how policy design or implementation might have differed with more significant input from local government actors.
- 20 Jamie Oliver started the restaurant Fifteen to accomplish “two main ambitions: to open a top-class restaurant and to give disadvantaged youngsters the chance to gain professional training that would set them up for an independent, inspired and productive life” <http://www.fifteen.net/Pages/default.aspx> (accessed May 2008)
- 21 An independent consultant on food and health in schools.
- 22 She was also the first chair Chair of the School Food Trust set up in September 2005 as the DCSF’s key delivery partner in changing school food. The aim is to promote the education and health of young people by increasing the quality of food supplied and consumed by them in school. The Trust trust contributes to policy development, produces guidance, disseminates good practice and supports areas of greatest need, aiming to increase take-up by 2010.
- 23 It is worth noting that the exigencies of the political timetable may have influenced the delivery plan for the changes and some participants commented that the proposed changes had to be implemented more quickly than was desirable or perhaps even realistic.
- 24 Arguably this is not unusual in a policy process, and enhances the significance of the role that NGOs and campaigning groups can play in articulating the interests, concerns and needs of the broader public and less organised voices.
- 25 Department of Health (2004) *Choosing Health: Making Healthy Choices Easier* (HM Government)
- 26 Department of Health (2004) *Choosing Health: Making Healthy Choices Easier* (HM Government)
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- 29 See House of Commons Health Committee (2004) *Obesity: Third Report of Session 2003–04*, Vol. 1 (London: The Stationery Office)
- 30 <http://www.teachernet.gov.uk/wholeschool/greenpapersummary/> [viewed 2/10/ October 2007]
- 31 See <http://www.everychildmatters.gov.uk/health/obesity/> [viewed 2/10/ October 2007]
- 32 Jim Coe – “Planning A Successful Campaign” NCVO – VS Magazine magazine June 2007 <http://www.ncvo-vol.org.uk/vsmagazine/features/index.asp?id=2648>
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- 34 The Labour Party (2005) *Britain Forward Not Back: The Labour Party Manifesto 2005*, 65
- 35 See for example “‘Sinner Ladies Sell Kids Junk Food’”, *The Sun*, 16/09/ September 2006 ([viewed 28/10/ October 2007].)
- 36 Local Authority Caterers Association *National School Meals Survey 2007*.
- 37 The School Food Trust surveys schools and local authorities, including questions about what parents, pupils and head teachers think about school meals, and monitoring changes in provision. For more information on the surveys see <http://www.schoolfoodtrust.org.uk/content.asp?ContentId=381>

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About RAND Europe



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Disempowered: Citizen participation and influence in the 2006 Energy Review

AccountAbility

Alex MacGillivray, Paul Begley and Alejandro Litovsky



The Energy Review in Numbers

Reviewing the UK's energy policy until **2020** and beyond

12 week consultation process

88 media events involving the Minister for Energy and the Secretary of State

5,000 written responses to the consultation (**745** from organisations,
1,149 from individuals and **3,444** through campaigns)

A petition signed by **10,000** nuclear workers presented to Downing Street

8 stakeholder seminars in **8** cities covering **8** themes involving **241** organisations

5 stakeholder groups present at all events

1 event in Northern Ireland

Less than **10%** of the public claimed to follow the debate closely

Executive summary

This case study analyses citizen participation and influence in the 2006 Energy Review process. It identifies the main actors, their access to and use of resources and their influence in the decision-making process. It critically examines the design and implementation of the 2006 process and identifies the strengths and weaknesses of it in terms of opportunities for citizen participation in policy-making.

Our analysis is based on interviews with those close to, involved with, and excluded from the Energy Review. It looks at the critical events leading up to the Energy Review process, the initiation of the consultation and opportunities for participation. The analysis concludes at the point in spring 2007 when Greenpeace won a High-Court ruling against the government. At this point, Mr Justice Sullivan ruled that the consultation has been "misleading" and "seriously flawed". The consequences of that ruling led to several other energy-related consultations and are still (April 2008) playing out.

The Energy Review was a three-month process designed to formulate a new energy strategy over the medium term, until 2020 or beyond. The consultation process was designed and led by the Department for Trade and Industry (DTI) and lasted the standard 12 weeks, in compliance with the government's 2004 "Code of Practice on Consultations". Despite the short timescale relative to the multi-decade planning horizon of energy policy, no corners were cut in Whitehall good practice. The review involved 88 media events and nine formal stakeholder seminars in nine cities across the UK. In total, 241 stakeholder groups accepted their invitations and participated in these seminars, and a further 5,338 written responses were sent to the DTI about the Review.

The 2006 Review followed shortly after the 2003 Energy White Paper. The 2003 White Paper followed a creative, inclusive and effective consultation which engaged over 6,500 individuals and groups. It was a thorough process, involving diverse stakeholders including communities living near power stations and school children, and enabling citizens to participate through innovative mechanisms such as web-based debate, workshops and meetings. Citizens were empowered and many environmental and fuel-poverty groups were satisfied with the outcome: the 2003 White Paper laid out a coherent strategy for renewable and sustainable energy generation. Importantly, the document stated that “before any decision to proceed with the building of new nuclear power stations, there will need to be the fullest public consultation” (DTI 2003). Thus, citizens had very high expectations of future energy consultations and felt that nuclear power had been formally ruled out.

By 2005, the renewables-led commitments outlined in the 2003 White Paper were seen by Whitehall as hostages to fortune. The 2003 consultation laid out an action plan, but by mid-2005 it was already proving difficult to implement. Key stakeholders were not as supportive as civil servants had assumed in 2003. Investors in the City of London felt investment in low-carbon power was risky; environmental non-governmental organisations (NGOs) were judged to be obstructive. Serious problems were emerging about the practicalities of shifting to renewable power: despite worthy aims, the mentality of “not-in-my-backyard” prevailed. Some politicians were losing faith in an energy policy so reliant on modifying consumer behaviour. More broadly, consumer energy prices had risen sharply, by around 40% in two years. A number of diplomatic incidents internationally had made “energy security” an issue of national security.

Long-term energy solutions were thus seen as imperative and the 2006 Review was tasked to find them. Influential projections showed that the UK might be headed for an energy crisis, with the first coal-fired power plants coming due for closure. In 2004, the BBC’s *If ... the Lights Go Out* programme had raised the unpalatable prospect of California-style power blackouts¹. The Prime Minister, Tony Blair, wanted to generate strong policy commitments to invigorate his third term and secure his political legacy. The announcement in late 2005 of another Energy Review was a confluence of three factors: long-term strategic need, crisis avoidance due to poor implementation of the existing strategy, and short-term tactical considerations.

The consultation went “by the book”, yet some stakeholders were excluded from decision-making spaces. Eight thematic workshops and one broader convening formed the backbone of the consultation process, which was fully compliant with Whitehall good practice. These workshops were distributed across the country, but even so were closed spaces, with invitations sent out often at short notice and some key stakeholders excluded from having a voice. Those in attendance were often unable to voice their broader opinions on energy policy since the agendas were tightly controlled. There were no special events for local communities living near power plants as there had been in 2003, and Scottish groups complained that they could not participate in the Review process. Despite its geographically dispersed workshops, the consultation was perceived by many to have been led from and stage-managed to endorse the interests of London.

Campaigners were slow to organise different segments of the population based on their significant differences in opinion on energy preferences. Despite the apparent consensus emerging from the 2003 review, polls showed that there were actually dramatic demographic differences in opinion on energy policy. For example, women were more negative about new nuclear power stations, and citizens over 60 were most opposed to wind turbines. There were few occasions when NGOs managed to mobilise these voices to take collective action. The largest interest group mobilised during the review was of 10,000 people.

A disengaged media did little to stimulate wider public debate. This was the third energy consultation in nine years and, despite international tensions, oil at US\$70 a barrel and the prospect of power cuts, the media struggled to generate strong stories on energy policy. There had been no specific incidents to stir public interest and the technicalities of the issues made articles unappealing. A number of high-profile scandals had caused citizens to question the integrity of media coverage of energy issues. While there was some coverage of the view that the Prime Minister had already made up his mind, the public’s attention was focused on other broader issues like crime, national security and scrutiny of the war in Iraq.

A well-orchestrated campaign put nuclear power back on the agenda at the highest possible levels within Downing Street. The government had committed to becoming a leader in the low-carbon economy and this provided the nuclear industry with a new opportunity to rebrand itself. A well-resourced, timely and targeted campaign was launched and, from early 2004, the industry began to brand itself as the “low carbon fuel of choice”. It was a coherent tactic that appears to have convinced two of the Prime Minister’s close advisers. It included high-level events for ministers, insightful and compelling dossiers on the UK’s energy options, and included trade union representatives visiting No. 10. In comparison, the leading anti-nuclear groups were slow off the mark, as though resting on their 2003 laurels and the commitment to the “fullest possible consultation”. Despite the salience of global warming, environmental groups did not effectively collaborate to build a compelling case for support, nor could they deploy celebrities nor organise mass-petitions nor rallies. Finally they resorted to challenging the energy review on process grounds.

Serious criticisms were raised about the integrity of the Energy Review consultation. Even before the 2006 consultation began, environmentalists and other stakeholders felt that the process might not influence the government’s decision, and the process would merely legitimise the government’s decision to start rebuilding nuclear power stations. These concerns grew as the DTI conducted the consultation, and in October 2006 Greenpeace led a consortium of organisations to make a legal challenge against the government in the High Court. This challenge was successful, and on 16 February 2007, Mr Justice Sullivan ruled that the consultation has been “misleading” and “seriously flawed”.

In retrospect, it is clear that the 2006 review consultation failed to engage citizens, environmental representatives and broader stakeholder groups. This was an extreme manifestation of a generalised fatigue with formal Whitehall consultations of which there are now many hundreds a year. As the other case studies show, citizens were perfectly ready to engage en masse on several other issues (eg school meals, road-user charging) in less formal spaces in 2005/06.

From our analysis, we identify five dimensions which impacted on the quality of citizen engagement. They are:

- **Framing of problems or solutions:** There were widespread criticisms of the way government framed the energy review. There were also criticisms of environmental groups and the media disempowering the general public through the apocalyptic way climate issues were portrayed. In contrast, the communications drive of the nuclear lobby reframed nuclear as sane, essential, modern and “always on”;
- **Focus on process or outcomes:** The High Court challenge to the process generated column inches, but was too late to mobilise opinion against the outcomes of the review. The process tactics of the anti-nuclear groups also highlighted a deficiency in their strategy and led to counter-criticism on process from government;
- **Accountability deficits:** the process was compliant with good practice but fell short of best practice. The process failed to deliver material and complete information to consultees, and there was also a lack of responsiveness. Special advisers could not be held to account, and although the Prime Minister presented the review as an evidence-based approach, outcomes were predetermined by conviction;
- **Entitlement or collaboration:** Resting on their 2003 laurels, alternative-energy producers, climate activists, fuel-poverty campaigners and anti-nuclear lobby groups were slow to respond to the challenging situation in 2006. Their struggle to form effective and timely collaborations contrasts with the pro-nuclear lobby which was better organised and resourced;
- **Creative spaces:** The public had strong but divided policy preferences, based on gender, age and geography. But engagement in the debate was low. Whitehall spaces were not engaging to the broader public, perhaps deliberately. But other stakeholders could have done more to bring people into the formal process and to create more engaging parallel spaces.

Finding the appropriate balance across these five areas is a significant challenge for those wising to engage more actors in decision-making processes. “To solve the climate crisis,” says Al Gore, “we have to solve the democracy crisis.” The 2006 Energy Review led to a series of decisions which will certainly help tackle climate change and reduce fuel poverty. But few participants can have experienced it as a model for building democratic engagement.

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The Story: Disempowered

“Effective consultation is a key part of the policy-making process. People’s views can help shape policy developments and set the agenda for better public services. But we also need to make the process of consultation less burdensome and easier for people to engage with.”

Tony Blair (Cabinet Office, January 2004)

Energy decisions influence the lives of every citizen, from the provision of reliable and affordable electricity to local communities impacted by new power stations. Citizen interest in energy policy has been on the rise over the last ten years as more people have become aware of energy security, fuel poverty and particularly climate change. Yet citizens have not been well represented within the setting of energy policy. This case study assesses citizen participation and power in the 2006 Energy Review, identifying what happened and how bottlenecks were created that limited citizen engagement in the decision-making process.

The 2006 Energy Review was a 12-week stakeholder consultation which aimed to revise the UK’s energy policy until 2020. The consultation was initiated less than three years after the government’s White Paper on energy strategy, a process that strongly endorsed renewable energy and energy efficiency and appeared to relegate nuclear power.

In terms of energy, the period between the two reviews (2003 and 2006) was action packed. There was a cabinet reshuffle following the General Election; black-outs in Britain, major European cities and North America; significant concerns around the integrity of future fuel supplies; a series of high-profile failures to get alternative energy generation off the ground; signals that the UK was going adrift on its commitments to reduce CO₂; stubborn problems of fuel poverty; and a distinct lack of investment in alternative energy from investors in the City.

The 2006 Review was led by the Department of Trade and Industry (DTI) with two formal channels for participation: stakeholder seminars for specific members of the energy sector and written responses to a consultation document for any interested party. Ostensibly, the Review was undertaken in good faith and in accordance with Whitehall good practice, albeit with less investment in creative engagement than the 2003 process (see Box 1, overleaf).

In 2006, eight thematic stakeholder seminars, covering topics from “UK Carbon Policy Framework” to “nuclear regulation” were held between 27 January and 24 March at different locations in England, Wales and Scotland. Belfast hosted the only seminar without a theme when 50 senior representatives from the energy sector gathered on 7 March to discuss what the review would mean for Northern Ireland. There was an extensive “road show” to support the 2006 Review, involving 88 media events and discussions with over 240 stakeholder groups at formal seminars. Energy Minister Malcolm Wicks and the DTI team were actively involved, with Wicks himself leading the discussion at six of the seminars.

Box1: Consultation for the 2003 White Paper

Over 6,500 individuals and groups contributed to the 2003 Energy Review consultation, through wide-reaching and innovative public consultation, web-based stakeholder debate, written submissions, workshops, meetings and seminars. It was a responsive and complete process, addressing material issues to citizens and industry. According to one industry interviewee, in 2003 the Government “welcomed the views of stakeholders and had a proper, genuine debate”, and it was perceived by another as “more engaging, and brimming with more debate” than 2006. “Politics is all about designing outcomes that, in the short term, satisfy as many interest groups as possible without creating too many losers. A good political energy policy is one that gets the largest number to cheer at the end,” wrote Dieter Helm in the *New Statesman* in May 2006. “And the last White Paper in 2003 did just that.

The inputs to the 2006 Review were somewhat fewer than for the 2003 process. In all, 5,338 written responses to the consultation were received, with 745 coming from organisations, 1,149 from individuals and 3,444 responses through concerted letter-writing campaigns. According to the DTI, 85% of the individual responses came from people associated with three NGOs:

Greenpeace, Friends of the Earth and Stop Hinkley. These groups were also present at most of the regional seminars.

Despite these organisations having gained a dominant voice in the formal inputs, early on they expressed serious reservations about the integrity of the process. Media reports and Whitehall gossip began to suggest that the outcome of the review would be a foregone conclusion in favour of nuclear power. Eventually, in October 2006, Greenpeace led a consortium of organisations in issuing a legal challenge against the government in the High Courts. On 16 February 2007 Mr Justice Sullivan ruled in favour of the consortium, stating that the consultation has been “misleading” and “seriously flawed”. Confirming the dislocation between process and outcomes, Prime Minister Tony Blair was reported as saying “this will change the consultation. This won’t affect the policy at all.” (*Guardian*, 23 May 2007).

For some participants, this legal challenge by Greenpeace marked a landmark of empowering civil society in the decision-making process. But others saw it as an example of “second generation campaigning environmentalism”: good at gaining column inches and building organisational profile but not solutions-oriented. The tactic also laid the environmental groups themselves open to criticism on process. As a spokesperson for the DTI put it, “it is so regrettable that Greenpeace’s tactics seem to be to do everything they possibly can do to delay and undermine the process of consultation that they themselves demanded.”

The implication of Mr Sullivan’s decision was another consultation, led by the DTI and targeted specifically on nuclear power generation that closed on 10 October 2007. The follow-up review also proved to be a controversial process. It saw environmental groups including Greenpeace and Friends of the Earth pull out of the consultation process saying it was still not a “fair and full debate². This view was supported by the Nuclear Consultation Working Group, concluding that “poor consultation practice wastes people’s time and can seriously undermine people’s trust in government³.

After nearly three years of public consultation, court cases and political argument, the outcome was a definitive decision in January 2008 to re-start Britain’s nuclear energy programme. It was a decision that aggrieved many stakeholders, particularly environmentalists and civil society associations. At the time of writing, environmental groups were still in talks with lawyers about possible challenges to the process. Even some of those who were in favour of a key role for nuclear in the UK’s future energy strategy felt that the process had been flawed, and that the general public have not been won over to the nuclear argument. So were citizens disempowered by the Energy Review process? If so, what are the implications? And what could have been done differently to improve the quality of the consultation?

Reflection and Analysis

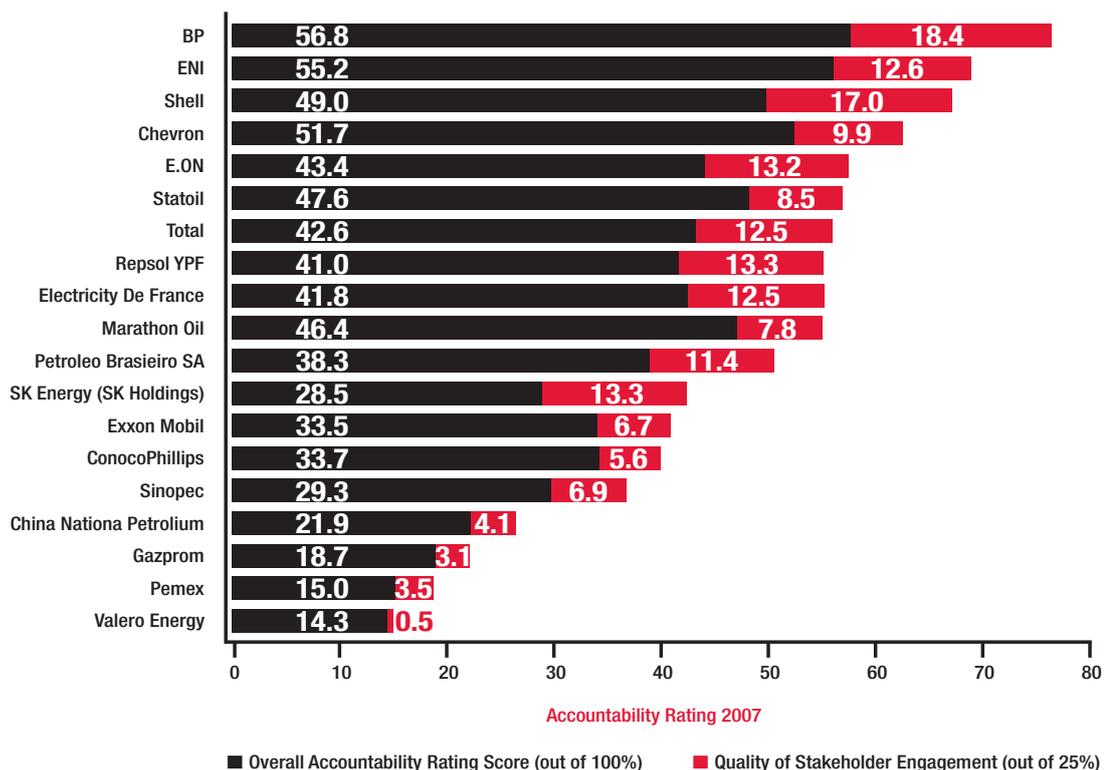
Key players, resources and influence

The UK energy sector is a complex mix of players, covering a wide range of established energy suppliers (such as oil, gas and nuclear companies) and alternative ones (including solar, wave and wind); watchdogs and industry associations and a welter of new institutions working on issues as diverse as carbon offset and the decentralisation of energy supply. Many actors are not only polarised but also fragmented, because they specialise in specific aspects of the energy mix. Since energy is such an inter-dependent area, no matter how effective they are within their individual areas of action, overall policy progress is very difficult.

At the time of the Review, energy companies had already been under scrutiny by environmental groups for a decade or more, notably since the Greenpeace/Shell conflict over Brent Spar in 1995–98. An independent assessment of the accountability of global energy companies shows a mixed picture, with some controversial companies performing more strongly than their less high-profile peers (see Figure 1). Two leading industry players in the Energy Review, E.ON and EDF, are mid-ranking in terms of their accountability and ability to engage with stakeholders (the other four companies making up the “big six” UK energy suppliers were not assessed in this exercise).

Other energy players have also been scrutinised on accountability grounds. Greenpeace, for example, has long championed alternative energy generation, but when it comes to specific large-scale schemes such as harnessing the power of the River Severn with a barrage (a scheme that was first speculated in 1925 and could potentially provide 5–10% of the UK’s energy needs) they have argued that the “jury’s still out” (Greenpeace 2007). Other campaign groups have struggled to articulate consistent policies on wind energy, where local groups adopt a NIMBY position at odds with the policy dictated by London head office. Finally, there had been a proliferation of agencies set up by government since the early 2000s to tackle climate change and fuel poverty, at varying arm’s lengths and with different levels of accountability.

Figure 1 Accountability of global energy companies, including capacity to engage with stakeholders.⁴



Although the 2006 Energy Review was broad in scope, it became a battleground for the UK's nuclear energy future. But the battle lines were not as simple as the media portrayed them, with a distinct pro-nuclear lobby on one side and environmentalists, led by a small number of household name NGOs on the other. To confuse matters, a number of prominent environmentalists became advocates of nuclear power, notably Patrick Moore and James Lovelock, while groups like Environmentalists For Nuclear Energy (EFN) were also active. Along the spectrum, also opposing new nuclear build was the alternative energy sector, which includes wind, solar and tidal-power generation, yet at this period, independent renewable energy companies were rapidly being acquired by large energy providers who held a different position on nuclear. The government's own position was sharply divided between its agencies and departments and influenced "from within" by a group of private actors appointed to design and steward the process. More broadly, there was a wide-ranging group consisting of other industry associations with a stake in energy outcomes, democratic watchdogs and stakeholders interested in the sector. In total, of the 5,338 written responses to the consultation, over 745 were official statements on the positions of specific institutions.

Despite this complexity, it is possible to summarise the main groups in the consultation as being:

- 1 A well-resourced and well-organised pro-nuclear group consisting of energy companies like Électricité de France, British Nuclear Fuels Limited, British Energy and Areva; the Nuclear Industry Association UK and Nuklear 21. The pro-nuclear group had a long history of effective lobbying and had access to high-level decision-makers in central government. It organised a systematic, compelling and timely campaign during the 2006 Energy Review process.

Box 2: Influencing the consultation through informal channels – pro-nuclear groups' use of levers, coherent messaging and timely action

In 2000, the nuclear industry appeared to be politically dead. The long battle fought by nuclear workers and the industry had been lost. Pro-nuclear campaigners needed to reinvent the sector and began exploring opportunities in 2001.

Despite the setback of the 2003 Energy White Paper, against the backdrop that the UK would not fulfil commitments to CO2 emissions targets, pro-nuclear campaigners recognised that nuclear could become the "low-carbon fuel of choice". It was a timely rebranding and a smart use of verbal levers.

New personnel were recruited, and from early 2004, a wave of high-powered media directors, political advisers and public affairs companies with proven-experience of battling governments on controversial topics was recruited to the nuclear industry. According to Jonathan Leake, environmental editor of the Sunday Times, pro-nuclear groups were creating new spaces and becoming prominent in existing ones to influence the outcomes of the Review.

The Energy Industries Club ran a series of carefully planned events specifically targeted at opinion-formers; while elsewhere the Nuclear Industry Association had taken on the secretariat of the all-party parliamentary group on nuclear energy. Over time, these seminars became increasingly apocalyptic: participants were warned that investment in nuclear was the only way to stop the lights going out.

Even their opponents recognised the effectiveness of the pro-nuclear groups' coherent strategy throughout the Energy Review. They successfully used verbal levers to appeal to the wider discussions on low-carbon technologies and climate change; and created new closed spaces to influence key decision-makers. The net impact of these indirect influences was, concluded Jonathan Leake, that "the nuclear industry lobby were pretty active in how the whole 2006 Review process was framed".

- 2 **A small group of advisers around Prime Minister Tony Blair.** This included a select number of the Review team at the DTI, as well as advisers working directly for the Prime Minister, such as David Bennett, Sir David King, Geoffrey Norris, Ivan Rogers, Carl McCamish and Lord Birt.

The growth in the numbers and influence of Blair's advisers had been noted from the first anniversary of the 1997 Labour election victory. John Prescott referred to the "the aides in Number Ten" as "teeny-boppers" in an *On the Record* interview with John Humphrys in May 1998. "Mr Norris may be a teeny-bopper", rejoined Humphrys, "but he works with Tony Blair doesn't he, and he's the Prime Minister."⁵ By 2002, the Transport Select Committee among others was openly critical of the perceived unaccountability of the inner circle. "Never in peacetime has a Prime Minister gathered around himself such an assemblage of apparatchiks unaccountable to Parliament," commented the committee in March 2002. "A small number of people, often like Lord Birt with few relevant qualifications beyond the ear of the Prime Minister, second-guess the work of experienced civil servants. This meddling makes departmental civil servants' and ministers' efforts to grapple with huge problems more difficult."⁶

The number of advisers nearly doubled from 2000 (18) to 2004 (29). Although there was often brisk turnover in special advisers, both Geoffrey Norris and Lord Birt, two key advisers on energy policy, were in position throughout.⁷ Interviewees close to this circle of advisers described how decisions were often made in No.10. A handful of trusted high-level civil servants were invited to a meeting by an adviser, the Prime Minister outlined his preferred position, and then relevant departments and the Strategy Unit were tasked with substantiating his arguments. These were then played back to Blair, who then made his decision. "It was a process that defined the Blair era," according to one interviewee, "a self-fulfilling cycle which led to the Prime Minister being fed back with a sound rationale for his already-made decision".

Although small in number, this was the pivotal group in the Energy Review. Geoffrey Norris in particular as industry adviser had the mandate from "UK Plc" to guarantee a reliable affordable energy supply into the foreseeable future, and the decision to revise UK energy policy was taken, according to one participant, "before the ink was dry on the White Paper".

This inner circle initiated the Energy Review and held power over the entire process. However, it is not yet possible from the public record to specify when and how carefully this planning began. Some informants felt that through careful reshuffles of personnel, "blue-sky thinkers" who had been influential in the 2003 Energy White Paper and were openly supportive of alternative energy were moved to other posts to avoid involvement with the revision process. On the other hand, Joan McNaughton, who was said to be pro-nuclear, was also moved out of the DTI energy post in 2005.

What is clear, though, is that while the 2003 White Paper had been co-ordinated across central government, with active roles for the DTI, Defra, the Trade and Industry Committee and the Strategy Unit, in 2006 this process was – by design – run by a much more streamlined team in the DTI.

- 3 **Organisations in the emerging alternative energy sector including companies and civil society associations working in the areas of wind, solar and tidal power generation,** including many small start-ups and larger institutions like the British Wind Energy Association, First Hydro and Airtricity. This was a very diverse and fragmented group, and representatives admit they were sometimes unsophisticated in their communications with central government and approach to the Energy Review.

Through inexperience, lack of resources and the difficulty of articulating a single compelling argument, the alternative energy suppliers failed to build on the opportunities gained in 2003. Rather than build new, well-governed collaborations, they organised "their customary circular firing squad," accusing each other of failing to seize the opportunities and deploying their resources effectively to build a convincing argument to attract funding from the City for long-term roll out of renewables at scale.

Could a well-organised renewable sector have delivered to the Prime Minister and his close advisers an effective solution? Perhaps not. Many actors in this sector seemed to agree with the Liberal Democrats environment spokesman Norman Baker: the decision had been made before the consultation paper had been written and the 2006 Energy Review was just a "retrospective way of justifying the Prime Minister's wish to build a new generation of nuclear power stations" (Guardian, 24 January 2006).

- 4 **The anti-nuclear Non Governmental Organisations (NGOs)**, led by the environmentally focused groups Greenpeace and Friends of the Earth as well as smaller issue – and place-specific groups like Stop Hinkley. In contrast to the pro-nuclear groups, the NGOs had fewer financial assets, more limited resources and weaker networks to influence energy decisions. Yet they were often more effective than their resources might suggest. Stop Hinkley, for example, leveraged its Lib Dem and Green Party relationships in the South West to get coverage in regional BBC and ITV documentaries in September 2005 to highlight the risk from “this crumbling old reactor”⁸.

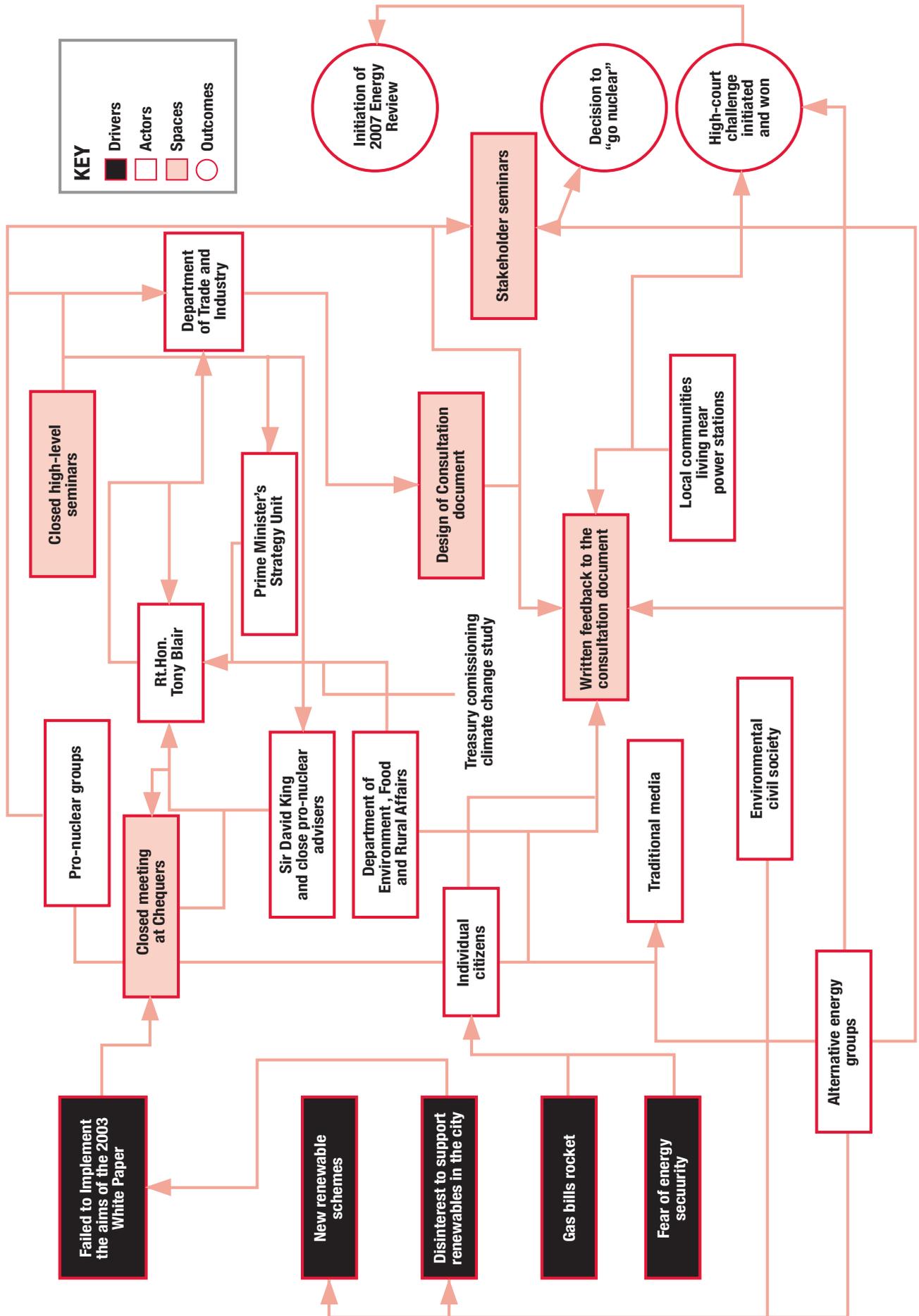
Paradoxically, the NGOs are well trusted, yet relatively unaccountable. A 2007 poll by AccountAbility and Globescan asked “which institutions citizens in the UK trust on global warming” and found that Greenpeace was by far the most trusted organisation in the UK (70% of citizens trusted their opinion). In general, environmental groups were considered to provide reliable information about climate change (AccountAbility / Consumers International 2007). Yet, a controversial assessment of global institutions claimed that Greenpeace was less accountable than companies such as Coca Cola and General Electric (Lloyd et al 2007). One informant expressed a view that British environmental NGOs had become household names through modes of campaigning that helped to perpetuate themselves and drum up members rather than solving problems. Insiders questioned whether there was a role for mergers or even hostile takeovers (unheard of in the voluntary sector) to increase effectiveness.

- 5 **Broader civil society associations**, such as the industry watchdog, Ofgem (Office of gas and electricity markets), industry associations such as the Association for the Conservation of Energy, Combined Heat and Power Association and the Association of Energy Producers, and energy-dependent stakeholders such as the Confederation of British Industries, financial institutions, academics and organisations like the Women’s Environmental Network. Crucially, this group was often neglected from the stakeholder seminars and as such their potential to contribute to the Energy Review was not fully realised.
- 6 **Departments and individuals in central government who were knowledgeable about energy policy but who were excluded from the 2006 process**. This group includes several “blue sky thinkers” who led the inclusive 2003 process and were influential in producing the 2003 White Paper. Entire departments, such as the Department for Environment, Food and Rural Affairs (Defra) and the Department for Transport felt they had insufficient opportunities to input into and design the 2006 process. The same applies to the shadow cabinet.
- 7 **UK citizens were both the most important group and the most marginalised**. The energy debates raised significant barriers and challenges to realising citizenship rights in the context of complex scientific debates, where expert knowledge represents a high threshold for the average citizen to participate effectively (Leach & Scoones 2003).

Throughout the consultation process, citizens had little power to engage with and influence the decision-making process. Just 1,149 individual citizens (independent of their organisation) sent written responses to the DTI, expressing an opinion. While the 2003 White Paper was designed to include local communities and systematically gauge opinion from across the UK, the 2006 consultation did not. The web-based forums – said by some interviewees to have been successful in 2003 – were gone, and the stakeholder seminars were closed spaces. In real terms, the consultation offered few opportunities for citizens to voice concerns directly. Yet it is also the case that concerned citizens did not create new spaces to present a mass voice (marches, petitions, tabloid press campaigns), as happened at this time over the Iraq War and Road User Charging.

Unlike other recent contested decisions in British politics, the missing feature of the key actors in the Energy Review was a high-profile spokesperson for stakeholders and the media to latch onto. Tony Blair, Energy Minister Malcolm Wicks and the trade unionist with Nuklear 21, Howard Rooms, did receive significant attention in the media, but often in the context of having acted in underhand ways. Neither a celebrity nor a representative of the *vox populi* came forward to unpack the complicated issues of energy policy and build trust with citizens.

The interactions of the key drivers, the major groups of stakeholders, the spaces of contestation and the outcomes of the process are summarised on the power map opposite. The power map only tells half of the story. These relationships are often long-term associations among friends in high places, in this case including the revolving door between government and business and, on occasion, family relationships (see Box 3 for details).



Box 3: Informal connections between key decision-makers

- In October 2004, British Energy appointed Craig Stevenson, formerly Monsanto's top UK lobbyist, as head of government affairs. British Energy also hired Helen Liddell, former energy minister, as a short-term adviser. According to Jonathan Leake, BE paid £1m to the PR firm Financial Dynamics (Leake 2004).
- Andrew Brown, brother of the then Chancellor of the Exchequer Gordon Brown, was head of media relations at EDF Energy, a company with interests in building nuclear in the UK (Guardian, 11 July 2006).
- One of Brown's senior advisers in 2006 was Ed Balls, whose father-in-law Tony Cooper was former chairman of the Nuclear Industry Association and a board member of the Nuclear Decommissioning Authority.⁹
- According to one senior official, a piece of independent data in an influential Whitehall PowerPoint presentation was directly sourced, unacknowledged, from the nuclear industry.

The Environment

A number of fast-moving social, environmental and economic factors strongly influenced the design and implementation of the Energy Review. Put another way, the rationale for the consultation came about as a combined impact of the decisions made by international trade negotiators, companies, journalists and editors, and politicians. The following contextual changes influenced the process design, shape and outcome of the Review:

Russia flexes its muscles

“Energy is not just a question of keeping the lights on, but national security.”

Malcolm Wicks, Minister for Energy (Guardian, 23 January 2006)

Just as the Department of Trade and Industry (DTI) were finalising the 2006 Energy Review consultation process, an event brought the issues of energy security back to the top of the agenda. On 1 January 2006 Russia choked off their westbound pipes after negotiations failed with the Ukraine over the price of natural gas, reducing pressure in the pipeline, immediately affecting gas supplies in Germany, Italy, France and Hungary, and sending political and economic ripples across Europe (Guardian, 2 January 2006). Despite the fact that the UK does not receive energy from Russia, Britain's response was, as the New Statesman editorialised, “to run into the arms of the nuclear industry rather than test the genuinely courageous non-nuclear options” (17 July 2006).

The events in Russia were not unique to the period since the energy White Paper. In October 2003 the lights went out in Britain, mainland Europe and North America, leading to the UK's then Planning Minister, Lord Rookey, recommending to Parliament that nuclear must come back onto the agenda (Guardian, 8 February 2006). The combined effect of recurring electricity failures was increased anxiety – especially by “UK Plc” – that one day the “lights would go out”. This fear shifted power away from alternative (“unreliable”) energy generation and empowered “proven” energy suppliers, particularly nuclear, oil and gas companies, as well as bringing coal back into the equation.

Energy bills skyrocket

Just days into the 2006 Review, the press reported that UK consumers had seen energy bills rise 40% in two years and that citizens should expect bills to rise again (Guardian, 22 October 2003). It followed a period of huge volatility in electricity prices (see Figure 3), and calls by the parliamentary Public Accounts Committee that energy suppliers should be held to account on electricity prices as consumers were getting a “very poor deal” (Guardian, 16 December 2003).

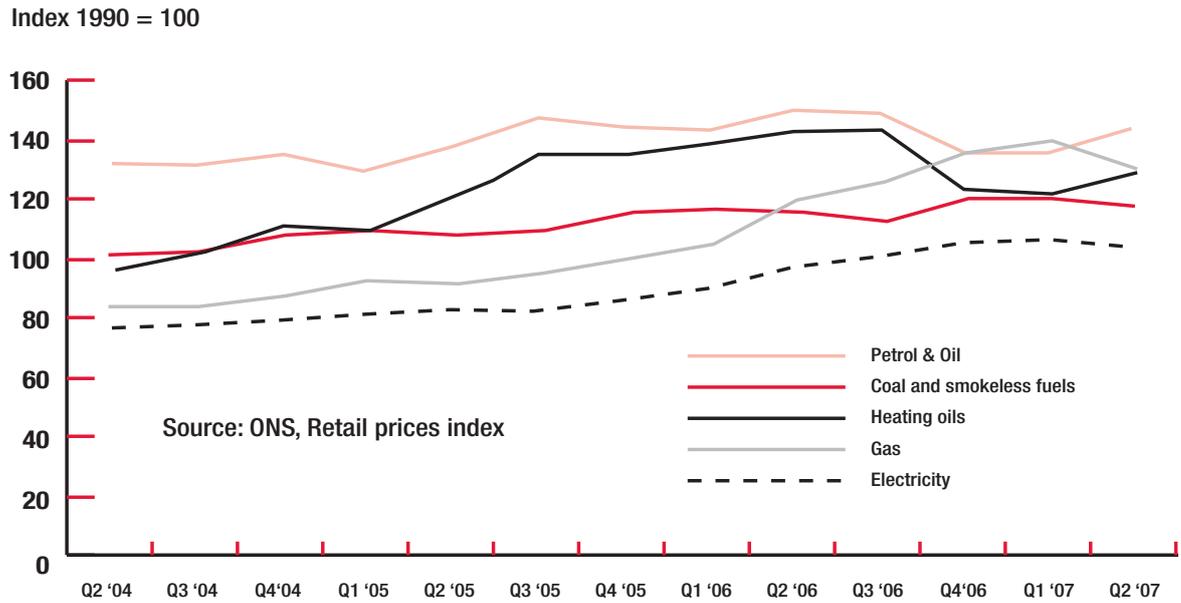
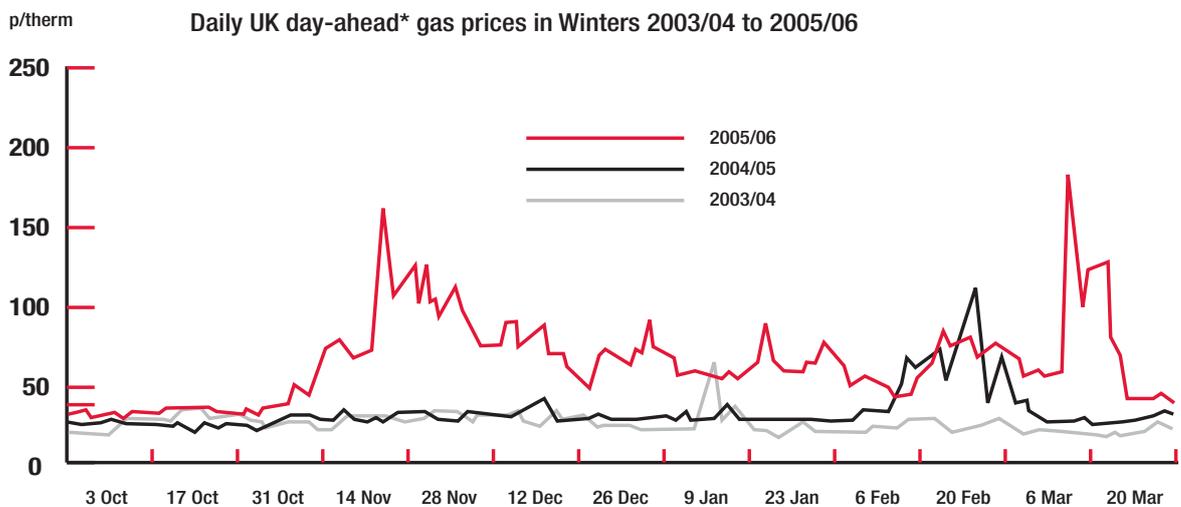
Figure 2: Fuel prices in the domestic sector.¹⁰

Figure 3: Volatility of winter gas prices in 2003/04 to 2005/06



In March 2006, right in the middle of the review, gas prices spiked dramatically and the proposal from the White Paper – to convert coal-fired stations to gas – suddenly appeared to be a poor financial investment. About the same time, reports began to circulate about in-fighting between Defra, DTI and HM Treasury on whether the UK would miss its commitments on CO₂ reductions¹¹. The CBI position gained in importance: that reliable, cost-effective low-carbon energy was necessary. Efforts to generate “green energy” were hitting stumbling blocks; even historically anti-nuclear policy-makers must have started thinking more seriously about nuclear power.

A lack of support in the City of London

Financiers in the City of London held a great deal of power over the implementation of the plans emerging from the 2003 White Paper. The Government needed to attract investments of £10bn each year to make the energy plan a reality, but despite the efforts of the then Energy Minister Brian Wilson, the investments were not forthcoming.

The City was unconvinced of the merits of new energy technologies, amplified by challenges in going to scale. The City had a long tradition of giving reduced credit ratings to the electricity sector. A series of high-profile failures, like the River Severn estuary barrage, demonstrated the risks involved and, according to Philip Wolfe, this meant that risk-averse investors were looking for 20% returns on renewable schemes rather than half this amount for traditional oil and gas projects (Guardian, 13 March 2003). An investment track record was urgently needed to defend the alternative energy sector case. Without the support of the City of London, the ambitious aims of the White Paper began to look unachievable.

A Prime Minister securing his legacy

“Yesterday, I received the first cut of the Review. The facts are stark... These facts put the replacement of nuclear power stations, a big push on renewables and a step-change on energy efficiency, engaging both business and consumers, back on the agenda with a vengeance. If we don't take these long-term decisions now, we will be committing a serious dereliction of our duty to the future of this country.”

Tony Blair at the CBI, 16 May 2006¹²

Tony Blair, who had once been shadow energy secretary, framed the energy review in his speech to the CBI as a fact-led exercise that was presented to him. In reality, it was the opposite: a conviction-led exercise that emanated from within No.10 Downing Street. A key factor in the shape of the new policy was the Prime Minister's desire to secure for himself a modern, bold, decisive legacy. In late 2005, Tony Blair was in a strong position, coming off the back of leading the Labour Party to an unprecedented third term in power. He had indicated that he would not see out the full term, and now he began to shape his legacy. According to one high-level civil servant, Blair and his closest advisers had decided that one aspect of this would be nuclear power.

It was a time of power-plays in Downing Street. Lord Birt had devised a scheme to cut the Treasury in two to combat the complex power struggles between Tony Blair and Gordon Brown and move the Chancellor of the Exchequer to the Foreign Office (Guardian, 9 May 2007). A No.10 insider admitted “self-evidently we had a tension with different decisions being taken on the same subjects in totally different places in Whitehall. Neither the Treasury, the No. 10 strategy unit or the cabinet office could implement policy by themselves, nor could they do it together, so individual departments could divide and rule.”

The Review was framed as a long-term strategic imperative but was significantly driven by very short-term concerns. Geopolitics, spiralling fuel bills, risk-averse investors and political infighting underpinned the energy consultation. This tense context could have provided opportunities to any of the players struggling for primacy. In practice, it played into the hands of the Prime Minister and the nuclear industry.

Spaces

Key discussions throughout the consultation process were held in specific “spaces”. This section identifies where the crucial decisions were made, and looks at how actors deployed their resources to access these spaces and shape the decision-making process.

Three types of space are identified: created, closed or invited. Access to each of these spaces can be difficult, and the Energy Review is characterised by key decisions being made in closed spaces. Numerous actors struggled to create new spaces (eg web-based platforms, petitions). Therefore, we look at the key closed spaces first, then invited spaces and then claimed spaces, emphasising opportunities and channels that were or were not used to influence the outcomes of the process.

Closed spaces

Arguably the most important space was closed to almost all stakeholders. A top-secret meeting was held at Chequers in September 2005, where Tony Blair and his close advisers sat down with the nuclear lobby. Some key advisers later declined to answer whether or not they had been at the meeting, at which it was decided that progress towards the medium- and long-term goals of the energy White Paper should be reviewed. Andy Rowell, editor of NuclearSpin.org, claims that this meeting gave the unofficial green light to nuclear power (Guardian, 3 May 2006). Within two months, Tony Blair announced that the DTI would lead an Energy Review. Nuclear was back on the agenda.

The Chequers meeting made clear where the power lay in central government. In the past, important decisions were made by the Cabinet, but this demonstrated that Blair wanted to keep control over this process. Even other governmental departments complained that they could not influence the decision-makers. Former Environment Minister, Elliot Morley, complained that the Review was not open, transparent and fair and that Defra were “not getting the involvement in the Energy Review at the technical level we should” (Guardian, 17 May 2006).

The influence of formal processes in the Review was limited. In absolute numbers, fewer than 6,000 organisations and individuals fed opinions and expertise into the process this way. Even the ancillary actions were muted (by the standards of the earlier fuel-tax protests and later road-pricing e-petition). Nevertheless, a petition signed by 10,000 nuclear workers was delivered by Howard Rooms, a trade unionist with Nuklear 21, to Tony Blair and the Trade and Industry Secretary Alistair Darling. This event, a much more public closed space than the Chequers meeting, was well covered in the media on Wednesday 12 July (Rowell 2006).

Invited spaces

The stakeholder seminars were perceived by interviewees to be primarily for industry and government: “It was not clear who would be involved, or how stakeholders were identified;” “There was no public list and invitations were sent only at the last minute;” “Compared to other major consultations, this was untransparent.” Insiders were surprised that so many organisations in the end participated: in total 241 organisations attended the nine seminars. Despite allegations, it is not true that the meetings only assembled the usual suspects. Just six organisations (British Energy, Électricité de France, E:ON, Friends of the Earth, Ofgem and Scottish Power) were present at four or more of the events.¹³

The convenings were not iterative in process nor designed to garner regional perspectives; indeed a number of attendees travelled from London to multiple regional events. Some attendees at the seminars found them “restrictive and ineffective” and complained the questions posed were limited in their scope. In fact, since each convening was around a particular theme, by design the dialogue was constrained.

This can be a way to build constructive discussion – and indeed was a strategy successfully deployed in the 2003 consultation – but it needs to be supported with more general conversations to deepen dialogue. This was not felt to be the case in the 2006 Review: some participants said discussion was confined and influenced by “who turns up and who expresses a strong view,” rather than the position expressed by the majority.

Open spaces

“The consultation document... it’s not a single side of A4 with a series of ‘yes’/‘no’ questions. It’s a substantial document reflecting that this review of energy policy is by no means a simple task.”

Malcolm Wicks, Energy Minister, at the launch of the Energy Review consultation ¹⁴

The consultation document was a 16-page report that could be ordered by phone or downloaded from the DTI’s website. No figures are available on how many copies were distributed. It explained the UK energy mix (the percentage of energy from different sources), provided projections for the supply and demand of energy, and presented five key questions. One interviewee working at the time in the Cabinet Office felt these were general, open-ended questions quite inappropriate to garner public opinion: this was the “most pathetic consultation document of all time”.

Effective consultation can enhance trust, empower citizens and organisations and build traction in public policy decisions. Consultation can be a valuable tool for accountable policy-making, but its success depends on the presentation of complete and material information, and the responsiveness of the institution to the feedback it receives. “Government is most credible”, said Hilary Armstrong, Minister for the Cabinet Office and Social Exclusion, “when it listens and shows that it is listening to the customers of public services, the country’s experts, businesses, charities and NGOs and those who are most directly affected by the Government’s actions” (Cabinet Office 2007).

In contrast, key decisions in the run-up to the 2006 Review were made which undermined the quality and depth of consultation. It was “a choreographed process that did not reflect the necessary scope of discussion” according to one interviewee, while others cited developments such as lack of national media coverage and interactive websites as preventing quality dialogue, thus disempowering citizens.

The consultation coincided with growing concern over the integrity of information that the media was reporting. Since 2004, a series of high-profile incidents had undermined public trust in the debate around energy policy. These included:

- Minister for Environment, Michael Meacher, formed a team of experts, the Committee Examining Radiation Risks of Internal Emitters (CERRIE), to investigate the health impact of living near nuclear power facilities. This panel was due to report in summer 2004, but the diverse expert group could not agree on their findings. Some speculated that the impact of living near nuclear power was possibly 300 times larger than previously thought. In an unprecedented move, Defra sent letters to all 12 members of the committee warning them that they as individuals could be sued for defamation if these high figures appeared in the official report. Senior scientist Marion Hill felt the expert committee had been gagged: “It’s a complete failure when you have a scientific committee that is not allowed to write anything about disagreements over science” (Sunday Times, 1 August 2004);
- The UN-led Chernobyl Forum’s high-profile report that launched just as the Review consultation was ending in April 2006. The key finding – that fallout from Chernobyl would kill 9,000 people – was challenged by Greenpeace who felt it underestimated the size by over 90%;¹⁵
- Data from the energy industry was thought to be unreliable, for example poor reporting on the size of oil and gas reserves, doubts about the quality and importance of leading energy statistics publications, and the United States underestimating oil demand by 46% in 2004.¹⁶

These and other incidents undermined trust in third-party information and communications from major media sources. Civil society associations, energy suppliers and broader stakeholder groups relied on trustworthy information to articulate compelling arguments to stimulate the debate, but the backdrop was of rising mistrust in key institutions providing the data, notably business and government. Among businesses, energy companies enjoy especially low public trust.

Another factor constraining public spaces was the media. Protests about racial integration, ongoing concerns about crime and the war in Iraq attracted attention from domestic energy policy. In the week before the Energy Review consultation started, climate-change expert Dr Kevin Anderson hit out in the *Guardian* on the “abysmal” standard of debate in the UK (*Guardian*, 26 January 2006). But this was the third national energy consultation since 1998 and the second in three years. According to one journalist, “nothing significant had changed in the debate since 2003” and there were no new buzz phrases, verbal levers or celebrities. Even the industry associations felt “frustration that the government was firing off another review in 2006”.

Global warming and the price rises were firmly on the radar screen of the general public, but researchers reported a discontinuity between these issues and household and business energy consumption. The National Consumer Council and Sustainable Development Commission held focus groups to understand what would convince consumers to take more ownership of such issues. One informant replied: *“Electricity? Well it comes from that little meter. It comes straight in here. I have no idea where it comes in from before that. I’ve never thought about it.”* (Female, 30s, C2D, London.)

The general public responded to sensationalist coverage, but not by taking significant action: engaging in constructive debate, lobbying politicians and business or taking up energy efficiency packages on offer from government. The media was not effectively used by most stakeholders to stimulate public debate and in turn, the coverage of the Review was poor, particularly in the local newspapers but also in much of the tabloid and broadsheet press.

While the consultation covered major population centres across the UK, communities living near power plants were largely neglected in the process. At Hinkley Point, there was limited debate as the operators of the local power plant, British Energy and British Nuclear Fuels Limited, resisted arranging meetings in nearby towns like Taunton and Bridgwater, instead choosing to keep open meetings at sites near the plant gates with limited access.

It was not just the communities near major power stations that felt neglected in the process; stakeholders in the nine cities hosting seminars felt disempowered. An example of this was in Scotland, where 40 people attended the fourth seminar in Edinburgh on 23 February. The seminar had strong interest from the energy industry and discussion focused on “transport and new technologies”. But the agenda was too rigid to be considered “consultation”: it did not hit the core issues and it expressed concerns of Scottish people. Scotland has, according to opinion polls, a different perspective from England and Wales, strongly rejecting nuclear energy and favouring renewable-energy generation. In addition, a majority of the Scottish Parliament was opposed to nuclear power. One interviewee succinctly described the view from Scotland: “nuclear power is not such an issue, because we are not going to have it.” Yet the transport focus of the Scotland seminar silenced these distinctive voices.

Learning from the Energy Review

“It now seems certain that Britain will give the go-ahead next summer to a new generation of nuclear power stations. The Sun welcomes this.”

The Sun, 30 November 2005

Citizen participation in the Energy Review lacked the buoyancy that characterised other recent consultations. Although evidence is patchy, there is a widespread perception that the 2006 consultation did not spark the same levels of debate as the 2003 White Paper. The process was designed to find workable outcomes to specific challenges and discussion of societies’ broader social, economic and environmental concerns was discouraged.

The process offered two formal channels for communication: stakeholder seminars and written responses. Unaffiliated citizens were excluded from the nine seminars. Informal channels were created, accessed and utilised by some stakeholders, but the majority – especially in local communities near power stations and outside London – did not participate in the process.

How could stakeholder groups have stimulated debate and created a more inclusive public consultation? The key was to gain a deeper understanding of how citizens actually felt about energy. If citizens were disconnected, how could the professional parties in the debate have adjusted their strategies to raise and resolve differences in opinion through increased public participation?

In May 2006, the Electricity Policy Research Group asked opinion pollsters YouGov to conduct a public survey on attitudes towards energy and the environment, intended to be the first in a series of regular annual opinion polls on public attitudes towards electricity supply and on individual behaviour (Reiner 2006). They asked a series of in-depth questions to probe the engagement of the general public in the energy debate and identified that:

- Overall, less than 10% claimed to be following the debate over the future of energy in the UK “very closely”.
- Broadsheet readers were far more likely to be engaged than tabloid readers. 17% of Guardian and Independent readers claimed to be following the debates very closely and 63% fairly closely. Readers of the *Financial Times*, *The Times*, and *Daily Telegraph* expressed a similarly high level of interest (12% very/72% fairly). By contrast, only 37% of *Sun/Star* readers were similarly attentive (5% very/32% fairly).
- Questions about preferred technologies for addressing global warming showed that those listing “environment” as one of their top three overall concerns were most opposed to nuclear power (25% vs 14% overall).
- In addition to variations in age and political outlook, there was a significant gender difference: two-thirds of men claimed to be following the subject closely – either “very closely” (13%) or “fairly closely” (55%) – compared to only half of women (5% and 45% respectively).
- Despite being less engaged in the energy debate, women were nearly twice as likely as men to be opposed to nuclear power (37% opposed, 21% strongly vs 21% of men, 10% strongly).

Figure 4: Opposition to Wind and Nuclear by Gender and Age Group, May 2006

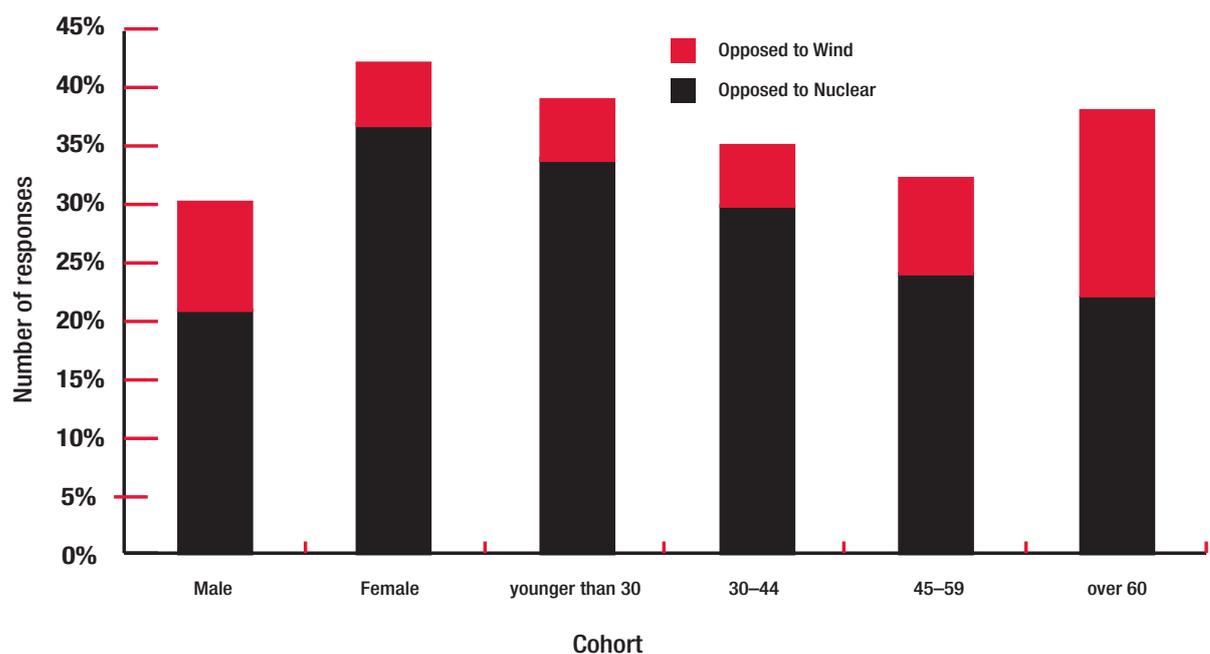
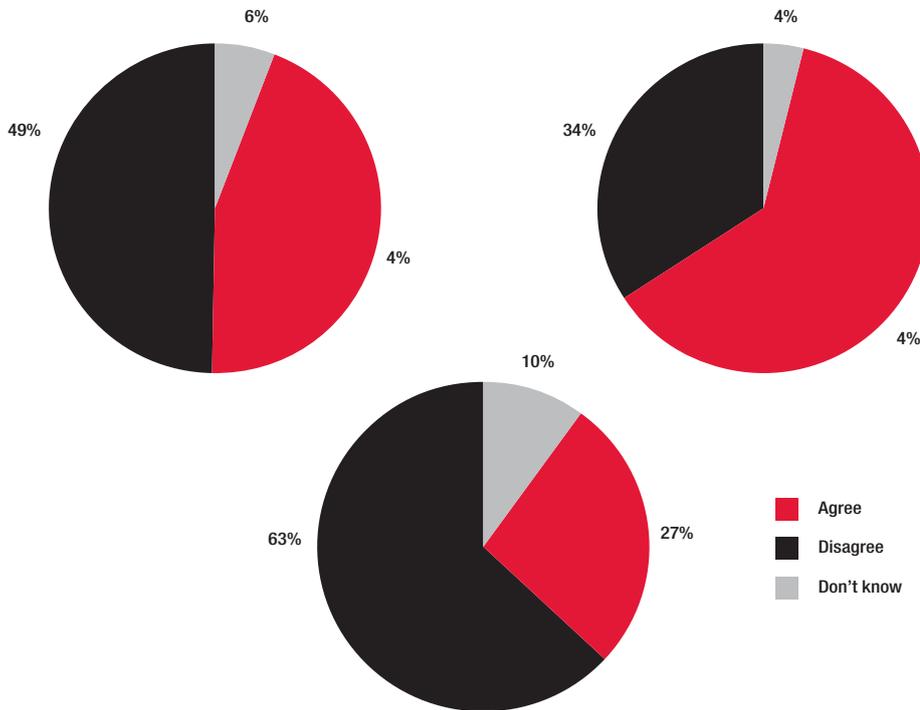


Figure 5 Gender differences in response to the question “do you agree with building more nuclear power stations?” (Top left: all respondents; bottom: females; top right: males.)¹⁷

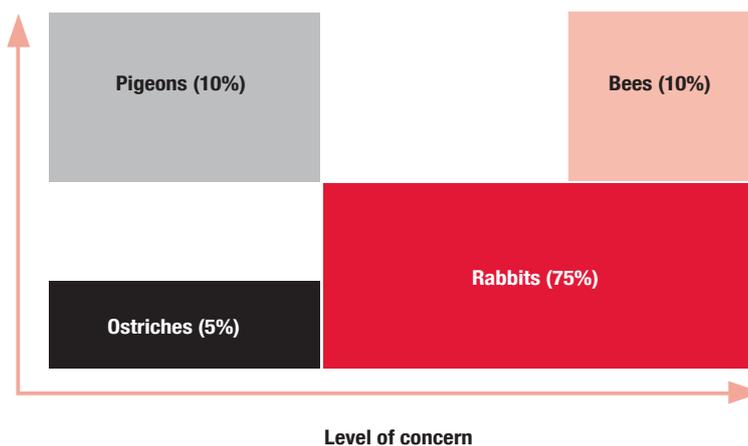


There was also a clearly declining gradient of opposition to nuclear; and increasing opposition to wind power, as age increased (see Figure 4).

In April 2007, Greenpeace commissioned an opinion poll in Scotland. Although not fully comparable, it suggests that Scottish people were more opposed than the UK average to nuclear power, with 38% of respondents completely opposed and a further 12% opposed, with 23% supportive, and the remainder undecided.¹⁸

This data in aggregate suggests that the public was largely disengaged from the debate despite having strong views on some of the issues. Gender, age, political affiliation and nationality are the most obvious fault lines, for example in support of nuclear power. Women were more opposed to new nuclear build, and more could have been done to give this position a voice in the consultation process. Yet men are more likely to belong to more community organisations than women (Weir et al. 2008). Similarly, for the consultation to gain credibility the government needed to design a process that incorporated the differences in opinion between citizens in Scotland and England.

Figure 6: How UK citizens are responding to climate change (AccountAbility et al 2007)



Research by AccountAbility, Consumers International and Globescan in early 2007 found that UK citizens could be categorised into four broad categories on the basis of their level of concern about global warming and the actions they have taken to tackle it (see Figure 6). This study shows that three-quarters of citizens are concerned about global warming but feel challenged to see how their actions can make a difference. Remorse or fatalism leads to disengagement and eventually to denial (AccountAbility et al 2007).

In 2006, policy-makers on all sides of the debate failed to identify these challenges and to build channels for citizens to engage in the debate. Rectifying this situation would have required a more strategic deployment of resources, more creativity in process design, more responsiveness from the inner circles to popular concerns, and more efforts to bridge into excluded stakeholder groups like those living in fuel poverty and local communities near power stations.

Final Remarks

The Energy Review demonstrates how widespread accountability deficits can emerge within a legitimate, “by the book” public consultation. Beyond democratic rhetoric and a profusion of “how-to” processes or consultation guidelines, it is rarely clear what counts as effective participation (Bishop & Davis 2002). But in this case, policy-makers neglected to embed participation at the heart of the process, despite the fact that a better process had been undertaken just three years previously. According to one industry interviewee, in 2003 the government had “welcomed the views of stakeholders and had a proper, genuine debate”, and it was perceived by another as “more engaging, and brimming with more debate” than 2006.

The energy policy context in 2006 was arguably more challenging. The complexity of issues combined with the number of polarised actors and stakeholders perhaps made reaching consensus unlikely. But it would not have been as difficult if policy-makers had built on the foundations of 2003 to demonstrate their leadership. There was a strong contrast between the two processes. In 2003 each stakeholder group had been involved in an inclusive debate using innovative measures. According to the interviewees there was a “strong sense of national debate around energy” and a “feeling that the government was listening to each and every voice”. The 2006 Review was deliberately less inclusive, partly to save money and partly because of an emerging culture in No.10 that tough decisions had to be taken. Some of the interviewees felt it was a piece of choreography created to persuade citizens of the need for nuclear power, and that there was a general sense that the “decision had already been made for nuclear.”

DTI staff were satisfied with the number of responses to the public consultation, given a prevailing sense of consultation fatigue. In effect, informal, close-to-No.10 processes strongly influenced the 2006 Review. Many of these informal connections were through existing relationships, although the smart deployment of resources, use of levers and solutions-orientated behaviour enabled some parties to open up more channels for influencing the decision-making process.

Could stakeholders like the alternative energy producers and environmental NGOs have had more impact on the agenda? Yes, according to our interviewees. Alternative energy producers struggled to build effective collaborations to get across their arguments and inspire faith that serious investment was about to be unlocked. Messages of “gloom and doom from international NGOs are disengaging and counterproductive,” said one NGO participant. “Frightening people into change is ineffective.”

As the dust settles around the extended aftermath of the 2006 Review, there will be important learning opportunities which could help policy-makers and campaigning organisations build more creative spaces and smarter strategies for citizen engagement. It is clear that many organisations could have done more to mobilise citizens and create more debate and better solutions. There was little effort devoted to mass mobilisation; celebrities were not deployed; local, regional and gender differences were not capitalised on.

From our analysis, we identify five dimensions which impacted on the level and quality of citizen participation and influence. They are:

- **Framing of problems or solutions.** There were widespread criticisms of the five key questions asked by government to frame the energy review. There were also criticisms of environmental groups and the media indulging in “climate porn”: framing climate change as an impending catastrophe and at the same time promoting small easy solutions – which many citizens suspect are inadequate. Citizens therefore lacked assurance that action would be worthwhile. In contrast, the communications drive of the nuclear industry was to promote nuclear power (among policy-makers more than citizens), thereby reframing nuclear as a sane, essential, modern and somehow dependable part of the solution.
- **Focus on process or outcomes.** The consortium led by Greenpeace to appeal in the High Courts generated significant headlines and column inches, but it was late in the day to mobilise popular opinion against the prevailing policy drift of the review. In some ways the tactics of the anti-nuclear groups highlighted the lack of a convincing non-nuclear strategy and this led to lack of engagement among the broader public. Process challenges may also remove future incentives for policy-makers to innovate in designing inclusive consultation processes. As one spokesperson for the Department of Trade and Industry (DTI) put it: “it is so regrettable that Greenpeace’s tactics seem to be to do everything they possibly can do to delay and undermine the process of consultation that they themselves demanded”.¹⁹
- **Top-down and mutual accountability.** While the process was technically accountable in its own terms, accountability between the centre and citizens was far from mutual. For example, the debate failed “materiality” and “completeness” tests because while citizens expect an even-handed debate, treatment of some key issues like nuclear decommissioning costs or reasons for the slow progress in building renewables was scant or sporadic, while the threat to energy security was arguably overplayed. There were also problems of responsiveness. For example, it was difficult to hold to account key players such as special advisers, who have successfully kept off the public record. It is also likely that the increasing use of consultations and a high turnover of energy ministers led to fatigue and disengagement, and reduced the quality of public debate.
- **Entitlement or collaboration.** Energy policy was a more complicated space in 2005/06 than it had been in 2002/03, because of the salience of climate change, the resurgence of fuel poverty and a range of short-term crises like gas prices. Because of their success in 2003, alternative energy producers, climate activists, fuel poverty campaigners and anti-nuclear lobby groups were slow to reconfigure for the changed landscape of 2006. They struggled to form new collaborations, and deployed their best thinking only at the closing stages of the review. This contrasts to the pro-nuclear lobby which brought together trade unions, industry associations, scientists and energy companies in good time.
- **Creative spaces.** Evidence shows the public were concerned, had strongly held policy preferences, and that these preferences varied significantly (notably on gender, age and geographical grounds). But levels of engagement were extremely low compared to other citizen engagement processes occurring at the time. The default engagement space in Whitehall consultations is an expert seminar communicating via McKinsey-style graphs in PowerPoint slideshows. Responsibility for creating more innovative engagement spaces lies not just with Whitehall. The energy industry and civil society associations could have done much more, not just getting more people to contribute to the formal process but in organising parallel spaces, such as local community roadshows or arguments on internet social networks.

In all of these areas, more could have been done to improve the quality of engagement in the energy review decision-making process. “To solve the climate crisis,” says Al Gore, “we have to solve the democracy crisis.” The 2006 Energy Review led to a series of decisions that will be relevant to tackling climate change. But few participants saw it as a model for tackling democratic disengagement.

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Appendix

Methodology

AccountAbility undertook 15 interviews with experts from across the energy sector, including campaign groups, industry associations, journalists, government officials and academics who were close to the Energy Review. These conversations were supplemented by a comprehensive literature review and, where appropriate, analysis compares the 2006 Energy Review to the consultation process around the 2003 Energy White Paper.

Critical analysis of these processes has been made using the three principles from AccountAbility's AA1000 standard for sustainability reporting, namely:

- Responsiveness;
- Completeness;
- Materiality.

AccountAbility also present the results for energy companies from the 2007 Accountability Rating. This Rating measures the extent to which companies have built responsible practices into the way they do business, their accountability to and engagement with stakeholders, and also the company's actual impacts on the marketplace, society and environments in which it operates. It was developed by leading CSR consultancy csrnetwork and international think-tank AccountAbility, and analysis now includes data from the Swiss rating agency, Asset4. More information about the Accountability Rating can be found at: www.accountabilityrating.com

Every effort has been made to ensure that this case study is accurate and representative of all actors involved, but it does not reflect the views of all actors involved with the process. In fact – as with all studies of this type – a great deal of commentary (including many of our interviewees) originates from actors disempowered in the 2006 Review.

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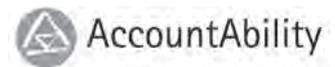
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Pay up or shut up: putting a price on English language lessons

Democratic Audit

Sofia Hamaz and Claire Preston



Executive Summary

In October 2006 the government announced its decision to change the rules on eligibility for English language classes, resulting in some students having to pay for classes which had formerly been free. Protest and debate among various stakeholders ensued. Along with the findings of a Race Equality Impact Assessment (REIA), this resulted in a number of concessions being announced in March 2007. The English classes, known as ESOL (English for Speakers of Other Languages), are aimed at a mix of students, typically British citizens or residents from ethnic minorities, asylum seekers, refugees and migrants.

The purpose of this case study was not to judge the rightness of the decision itself but to investigate what it tells us about how power is exercised in Britain today and the capacity for those affected by policy to influence decisions. However, as we shall see, the narrow grounds for the decision made it vulnerable to a strong protest campaign and to concessions.

Key findings

Early involvement in decision-making was limited to a few powerful players; consultation took place after the fundamentals were agreed. The fundamental decision was made by ministers and officials at the Department for Education and Skills (DfES) and the responsible quango, the Learning and Skills Council (LSC), ratified by Cabinet Committee and announced on 18 October 2006 in the LSC's annual statement of priorities for 2007 called *Raising Our Game*. No public consultation fed directly into this decision. In 2005, the DfES and LSC had commissioned management consultancy KPMG to review ESOL but this report had a relatively narrow remit and a low profile in subsequent discussions. The non-governmental guardian of continuing education, the National Institute of Adult Continuing Education (NIACE) held a widely consultative inquiry into the future of ESOL, which reported in October 2006 but did not contribute directly to the government decision announced a few days later. So, the people most affected by the decision, the students and tutors, only came to the debate very late, when the basics of the decision were already set. In December 2006, after the decision had been announced, the government set in motion its main instrument of consultation, a Race Equality Impact Assessment (REIA). This process did not, however, allow participants to determine whether change happened at all or whether the right questions were even being asked. Decision-making power in this sense was wielded much earlier in the process. Nonetheless, the existence of the REIA, framed by Race Relations legislation, greatly encouraged policy-makers to mitigate possible negative impacts that changes to ESOL funding would have had.

Networks, trade unions and the media helped students overcome barriers to participation.

The students, who were most affected, were in a relatively weak position to exert influence. ESOL learners by definition face certain barriers to communicating in English. For those who are not British citizens, there are additional hurdles such as reduced rights and an uncertain status. The students may be unfamiliar with the workings of the political system, having only recently arrived in the country. But despite being a relatively powerless and disparate group, they had important allies, notably the tutors, the tutors' union (University and College Union, UCU) and other trade unions. Attendance at college also brought organisational advantages. The UCU acted as an information hub and rallying point and the involvement of other unions helped broaden the protest. The image of a united national front that the trade union provided was key to raising the campaign's media profile. The media also welcomed the opportunity to give voice to people who are seldom heard – the students.

Participation brought a sense of empowerment and bridging opportunities. Students and tutors felt that their participation in the protest empowered them. The degree to which this sense of empowerment was backed by real improvement in their position is hard to judge and beyond the scope of this report. But tutors and students clearly learned more about campaigning and made connections with other individuals, civil society associations and politicians. These connections potentially build their bridging social capital.

For the students, there were costs and benefits of the tutors acting as their advocates. The students heard about the changes via their ESOL tutors, whose interests overlapped but did not replicate their own. This research suggests the tutors felt a strong sense of obligation to help the students, who, given language and other barriers, would probably have been much slower to organise opposition by themselves. But the case also shows that where the learners' voices were heard, they were powerful. The campaign might have been even more successful had the student participation been greater. Students might have chosen to protest in different and perhaps more effective ways. More participation, however, brings a specific risk. Student voices might be more open to distortion in the media, given their lack of English fluency and the closeness of the issue to debates on immigration and integration. Clearly, there is a thin line between getting heard and having your story misrepresented. Tutors who we interviewed felt they helped the students mitigate this particular risk, although stories did play to stereotypical images of the students.

Focusing on the conflict in government agendas paid dividends for the opposition. The narrowness of the original decision also made space for powerful arguments based on its conflict with the cohesion agenda. The decision had been made primarily on grounds of cost, in a setting dominated by targets and a focus on raising skills. There was also the question of public perception: taxpayers' money was being spent on a group of people whose popularity is heavily impacted by concerns around immigration. However, the decision had failed to take sufficient account of the role that classes play in social cohesion. Much of the opposition focused productively on this point – the clash between government agendas. This suggests that the capacity of protesters to think across ministerial boundaries and couch arguments in terms of familiar and contemporary themes is a powerful tool.

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Introduction

In October 2006 the government announced its decision to change the rules on eligibility for ESOL (English for Speakers of Other Languages) classes, so that many students would in future have to pay towards classes which had formerly been free in England.¹ The decision, the government said, was aimed at refocusing access to the most needy groups in an environment where demand for and spending on the classes had grown significantly in the last few years.

The classes attract a mix of students, typically British citizens or residents from ethnic minorities, asylum seekers, refugees and migrant workers. The seemingly benign objective of teaching people living in the UK how to speak English is however entangled with more controversial questions of immigration, social cohesion, and the objectives of further education.

Unsurprisingly therefore the announcement of the changes caused immediate protest from students, tutors, MPs, peers, journalists and other stakeholders. Believing that the changes would be detrimental to integration and cohesion and would have adverse effects on some of the most vulnerable,² protesters used a number of methods, resources and spaces to influence the decision-makers. Along with the findings of a Race Equality Impact Assessment (REIA), their efforts were sufficient to force a series of concessions in March 2007.

This case study, based on a series of interviews with key stakeholders and a review of relevant literature (see Methodology in Appendix 2), investigates the mechanisms behind the original decision and the subsequent decision to introduce concessions. Its purpose is to illuminate wider issues about how power and influence work in Britain today. It asks a number of key questions:

- Who holds weight in decision-making?
- In which forum, or spaces, are decisions made, and how open are those spaces?
- What tools and resources can various stakeholders, particularly those with least institutional clout, use to influence policy decisions?

The Story: Pay up or shut up

Context

The decision to change the rules over access to English classes may have seemed sudden to some. But research reveals that it was the culmination of a lengthy process built on inter-connected objectives. As we shall see, however, this process failed to take full account of another set of objectives running in parallel – those of social cohesion. This later proved to be the main problem for the decision-makers.

The conflict in agendas, identified early by various parties, became one of the chief arguments used by opponents of the changes. This resulted first in concessions and later (beyond the timescale of this case study) in the DIUS (Department for Innovation, Universities and Skills) launching a new consultation process on proposals to target ESOL funding at fostering cohesion and integration, *Focusing English for Speakers of Other Languages on Community Cohesion*.³

Before the cohesion agenda had a full impact on this decision-making process, the education policymakers had largely been concerned with budgets, targets, skills, and public perceptions on immigration.

Chief among these concerns was the need to contain costs on fast-growing classes in order to protect funding for other Further Education (FE) learners and initiatives.⁴ This was heavily influenced by the government's target-driven agenda by which the work of FE colleges is measured.

Skills were another key driver in the original decision. The rising profile of skills as a route to economic success reflects a more generalised concern with competitiveness linked to the growing influence of business on government policy (Beetham 2005). The development of countries such as China and India has increased the sense of urgency and calls for re-skilling (Foster 2005; Leitch 2006).

Decision-makers were also aware of how policy would play to a public whose concerns over rising levels of immigration had been heightened by fears of terrorism and the influx of migrant workers from EU accession countries.

“I don’t think it is seen as very beneficial to educational policy-makers at the moment to be seen as spending a lot of money on the kind of demographic we are talking about. I don’t think the government is very happy about defending spending taxpayers’ money on immigrants.” ESOL tutor, London

The decision to limit free ESOL

Budgets were central to the original decision. The issue of budget allocation in the FE sector is a key function of the LSC, which is responsible to the DfES for funding and planning of learning and skills in England. Its decision on where money is directed is tied to the achievement of PSA (Public Service Agreement) targets expressed in terms of percentages of students achieving recognised qualifications. These are agreed between the Treasury and the DfES.

The problem for ESOL was that it was taking a large and growing part of the Skills for Life budget (which it shares with Numeracy and Literacy). Figures are still being finalised but the government expects that spending on ESOL provision for 2005–06 will amount to over £270 million – just under 14% of the adult budget for that year. This amount is likely to have increased by around 13% to £306 million in 2006–07 (Hansard 30 January 2007).

In 2005, the revelation that 70% of learners on Entry Level ESOL (see Table 1 below) were on courses which did not count towards PSA targets helped convince the LSC and DfES that paying for the lower Entry Level ESOL classes was problematic if targets were to be met.⁵

Table 1: ESOL Levels and broad equivalence with National Qualifications

ESOL LEVEL	BROAD EQUIVALENT
Level 4	Level 4 (National Diploma)
Level 3	Level 3 (A Levels)
Level 2	Level 2 (GCSE grades A* to C)
Level 1	Level 1 (GSCSE grades D to G)
Entry Level 3	Entry
Entry Level 2	
Entry Level 1	

NIACE (National Institute of Adult Continuing Education), which defines its role as encouraging more and different adults to engage in learning of all kinds, recognised the budget pressures meant that ESOL had to be reassessed and undertook an inquiry. Its inquiry report (NIACE 2006) on 3 October 2006 recommended cutting access to universal entitlement to fee-remission for ESOL to Level 1 and requiring adults who could afford it to pay for ESOL tuition from Level 2 onwards. (ESOL is taught at various levels depending on ability – see Table 1, above.)

The DfES and LSC meanwhile commissioned management consultancy KPMG to research the issue. Its report in May 2005 (KPMG 2005) prompted a subsequent LSC internal review, which led to the solution announced in the LSC's annual statement of priorities on 18 October 2006. Automatic fee remission was to be removed; free ESOL was to be limited to those in receipt of means tested benefits;⁷ and asylum seekers aged 19+ were no longer to be automatically eligible for publicly funded FE provision including ESOL (LSC 2006: 27).

Protest and debate

Concern over the changes centred on their adverse impact on social cohesion. This was strengthened by the publication of various reports, evidence of the government's non joined-up approach and contradictions in official attitudes. Opposition grew rapidly in Parliament and elsewhere. Parliamentary disapproval was first expressed in the Lords on 1 November 2006 (Hansard 1 November 2006). Letters and commentary from NIACE and the Fulham Refugee Forum criticising the policy change appeared in the press in the following days, arguing that changes would impact negatively on the poor and on asylum seekers (*Times Educational Supplement* 3 November 2006). NIACE and the Refugee Council also wrote and objected to Bill Rammell, Minister of State for Lifelong Learning, Further and Higher Education. Mayor of London Ken Livingstone joined the growing chorus of opposition when on 10 November he told the Parliamentary Education and Skills Committee it was wrong to end automatic fee remission for ESOL (*Times Educational Supplement* 10 November 2006).

By December, concerted action from ESOL learners and practitioners began, as local organisations staged protests and started lobbying MPs (University and College Union, 11 December 2006).

The discussion widened when BBC research prompted a reassessment of the "cost" of ESOL by the revelation that £100m had been spent in the last year on translating and interpreting services for UK residents (BBC News 12 December 2006). This was clearly not just a matter for the education ministry. Later that day, Ruth Kelly, Secretary of State for Communities and Local Government, asked for a review of language services across government (BBC News 12 December 2006).

Meanwhile the DfES set in motion a Race Equality Impact Assessment⁸ which on 14 December held its first consultation meeting in London (DfES 2007).

On 15 January, UCU launched the "Save ESOL" campaign, orchestrating the various strands of opposition (Phillips 18 January 2007). The growing protest provoked Minister Bill Rammell publicly to defend his position. On 16 January, he argued in the *Guardian* that an article in the same paper the previous week was a "gross distortion of the truth". Rammell drew attention to the "massive increase in demand for free ESOL tuition" and its "adverse impact on the overall skills budget" (*Guardian* 16 January 2007).

A leading voice from the skills camp however, Skills Envoy⁹ Sir Digby Jones, spoke out in opposition to the changes later that month, describing them as "hypocritical" (*Guardian* 30 January 2007).

Further fuel for the opposition emerged on 31 January when the Audit Commission published a report (*Crossing Borders: Responding to the local challenges of migrant workers*). One of its recommendations was that local authorities and employers make it easier for migrants to learn English and that the DfES monitor the impact of the decision to change access rules to ESOL classes. (*Guardian* 31 January 2007).¹⁰

Concern about the impact of the new policy on community cohesion and citizenship followed in early February from Labour and Conservative MPs in parliamentary question and answer sessions with then Parliamentary Under Secretary Phil Hope and a parliamentary debate with Minister Bill Rammell (Hansard 1 February; 6 February; 8 February 2007). Employment and Welfare minister Jim Murphy announced that levels of unemployment among ethnic minorities was a concern and that new government guidelines would encourage take-up of English classes by Jobseekers (*Guardian Unlimited* 12 February 2007). The announcement was welcomed by the Liberal Democrat Work and Pensions Spokesman and the Conservative Work and Pensions

Secretary, but in light of changes to ESOL funding they criticised the government for a lack of joined-up thinking (*Guardian Unlimited* 12 February 2007).

The imperatives of the cohesion agenda were again highlighted when the Commission on Integration and Cohesion published their interim report in late February revealing that 60% of consultation respondents agreed that the biggest barrier to “being English” was being unable to speak the language (Commission on Integration and Cohesion 2007).¹¹ Some media actors referred to this report in relation to the decision to change ESOL funding (BBC news 21 February 2007).

Lord Greaves initiated a Peers debate on the issue on 26 February (Hansard 26 February 2007) and two days later campaigners lobbied Parliament and held a lobby meeting in committee room 14 at the Houses of Parliament. Synchronised protests were staged in other cities, including Bradford, Bristol and Tyneside (*Bradford Telegraph and Argus* 1 March 2007; *Bristol Evening Post* 2 March 2007; *The Evening Chronicle* 28 February 2007).

Change on decision in sight

On 7 March, Bill Rammell chose his speech to a London seminar for education professionals to announce that he was considering concessions (*Education Guardian* 7 March 2007). A week later MPs again challenged the changes to ESOL funding. Bill Rammell responded in Parliament by outlining the proposed concessions (Hansard 14 March 2007).

On 23 March, Bill Rammell answered more questions from MPs on changes to ESOL funding, many based on the conflict with the cohesion agenda (Hansard 23 March 2007), and an article by him appeared in the *TES* in defence of the changes (*Times Educational Supplement* 23 March 2007). Later the same day, MP George Galloway told the Minister of State for Housing Yvette Cooper, in an adjournment Commons debate on community cohesion, that the proposed changes to ESOL funding contradicted the government’s cohesion agenda (Hansard 23 March 2007).

The concessions

On 26 March, the DfES published the report of the Race Equality Impact Assessment (REIA) and Bill Rammell announced the concessions to the original decision: certain groups of asylum seekers would after all still be able to access the free classes; the process for deciding eligibility for fee remission was to be refined; a Learner Support Hardship Fund was to be set up to support vulnerable learners, specifically spouses and low-paid workers; and eligibility would be eased for Jobcentre Plus users whose lack of the English language hindered their employment (DfES 2007b). Most opponents saw this as a partial victory.

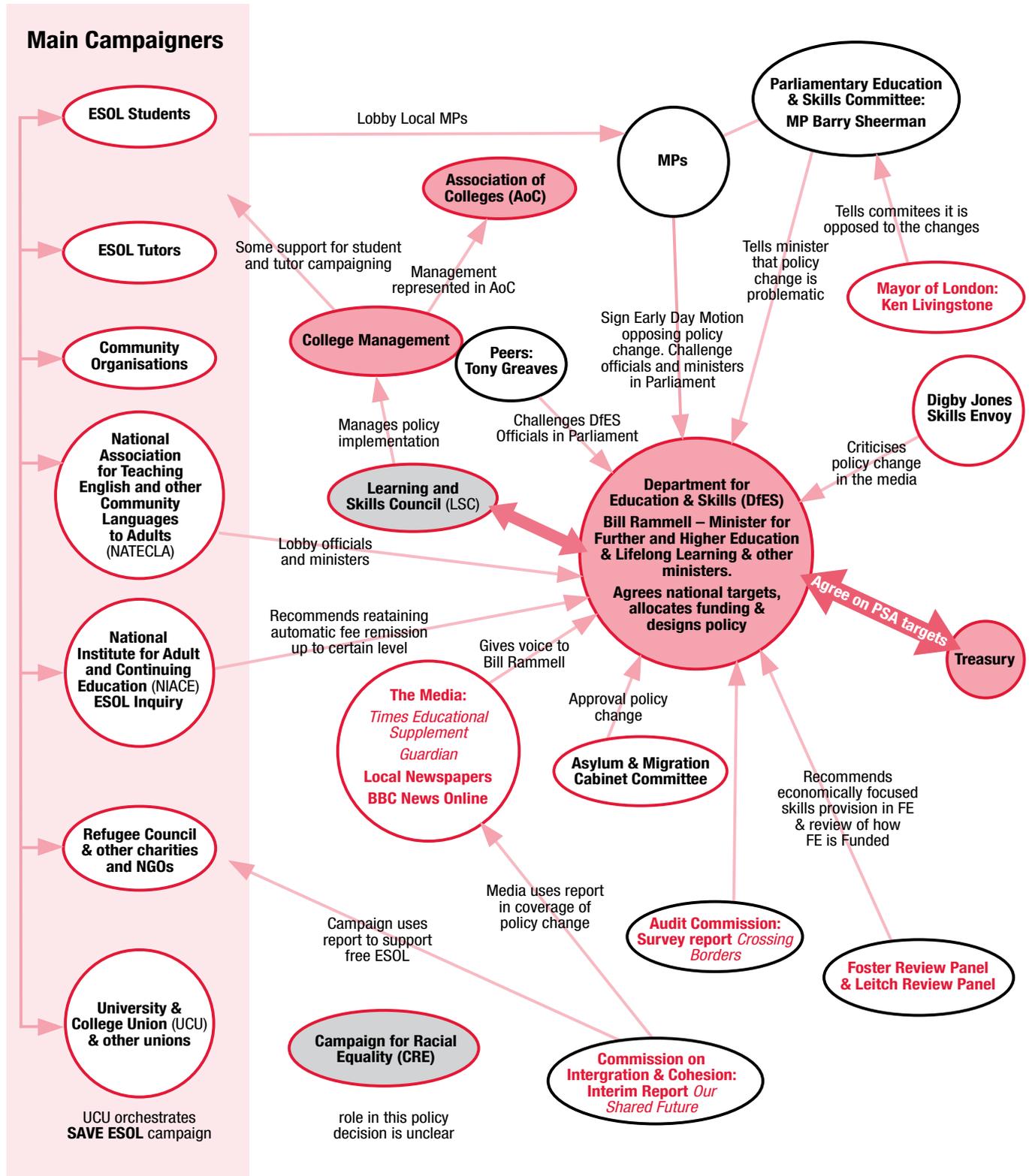
The effects of the reworked changes are not yet clear. Opponents claim that they have led to class closures and significant numbers of students have not enrolled because they cannot afford to.¹² Meanwhile, the longer-term effects have yet to be felt and the new Department for Innovation, Universities and Skills (DIUS) consultation process aimed at targeting ESOL towards fostering cohesion has begun (see above).

The degree to which the changes met the objectives of campaigners we interviewed varied. Overall, however, interviewees felt they had succeeded to a certain extent but that there was still work to be done. General attitudes are perhaps best summed up by the response of two tutors to the question of what would have constituted a big success for them:

“A complete climb-down by government and that they all start talking from the same hymn sheet.”
Pete Philbin, Hackney ESOL Tutor.

“Less of this idea that you can learn English in 36 hours so you can stack shelves in Tesco. English is a life skill it is not just a work skill.” Rose Veitch, Hackney ESOL Tutor.

Stakeholder Relationship Map



Reflection and Analysis

Key players: their roles, motivations and resources

A number of key stakeholders and players took part in the ESOL decision-making process. Who were they? What were their roles and motivations and what resources did they use to influence the process before and after the initial decision was announced?

The Department for Education and Skills (DfES) and the Learning and Skills Council (LSC)

The DfES, driven by the Treasury, and the LSC had the immediate power of decision. Their primary concern was to meet the growing demand for ESOL without raising their own spending but by making students who could afford it contribute to the cost of their classes. Funding would then be available for “priority groups, primarily people who are unemployed or receiving income-based benefits” (LSC 2006: 27). They also planned to persuade employers to help fund their workforces’ ESOL learning needs. With these changes, funds would be freed up for new work-based initiatives such as Train to Gain and ESOL for Work (see Appendix 4).

Our research suggests that the LSC and DfES might have differed over how to achieve these objectives. But both bodies were of the view that the high demand for ESOL could sustain the impact of requiring that some learners pay.

The lack of contribution by ESOL to PSA targets was part of the same problem.

“It had become clear that ESOL uptake was increasing at a rate the literacy and numeracy uptake wasn’t and so it became a problem in as much as with all the money being spent on it, its contribution to the national target was actually minimal compared to literacy and numeracy. So there was a view that something needed to be done.” Former senior LSC official

Interviewees also claimed that even before the changes, the funding system limited significantly (intentionally or otherwise) the number of places available to students who want to study English language at a basic level.

“PSA targets are set for getting people from Entry 3 to Level 1. But most of the need is for Entry 1 and 2. So there is mismatch between demand in the community and what targets require, so where funding goes.” Manager, East London FE college

The need for re-targeting was pressed early on by the Advisory Board on Naturalisation and Integration (ABNI), an independent Home Office board on which DfES and Home Office officials sit. In 2006, the board called for more Home Office–DfES coordination around ESOL, “reflecting the government’s focus on integration and the important role of the English language. We recommend that this is explicitly reflected in DfES and LSC priorities, and in the way targets are defined, so that weight is given to ESOL Entry level provision which does not count towards the PSA Skills for Life targets” (ABNI 2006).¹³

Debatable though the effect of the targets may be, the ability of the DfES and LSC to set them is clearly a major source of power. The DfES is the governing institution, subject to Cabinet decision, Treasury approval and the PSAs agreed with the Treasury. So it has legitimate authority, and budgetary control over both the LSC and the FE sector, allowing it to structure the choices of those actors. Further power comes from the privileged access that both the DfES and the LSC have to information on the sector.

Language was another tool the LSC and DfES used to their advantage. The LSC’s Statement of Priorities presents the changes in access to free ESOL as “our funding decision” (LSC 2006:4). By March 2007, the Race Equality Impact Assessment (REIA) presented all changes as “proposals”, individually consulted on to form final decisions. By doing this, the government was able to appear to be consulting at the right time.

As for the relative power between the LSC and DfES, our research showed that there are question marks over the LSC’s ability to hold its ground in discussions with the DfES.

“When it was set up, the LSC had meetings with the DfES where their officials regularly outnumbered the senior team from the LSC. And they held the purse strings.” Former senior LSC official

The LSC is an appointed body, or quango, and so has less authority than its sponsoring department. Its predecessors, the training and enterprise councils, had been widely disparaged and were ultimately abolished, and the LSC has been a much criticised body, whose future is also in doubt.¹⁴ As a former LSC official pointed out, the government can pass responsibility for operational activities to a quango and blame it if anything goes wrong: “However, it is the government that has often set the conditions under which quangos operate and have decided how much money they have got.”

The Minister – Bill Rammell

As the Minister of State for Lifelong Learning, Further and Higher Education, Bill Rammell held ultimate responsibility for the changes to ESOL. In our interview he stressed that the decision to change access rules for ESOL was ministerially driven and was designed to redistribute the costs of ESOL learning towards employers and individual learners. However, in a *Guardian* article on 10 October (after the NIACE report but before the LSC’s annual planning statement), he apparently sought to pre-empt criticism of the changes by stressing the importance of English for social mobility, cohesion and integration. The impression given was that the Minister had a full understanding of the need to marry skills policy with other agendas (*Guardian* 10 October 2007).

Bill Rammell said in the interview for this research that the REIA had been planned as a consultation to take place after the proposal was announced, and that from the outset he aimed to protect vulnerable groups, such as Bangladeshi housewives. In fact opponents of the changes pointed out that under the government’s proposals women whose husbands worked but were not claiming working tax credit nor registered as unemployed would have to pay. Many women, including Bangladeshi women, fell into this category.¹⁵ This “unintended consequence”¹⁶ was recognised and addressed in the subsequent concessions.

Our research suggests that the decision to change eligibility may have been primarily aimed at a different group – migrant workers, whom the public would agree should pay for learning English. As Bill Rammell said in his interview:

“In principle employers have a role to contribute and I do not see why the taxpayer should subsidise in terms of economic migrants people who are coming here for a relatively short period of time and the employers bear no responsibility.”

The National Institute for Adult and Continuing Education (NIACE)

NIACE is described by the LSC as a “strategic partner”.¹⁷ Its position within the decision-making loop gave it the opportunity to launch its own inquiry concurrent with that of the DfES. It did not, however, have sufficient power to influence the original decision to the degree it had attempted to, though its emphasis in its December 2005 scoping report on a cross-governmental approach did rehearse arguments that were later influential in securing concessions. It pointed out then that, “Current policy emphasis is strongly on the skills agenda... However, skills is not the only policy area relevant to ESOL: other areas of policy and legislation, particularly relating to children and families, work, immigration, settlement, integration, citizenship, neighbourhood renewal, combating racism and community cohesion are also highly relevant, but are rarely considered in relation to learning provision.”¹⁸ Other arguments that were later employed in opposition to the changes included questioning whether sufficient modelling of the changes had been done; and whether it was fair to charge ESOL learners when other Skills for Life Learners are not charged.¹⁹

NIACE's power to influence also benefits from it being well networked and able to generate its own sources of reputable information on the issue. Its reputation for being constructive ensures it is an accepted participant in policy-making. Bill Rammell described NIACE as "a constructive critic ... it actually seeks to engage, to persuade and to have a dialogue ... a body at least that seeks to understand where we are coming from." This is in stark contrast to other groups who he saw as, "just opposed to any form of rationalisation and just took it [the October decision] as an opportunity to have a pop at the government."

Trade unions

The University and College Union (UCU) was at the centre of the protest (though several other trade unions participated²⁰). UCU launched the Save ESOL Campaign in January 2007 that became the umbrella organisation for all local campaigns, providing funds, website space for national communication, and its extensive mailing list, all of which made the campaign a central point of co-ordination for national actions, such as the demonstration on 27 February. Our research suggests that the image of a united front created by the UCU co-ordinating the campaign was instrumental in getting the opposition taken seriously. UCU officials were active in the campaign, writing letters to Bill Rammell and articles in the press,²¹ advising others and lobbying.

As for motives, UCU represented its members' interests but also acted as an advocate for learners. Other unions represented their ESOL-learner members directly and also the interests of their wider membership. The unions' desire to support migrant workers is both altruistic and self-interested; if migrant workers are not organised, the fear is that working terms and conditions suffer.²²

ESOL courses are also an important part of trade union activity. Union learning representatives put people in touch with ESOL courses, which are delivered at trade union learning centres. In 2005–06, £16.9 million was available for Union Learn and Union Learning Fund activities (Hansard 22 February 2007).²³ A threat to ESOL classes represented a threat to these activities.²⁴

In the main, interviewees felt the UCU played a pivotal role, mostly as an information hub. However, some community workers and tutors in colleges outside London felt it had been less supportive of them than it might have been. Tutors from other colleges inside London expressed the view that grassroots campaigning is better done at a local rather than national level.

As for power resources, UCU is well connected to the Further Education (FE) policy-making network, both formally and informally:

- It routinely submits to consultations; its officials sit on a number of standing committees and working parties;²⁵
- Trade union officials are experienced and well-networked campaigners.

The benefits of being well-networked are, however, offset by being a familiar (and obviously partial) voice. For example, Bill Rammell dismissed Paul Mackney's involvement as a "swan song" before he left the UCU. Mackney meanwhile felt that representing learners and facilitating meetings directly with politicians was a powerful tool, precisely because the learners' voices are so seldom directly heard. Of course, it was also of similar benefit in the media.

ESOL tutors

Overall ESOL tutors were very active in the Save ESOL campaign, although there were some regional variations. A small group of particularly active tutors in north-east London organised themselves through the Internet, establishing a Google discussion group, which co-ordinated lobbying and attendance at the demonstration in London in February. Their strategy was three-fold: advocacy on behalf of the students; the protection of their jobs (redundancies were occurring and more threatened in the sector²⁶); and the preservation of the nature of their work in the face of what they saw as wider negative developments in the FE sector.

The tutors' ability to act as advocates stems from the development of close relationships between teacher and student and the group bonding which a shared educational experience can foster. Their success in acting as advocates for the students varied, due in part to difficulties in explaining the situation to the students in English, limited funds and limited time.

The educational setting in which both tutors and learners work brought them privileged access to resources, helping overcome barriers to collective action. It also provided a space in which to organise (see Spaces, below). Tutors used personal networks – friendships and professional connections between tutors in different colleges – to build the campaign. This was further helped by the Google group, which:²⁷

- fostered a sense of collective action;
- eased access to facilities such as translation, photocopying, publicity and so on;
- enabled the costs of the campaign to be minimised and shared;
- co-ordinated activities such as leafleting and lobbying.

One drawback of the Google discussion group was that it restricted involvement to those who had internet access and those who took the time to sign up to receive the group's bulletins. Tutors attempted to address the issue by holding some training sessions. Despite this, it is clear that activity in the group was restricted to a small number of dedicated tutors.²⁸

Relative to the decision-makers, the tutors lacked access to policy-making networks and statistical information. They did, however, have the advantage of professional understanding and experience of the students and their needs. One interviewee felt that this professional knowledge rather than advocacy is what they should have built on. It is arguable that taking this strategy would have improved the legitimate authority of the tutors. Our research also showed that some of the most active tutors benefited from knowledge of how to campaign from their own previous experiences.

Tutors were also supported by their professional body NATECLA (National Association for Teaching English and other Community Languages to Adults), which joined the Save ESOL campaign, lobbying MPs, supporting demonstrations and so on.

ESOL students

ESOL students were active in the campaign in a number of different areas and to varying degrees. Their actions were facilitated in many cases by tutors and community leaders who organised events and meetings. Students were instrumental in informing and encouraging participation by other students. Access to the media, which represented their voices in varying ways, also gave them power.

Students' motivations for opposition included:²⁹

- not being able to pay for classes – based on a need to prioritise living expenses over English classes;
- the impact that lack of classes would have on employment opportunities;
- the impact on their ability to communicate in a number of settings;
- concern that other family members may not be able to access classes;
- a sense of supporting a cause relevant to their community.

Membership of a college community helped overcome some collective action problems. Although ESOL learners' first languages vary, their college membership brings them together geographically and socially. Their English classes were also a bonding opportunity that enhanced their social capital. ESOL classes empower students by increasing their capacity to organise. Some extreme cases, where ESOL tutors provided vital support to students in need, were highlighted in interviews.³⁰

One factor which also boosted the power of the learners was “luck”³¹. Their needs coincided with those of more resourced groups, the teachers and unions. There was mutual interest. As two Hackney students put it:

“We need English. They [the tutors] need a class.” Zaukat Arab, ESOL student, Hackney

“Everybody is depending on each other.”

There were also a number of barriers that students faced in attempting to participate in the campaign, including fear and vulnerability from their uncertain migrant status, as well as time and financial constraints.

Many asylum seekers feared that involvement in the campaign would affect their application for asylum,³² and many letters written to MPs by students were signed anonymously.³³ Similarly some of the learners we interviewed were very reluctant to give information until we assured them of their anonymity.

Childcare and work were among the commitments that prevented participation, especially by women who form the majority of ESOL students (see Appendix 4, note 31). Many students worked long hours, were unable or unwilling to lose hours at work and could not afford travel to the London demonstration:

“We are dealing with people who don’t have enough money, enough language.” ESOL learner, Huddersfield College

Though many students we spoke to had campaigning experience, our research suggests that those who were less involved tended also to lack experience of protest.³⁴ These students were generally women involved in lower-level ESOL classes:

“For the lower-level classes – I am talking about outreach classes for Entry 1 and 2, women-only classes for very isolated people. Out of these classes, there was very poor representation among the students, which is a terrible shame because those are the people we were most worried about being excluded by these cuts but that is part of the problem – the paradox. These people are very invisible and that has partly to do with the fact that they are uncomfortable with ... they don’t have any experience of protest.” ESOL tutor, London

What was clear, however, is that despite various barriers to participation, all students interviewed were keenly involved where and when it was possible.

College management

College managers were divided. Some opposed the decision, others defended it and even acted to minimise the campaign. For example, Lambeth tutors reported that college management blocked attempts by them to encourage learners to go to the lobbying of Parliament in February.³⁵

Management associations, such as the Association of Colleges (AoC),³⁶ gave a mixed and limited response to the changes.³⁷

More generally, this research suggested managers have greater access to consultation and policy-making networks than the tutors.³⁸ They also have some power to interpret policy. One Further education (FE) manager related:

“Policies often get rewritten by people who are affected by them, often in unexpected ways. So you always have some room to manoeuvre and so I think people use that room to manoeuvre and they interpret and translate things often in very creative and positive ways.”

Policy implementation therefore allows college management some degree of interpretation within a set framework.

The Commission for Racial Equality (CRE)

One potential actor that was surprisingly silent, at least in public, during the ESOL campaign was the CRE. Their involvement may, however, have taken place in a less public capacity. Unfortunately, we were unable to interview any individual at the CRE who had been directly involved in the ESOL policy decision. These findings are thus tentative and are based on a literature review and an interview with two officers of the former CRE who had not been directly involved in the case.

Our interviews suggest individuals at the organisation were concerned about the changes to ESOL funding. It was suggested however that their level of involvement may have simply been due to resources:³⁹

“In the area around migration we never really had a lead officer [or] anyone to take the lead of those issues... different people came in and out. So it could have been a gap where we had no one to read up on it and advise commissioners on what they should say.”

There was also a suggestion that the CRE may have been involved “behind the scenes”. Indeed, its statutory powers to assist individuals to take judicial review action to challenge decisions of public bodies, including their compliance to the statutory duty to promote race equality, would have given the CRE some weight in this decision-making process. One officer of the former CRE explained:

“If we were in correspondence on the impact assessment that wouldn’t necessarily be public.”

Another resource the CRE could have deployed to influence decisions on this issue, if it had campaigned publicly, is its high media and public profile.

Spaces

In which spaces were decisions made? Which spaces did stakeholders create and claim in their attempts to influence the decision-making process? Which spaces of decision-making were closed to the majority of stakeholders and which were they invited to?

Invited spaces

The KPMG review 2005

The Department for Education and Skills (DfES) and Learning and Skills Council (LSC) commissioned its review of the ESOL sector at the beginning of 2005 (LSC May 2005). The KPMG review process, which involved consulting 300 ESOL students, among other stakeholders, was mainly concerned with investigating the likely impact of a potential increase in demand for ESOL provision and considering its funding. The report states that its research indicated that students’ “learning was so important to them that they would be prepared to pay for it. However, most did not feel that they were in a position to do so.” (LSC May 2005: 5).

The report appears to have had a low profile in later LSC and DfES discussions around ESOL with its figures being referenced only occasionally.⁴⁰

It did, however, suggest a further review of ESOL funding, a recommendation taken up by the DfES and included in its grant letter to the LSC in December 2005 (Ruth Kelly, 30 October 2005).⁴¹ The subsequent internal LSC review of data led to the decision to limit access to free ESOL classes.

The NIACE inquiry

The NIACE Committee of Inquiry into ESOL could be seen as a hybrid, a “created” initiative taking place in “invited” space (ie, its place in the official loop). It provided a relatively wide opportunity for consultation in the run-up to the announcement of the original decision. During the course of the inquiry, over 200 written responses were submitted to the inquiry (at least a quarter came from tutors) and 11 focus groups were undertaken with ESOL students (NIACE 2006). Its website received 7,580 visits and 2,590 copies of the

interim report were downloaded. Its recommendations, however, were only partially adopted, many after the Race Equality Impact Assessment (REIA) process. Both the DfES and campaigners cited the report on numerous occasions. So to this extent, it played a role in both defending and opposing the decision. NIACE's report was also instrumental in assisting stakeholders' understanding of the issues, or as one former LSC officer put it, "it galvanised people's thinking".

The Race Equality Impact Assessment (REIA)

The REIA was a legal requirement, but its use by government as an instrument of consultation also meant that it provided an "invited" space about which the majority of our interviewees spoke positively, saying that it gave them the opportunity to be included in the decision-making process; and that it was instrumental in holding the government accountable as regards its statutory race equality duties.⁴² The REIA clearly had some effect since the concessions of March 2007 were presented as direct responses to the assessment's findings (DfES 2007a).

However, there was some complaint that it came too late and that it would have been more effective had it been carried out in the run-up to the LSC's statement in October 2006:⁴³

"When they do [the REIA] early on, they are better policies. Because [the public body] asked the right questions, they've got the evidence and they've consulted." Officer of the former CRE.

There were also complaints about how it was conducted:

"It wasn't carried out in the way that we expect REIA to be done because it didn't involve those learners affected by the changes." Paul Mackney UCU.

The degree to which its findings were acted on is also questioned. There was a general feeling among interviewees that though the REIA may have made a good assessment of the changes' adverse impacts, the arising concessions failed to adequately address them.

Some suggested that the REIA provided a face-saving device for Bill Rammell:

"It is very difficult for politicians in the House of Commons to make concessions because all the time people are screaming "u-turn" and the opposition is saying, "oh you've given in to what we were saying"... Therefore having a report like this is a very useful alibi to latch on to when they do make a concession." Lord Greaves

Closed Spaces

The Cabinet

Proposals for changes to ESOL funding were considered by the Asylum and Migration Cabinet Committee and approved on 21 September 2006 (Hansard 22 February 2007). With the Cabinet and its Committee being the final arbiter, their clearance of the changes had considerable effect: it constituted the final "yes".⁴⁴

The LSC and the DfES strategy meetings

The role of DfES and the LSC internal meetings are clearly central in this decision-making process.⁴⁵ There was certainly a degree of inclusion of external stakeholders in internal decision-making processes. NIACE, for example, regularly participated in various DfES and LSC committees and advisory group meetings and was to an extent aware of proposed change. One former LSC Official reported:

"NIACE was a member of various advisory groups that the LSC ran, that worked on the basis, and still do, of there being no surprises, so that everyone who needed to know about what was happening and was likely to happen, did know, within boundaries. So I think NIACE was aware of where the policy was going."

So while it seems that certain stakeholders were aware of proposed changes, access to strategy meetings was limited to a few key "strategic partners".⁴⁶

Claimed and Created Spaces

The media

The announcement of the decision in October 2006 provoked instant coverage by both local and national media. Letters and commentary pieces criticising key aspects of the decision appeared regularly in national and local newspapers, particularly in the *Guardian* and the *Times Educational Supplement*. Defence of the decision came most notably from Bill Rammell in the *Guardian* (16 January 2007) and *TES* (23 March 2007).

From a review of news coverage between October 2006 and March 2007, voices of opposition to the changes certainly appear to have had a far higher profile than voices defending them.

The media overwhelmingly presented it as a bodged decision that conflicted with the government's cohesion and integration agendas. The media image of ESOL students was one of vulnerability and despair. Interviewees generally agreed that it was the idea of bad government decision-making that attracted the media and was, of course, the substance of the protest. One senior manager, whose college had gained significant attention, said:

"There was a contradiction to exploit and for me it was as simple as that. It didn't make sense [...] It contradicted things such as Gordon Brown's message at Labour conference early in the autumn about citizenship agenda and about the imperative that we get people on board with English language. So coming after that very high profile sort of statements at government level, it just makes no sense to people."

Live debate among stakeholders, including students, tutors and ministers, also featured on major radio and television programmes, and were significant in enabling ESOL students to engage directly with policy decision-makers (Learning Curve 6 March 2007; "World at One" 23 March 2007; "Newsnight" 12 December 2006 and 3 January 2007).

In the run-up to campaign meetings and street protests, there was also some use of non-English language newspapers to publicise the campaign and encourage participation.

Parliament

The October 2006 decision was subject to formal debate in both the Commons and the Lords (Hansard 1 November 2006; Hansard 26 February 2007). An Early Day Motion (EDM) calling for a reconsideration of the decision had received over 100 signatures by January 2007, and more thereafter. While research suggests EDMs are not regarded by MPs as very influential (Bochel and Defty 2007:152), our evidence indicates that this EDM and the support of MPs was influential in so far as it greatly encouraged campaigners in their efforts. The Huddersfield group felt that the support of their MP, Barry Sheerman, was "very encouraging" and that it made a significant difference to the campaign's outcomes. Likewise, the Sheffield interviewees felt that the EDM worked as "a tool for getting change". The fact that opposition to the decision expressed in Parliament and the EDM was not limited to members of any one party or house was seen to be beneficial (Hansard October 2006–March 2007; Early Day Motion 383):

"The best way to put pressure on the government is if you've got people from all the different parts of the house." Lord Greaves

The streets

Public spaces were used at various stages to exert pressure on policy-makers. Protests in a number of different towns and cities put pressure on MPs and local LSCs to reconsider the decision (University and College Union online 11 December 2006; *Bradford Telegraph and Argus* 1 March 2007). The most significant of these, in London on 28 February, began outside Parliament and later moved inside for a lobby meeting at which a number of key stakeholders were present, including Bill Rammell, ESOL students and tutors, union representatives and members of community organisations.

Our research suggests that street protests were significant both for their empowering effect on participants and the role they played in sparking further debate in the Houses of Parliament and the media.

Colleges, community organisations and unions

Colleges and community organisation networks and structures were central spaces for organising opposition. ESOL classes played a significant role in informing students of the original decision and later concessions, and in facilitating an understanding of and engagement with the policy decision. Some tutors used the policy decision and campaign as ESOL teaching aids, with class time and space being used to prepare for street protests, sign petitions, write letters to MPs and talk about the changes. Students and tutors also used class time in some colleges and organisations to attend the large protest in London on 28 February.

Our research shows that pre-existing college and community networks and structures were an important resource drawn on by local Save ESOL campaigns, to inform, engage and organise local stakeholders to participate in protests, write to MPs and attend organising meetings.

Final Remarks

Explaining the original decision

As stated above, for Bill Rammell, the DfES and LSC, it was of paramount concern to contain the costs of the growing demand for ESOL learning alongside pressures to meet national targets. The DfES and LSC might have differed on the detail of what changes should be made to ESOL to address these, but there was agreement that something needed to be done. Where ideas did differ, the DfES probably held sway. In addition, the introduction of migrant workers to the mix of ESOL students raised the question of the appropriateness of spending taxpayers' money on teaching this group English if they might not stay long in the country (a debatable assumption). Suggestions that employers should contribute also seemed appropriate. Meanwhile background attitudes towards immigration, and migrant workers in particular, increased the acceptability of the idea that some ESOL students should pay.

Even so, it is very hard to understand why the decision failed fully to consider the clash with the government's high-profile social cohesion agenda. Perhaps the provision for free classes for those most evidently in need in the changed eligibility criteria was regarded as a satisfactory compromise, but there was a failure to realise fully how these changes would play out in practice (KPMG 2005:10).⁴⁷ Perhaps officials recognised that there was a clash, but felt that the implications of designing policy to fit the various desirable outcomes and to avoid the difficulties were too great. For example, a civil service source explained that if a special case were made for spouses in ESOL, then it might have to be made for spouses in further education (FE) generally; and while that might be desirable it would not be affordable.

Structurally, the continuing fiefdom mentality in Whitehall may simply have led to the failure to take the consequences for social cohesion fully on board. If so, this was a failure not acted on by the Cabinet Committee when it approved the decision. Significantly, a new Cross Ministerial Group on ESOL has now been set up, as well as the Department for Innovation, Universities and Skills (DIUS) consultation into targeting ESOL towards community cohesion.⁴⁸

More profoundly, this analysis tells us that official decision-making can operate in a largely closed space by participants who do not consult and take counsel from those who are best qualified to assess the consequences. The KPMG review was too narrowly framed to make up for this deficiency; and those who were most affected by the changes in ESOL policy were only consulted in any meaningful way after the issues had been framed and key decisions made.

Explaining the concessions

What then were the factors that empowered the campaign against the original decision and led to the March concessions? Our research suggests the following key factors were significant:

- The flaws and contradictions in the original decision made it vulnerable to well-argued protest in two important public forums: the media and Parliament;
- The conflict with other government agendas, notably cohesion and social integration, enabled campaigners to expose ministerial decisions to further criticism;
- Pre-existing networks (colleges, organisations and trade unions) enabled stakeholders to organise quickly and pool resources;
- Tutor membership of the University college Union (UCU) and its mobilisation of a campaigning umbrella organisation made resources and campaigning expertise quickly available;
- The National Institute of Adult Continuing Education (NIACE), which as Bill Rammell testified has legitimacy in government circles, gave authoritative legitimacy to the arguments of the protesters (even though its recommendations may not have gone as far as some of them would have liked);
- The Race Equality impact Assessment (REIA) was a statutory requirement that limited the discretionary powers of the decision-makers in specific regards touching upon the impact of the decision on ethnic minorities;⁴⁹
- The “human interest” content of the controversy; the often stereotypical image of “ethnic minorities”, refugees and asylum seekers as victims, fuelled media coverage and fed into existing public understandings, facilitating a comfortable interpretation of the situation;
- Pre-existing mailing lists, the online UCU forum and the Google group enabled quick and easy organisation with pre-existing contacts, though students were somewhat excluded from this.

There were also a number of key factors weighing against the campaign and in favour of supporters of the original decision:

- Those who were most affected had little or no knowledge of the decision-making process prior to the announcement of the decision that effectively framed the resulting debate. Only NIACE made an informed forecast of the decision to limit access to free ESOL;
- The time available for debate was relatively brief (11 months) and was further reduced by the post-decision nature of the REIA, the main official instrument for consultation;
- UCU was not able to use all its resources to co-ordinate the campaign locally and nationally;
- The dog that did not bark? The CRE, the official body responsible for monitoring and tackling racial discrimination, took no public part in the debate.

Conclusions

Meaningful and timely consultation is important to successful policy-making. If there had been substantial consultation early on and regard given to its findings, the resulting confusion of the decision and subsequent concessions could have been avoided.

The case also raises important questions about empowerment. Learners and tutors who did participate clearly felt empowered by the process and, where they were heard, learners' voices seemed to be influential. One interviewee argued that this is counter-productive unless the feeling of empowerment is matched by a real increase in power. The extent to which this happened is highly debatable and beyond the confines of this paper. However, in terms of social capital, the less powerful in this case study did at least benefit from improved "bridging" opportunities with organised civil society associations (eg trade unions and further education professionals) and some tuition in societal processes as a result of the campaign.

This case study also illuminates issues about citizenship and participation. Not all ESOL students are, of course, British citizens. If they cannot access English language classes, their ability to participate in society may be further reduced relative to citizens. Also, becoming a British citizen itself now requires applicants to pass an English language test at Entry Level 3. On the other hand, what of people who are already British citizens but cannot speak sufficiently good English to participate fully in society? Should access to English be a right rather than a privilege for these groups?

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Appendices

Appendix 1: Methodology

Choice of case study

This case was chosen as one in a project of multiple studies. It investigates a threat to the power and participation of group made vulnerable by their lack of English – ESOL learners. The change in policy announced in October 2006 reduced learners' access to free English language courses. Knowledge of English is widely accepted to be a fundamental precursor to participation, power and employment in British society (see for example Spencer 2006; Hudson et al 2007; Schellekens 2001). If in this situation of a perceived threat to their interests, ESOL learners are unable to exert influence, the conclusion would be that they lack power to a significant degree. If, on the other hand, they are able to protect their interests, the way in which this is achieved, the extent to which it is achieved and the barriers they face are relevant to those investigating power and participation in British society today.

Primary research

- Participatory research through attendance at an ESOL Conference organised by the University and College Union (UCU) in July 2007;
- Two focus groups with students and tutors in Hackney and Huddersfield;
- 18 interviews of ESOL learners and tutors, further education managers, civil servants, trade union participants, former Learning and Skills Council (LSC) and Commission for Racial Equality (CRE) officials and politicians, including Minister Bill Rammell, using semi-structured questioning. The findings were analysed using qualitative methods.

Interviews and focus groups were conducted between June and November 2007.

Secondary research

- Parliamentary debates and questions/answers on the decision to remove universal free ESOL from Hansard.
- News articles on this subject that appeared on the websites of national, regional and local newspapers;
- Comment pieces on the subject that appeared on the websites of national, regional and local press;
- Letters arguing various sides of the argument that appeared in the press and on stakeholders' websites;
- Published reports and research on the subject;
- Minutes of meetings in which the ESOL decision was discussed, both from government departments such as the DfES and from government associated bodies such as the LSC;
- Campaign leaflets from different organisations supporting the "Save ESOL" campaign.

All sources are referenced throughout and listed in the References section. Relevant literature was collected using databases such as Nexis and search engines such as Google.

Appendix 2: Acronyms

ABNI	Advisory Board on Naturalisation and Integration
AoC	Association of Colleges
CRE	Commission for Racial Equality
DCSF	Department for Children, Schools and Families
DfES	Department for Education and Skills
DIUS	Department for Innovation Universities and Skills
EDM	Early Day Motion
EHRC	Equality and Human Rights Commission
ESOL	English for Speakers of Other Languages
EU	European Union
FE	Further Education
LSC	Learning and Skills Council
MP	Member of Parliament
Natecla	National Association for Teaching English and other Community Languages to Adults
NIACE	National Institute of Adult Continuing Education
PSA	Public Service Agreement
REIA	Race Equality Impact Assessment
TES	<i>Times Educational Supplement</i>
UCU	University and College Union

Hansard

Hansard (1 November 2006) House of Lords, col. 241.

Hansard (30 January 2007) House of Commons, written answer, col. 213W.

Hansard (1 February 2007) House of Commons, written answers, col. 488–489W.

Hansard (6 February 2007) House of Commons, col. 837W.

Hansard (8 February 2007) House of Commons, debate, col. 971–973.

Hansard (22 February 2007) House of Commons, written answer, col. 886W.

Hansard (26 February 2007) House of Lords, debate, col. 1433–1449.

Hansard (14 March 2007) House of Commons, written answers col. 344–345W.

Hansard (23 March 2007) House of Commons, debate, col. 1128–1136.

Footnotes

- 1 The situations in Wales, Scotland and Northern Ireland are different, eg no fees for ESOL at all or no fees after residence requirements have been met. In England, the Department for Innovation, Universities and Skills (DIUS) estimated that around 50% of students would have to contribute to classes (DIUS 2008). DIUS and DCSF (the Department for Children, Schools and Families) replaced the DfES in June 2007.
- 2 The LSC published rates showing the cost of 450 guided learning hours on a year-long full-time basic skills course for those aged 19+ is around £4,000 – the fee element (37.5% of the total) is around £990 (LSC 2007).
- 3 See www.esolconsultation.org.uk.
- 4 Other initiatives include Train to Gain (www.traintogain.gov.uk) and ESOL for Work (www.dfes.gov.uk/readwriteplus/ESOL_for_work).
- 5 See notes from a meeting between LSC and ABNI presented to ABNI board on 22 June 2005: www.abni.org.uk/docs/5th%20Meeting%20Paper%20Meeting%20with%20Anita%20Hallam%20LSC%20050622.pdf.
- 6 Compiled with reference to www.dfes.gov.uk/curriculum_esol/level/and www.qca.org.uk/libraryAssets/media/qca-06-2298-nqf-web.pdf.
- 7 Benefits that grant fee remission to learners include the following:
 - unemployed people in receipt of Jobseeker's Allowance
 - those in receipt of income-based benefits, formerly known as means-tested benefits. The main income-based benefits are council tax benefit, housing benefit, income support and Jobseeker's Allowance (income-based)
 - those in receipt of working tax credit with a household income of less than £15,050
 - those in receipt of pension credits – guarantee credit
 - the unwaged dependants (as defined by Jobcentre Plus) of those listed above (LSC 2006a, paragraph 127)
- 8 The aim of a race equality impact assessment is to assess the impact of an organisation's policy in relation to the public duty to promote race equality and within this, to identify whether there is a differential and adverse impact on particular "racial" groups.
- 9 Digby Jones was appointed "Skills Envoy" by then Chancellor Gordon Brown in December 2006. Jones reported that the position was unpaid and "independent" of government (PersonnelToday online 6 December 2006).
- 10 This Commission's Inquiry was running independently of the decision to limit access to free ESOL.
- 11 The report does not specify who respondents were.
- 12 For further information see UCU's report on the effects of the changes from November 2007, (www.ucu.org.uk/media/pdf/l/6/ucu_esolbriefing_nov07.pdf in September 2007). Natecla also published preliminary findings on the effects (www.natecla.org.uk/content/509/press_releases/f) which were reported in the *TES* and *Education Guardian* (www.tes.co.uk/search/story/?story_id=2440956 and education.guardian.co.uk/tefl/story/0,,2173450,00.html)
- 13 See ABNI evidence to NIACE's ESOL Inquiry <http://www.niace.org.uk/projects/esol-enquiry/documents/ABNI-evidence.doc>
- 14 See Select Committee on Education and Skills 4th report <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmmeduski/649/64908.htm>. For example: "Over the course of this inquiry, it has also become apparent that in the eyes of some, the LSC does not have the necessary gravitas and authority to either challenge the DfES on policy decisions nor promote a positive message about the sector."
- 15 "At least 72% of students in English Language classes in London (where the majority of classes take place) are women and the majority of them are not claiming working tax credit nor registering as unemployed." Chris Taylor from NIACE speaking on "Women's Hour" on 10 August 2007.
- 16 The effect of the cuts on women who did not reach the government's criteria for free classes because they could not prove eligibility was described as an "unintended consequence" of the changes by Phillipa Langton of the LSC on "Women's Hour" on 10 August 2007.
- 17 See LSC website: <http://www.lsc.gov.uk/aboutus/strategicpartners/niace.htm>.
- 18 NIACE Committee of Inquiry into ESOL scoping paper <http://www.niace.org.uk/Projects/esol-enquiry/documents/ESOL-Committee-Issues.doc>.
- 19 See Derek Grover (chair of the NIACE Committee of Inquiry into ESOL provision) letter to Bill Rammell 2 November 2006: <http://www.niace.org.uk/projects/esol-enquiry/documents/DGrover-BRammell.pdf> and letter from Director of NIACE Alan Tuckett to Bill Rammell 1 November 2006: <http://www.niace.org.uk/projects/esol-enquiry/documents/ATucket-BRammell.pdf>.
- 20 For example the TUC, TGWU, TUC, USDAW and Unison.
- 21 See UCU website (<http://www.ucu.org.uk/index.cfm?articleid=2259>) and, for example, *Guardian* 9 January 2007, "The unkindest cut", by Roger Kline Education.
- 22 This point was made in our interview with Paul Mackney.
- 23 Hansard 22 February 2007
- 24 Paul Mackney interview.
- 25 See UCU website: <http://www.ucu.org.uk/index.cfm?articleid=2445>.
- 26 Redundancies were referred to in interviews. See also MP George Galloway's comments in the House of Commons about the impacts of the changes on his constituency: (Hansard 23 March 2007 col 1129). In July 2007 the UCU claimed in a letter to the then DfES, "Some colleges have already started implementing redundancies in anticipation of reduced registration for ESOL." See http://www.ucu.org.uk/media/pdf/m/2/sh_diusesolletter_12jul07.pdf.
- 27 This can be seen by analysis of posts to the Google group, conducted for this research. (The group is closed to public access.) see <http://groups.google.co.uk/group/london-defend-adult-education-and-esol/sub?s=0f5AAwgAAAD-tqekASRC8jAdP5oeNPpT&hl=en>.
- 28 From minutes for the Hackney Save ESOL meeting, 27 February 2007.
- 29 As collated through a review of what students said in interviews for this research, in media interviews and in letters to MPs:
- 31 One tutor from Huddersfield College explained how a fellow tutor had received a call from a student who had been suffering from mental health problems and who had not eaten for days: "It was his ESOL tutor he finally turned to."

- 32 Luck in the sense written about by Dowding 1996 (see full literature review for this project: Beetham, D., Blick, A., Margetts, H., Weir, S. (2007) *Power & Participation in Modern Britain*, at www.democraticaudit.co.uk).
- 33 This situation is described by Carl Friedrich's law of anticipated reactions, whereby people adjust their behaviour in the context of the powerful because of their anticipations of the reaction if they don't. (See full literature review for this project: Beetham, D., Blick, A., Margetts, H., Weir, S. (2007) *Power & Participation in Modern Britain*, at www.democraticaudit.co.uk).
- 34 See UCU website: http://www.ucu.org.uk/media/pdf/p/7/esolstudentvoice_1.pdf.
- 35 It could be argued that what united students most was their lack – their lack of belonging and power, caused by a lack of English. This is a typical manifestation of powerlessness in John Gaventa's third dimension (See full literature review for this project: Beetham, D., Blick, A., Margetts, H., Weir, S. (2007) *Power & Participation in Modern Britain*, at www.democraticaudit.co.uk).
- 36 This issue was described in one of our interviews and backed up with email evidence. Management claimed that attendance by students at the lobby was a political activity and therefore not appropriate during lesson time, given the college's status as an education corporation and exempt charity.
- 37 The AoC describes itself as voicing the interests of FE colleges in England and Wales (see www.aoc.co.uk). Its board is made up of chairs and principals of various FE institutions.
- 38 Chief Executive John Brennan supported the principle that automatic fee remission should end and that those who can pay should pay, but criticised the government for the instability in colleges resulting from stop-go policies, John Brennan Quoted in the *Guardian*, October 24 2006, "Too Expensive in any language".
- 39 The AoC also administers the All Party Parliamentary Group for Further Education and Lifelong Learning. Our research did not reveal what role this relationship played in the ESOL decision-making process.
- 40 It was suggested that resources may have been affected by the CRE's impending merge into the new Equality and Human Rights Commission (EHRC). The EHRC came into being on 1 October 2007. The body is based on the merging of the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission (see www.equalityhumanrights.com).
- 41 This assessment was made from a review of LSC and DfES literature carried out as part of the research for this report.
- 41 "I would like the Council to review the basis for future funding of ESOL programmes to ensure that available funds are well targeted." (Ruth Kelly, 30 October 2005).
- 42 Under the Race Relations (Amendment) Act 2000 all public bodies have the duty to carry out a REIA to assess, and consult on, the effects that a proposed policy is likely to have on people, depending on their ethnic background.
- 43 The REIA document is unspecific about when screening, the first stage of REIA, was initiated. What is clear, however, is that wider consultation occurred once the decision was announced.
- 44 Given that no information about Cabinet and Cabinet Committee meetings, apart from membership and terms of reference is published, the nature and role of the Cabinet's consideration of the decision remains unclear.
- 45 The precise nature of talks within the DfES and LSC remains to a large extent unrevealed.
- 46 A freedom of Information (FOI) request was filed with the DfES for copies of all minutes of meetings of the DfES's Skills for Life Strategy Unit in which the issue of ESOL budgets was raised between 1 January 2006 and 31 March 2007. The request produced no positive response, due to high costing. FOI requests were also filed with the LSC for copies of all minutes of both the LSC National Council and its management group meetings in which the issue of ESOL budgets was raised between 1 January 2006 and 31 March 2007. The response did not reveal information relevant to this case study.
- 47 The KPMG report had warned of the need to model in detail a system under which some ESOL learners paid.
- 48 From an interview with Bill Rammell. Its first meeting was on 10 May 2007.
- 49 cf Dowding.

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About Democratic Audit



Democratic Audit is an active research organisation, attached to the Human Rights Centre, University of Essex, which audits democracy and human rights in the UK and internationally. Professors Stuart Weir, David Beetham and Helen Margetts, and Dr Andrew Blick, all of Democratic Audit, undertook a literature review for Carnegie UK Trust to inform the Power and Participation project. Please see www.democraticaudit.co.uk for the full literature review.

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Case study photograph by Peter Philbin.

Equal Before the Law? Church, state and equality legislation 2005–07

ippr

Rick Muir



Executive Summary

This case study analyses the decision taken by Tony Blair's government in November 2005 to outlaw discrimination in goods and services on the grounds of sexual orientation. This is a case in which the relative power of contending groups (the lesbian and gay rights movement, on the one hand, and the main Christian churches, on the other) was finely balanced. Rather, it was the balance of power within government itself that was decisive in this case: the role of backbench Labour MPs, the position of different cabinet ministers and the shifting political authority of the Prime Minister.

This case study sets out, first, how this issue was placed on the political agenda, following an energetic campaign by lesbian and gay rights organisations. It then describes how pressure built up within the Labour Party for the government to legislate sooner than it had planned on this question. It then sets out how the main churches unsuccessfully intervened in an attempt to secure an exemption to the legislation for religious organisations. Second, this case study explains why these decisions (to introduce the legislation and not to allow religious exemptions to it) were made. It explores the roles and motivations of the various actors involved, the political and social context in which the decisions were made, and the different levers and resources actors used to influence the political process.

The chapter concludes that four main lessons can be drawn from this case:

Long-standing processes of cultural and social change in creating the political space for legislative reform are important. Over the last 40 years Britain has become a much more liberal and open society – and following years of political struggle and more recent reforms, one in which equal rights for lesbian and gay citizens are now written into law. It has also become a much less religious society, and one in which the ability of the church to affect government decisions has been significantly diminished. Although it was always possible that the government might accept the churches' arguments for a wider religious exemption, the fact that it could resist the pressure on it to do so in this case is telling.

Party politics matters. The overwhelming support for this measure within the Labour Party, the trade unions, among Labour MPs and the majority of the cabinet was clearly critical in getting this measure passed and without significant exemptions. Leaders can only shift so far from the broad parameters of party opinion, and in this case it was clear that if Tony Blair wished to pursue a compromise, there would have been an open mutiny within government.

Political power within our system is contingent. The power and authority of a Prime Minister is potentially enormous, as it was for Tony Blair in 1997. Yet towards the end of his premiership, he clearly lacked the political authority to make his party move into areas it instinctively opposed. Although we are still not clear about the Prime Minister's position at the time, it is clear that if he had wanted to widen the religious exemptions to the regulations, it would have been extremely difficult to do so because of political opposition within the cabinet. Moreover, the power of backbench Labour MPs and party members was much greater than in the recent past simply because this issue came onto the agenda exactly when the party was preparing a change in leadership, with a number of politicians eager to secure the votes of their colleagues and supporters.

Formal consultation processes in this case were clearly not the time to change government policy. By the time the government was consulting on the regulations, it had already decided to implement them. The key decisions on this were taken years before, essentially in the decision to introduce a Single Equality Act. Of course, the consultation process did lead to a secondary debate around religious exemptions, which was significant in itself. However, in general terms this case shows that if civil society groups want to set the agenda and bring about real change, they must do so by creating the political space first, and then seek to influence the processes of policy development.

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Introduction

The government's decision in November 2005 to ban discrimination in the provision of goods and services on grounds of sexuality triggered one of the most high-profile political struggles of Tony Blair's final term in office. It was also one of the most significant clashes in recent years between the secular law and organised religion, between those campaigning for lesbian and gay rights, and Christian groups who called for religious exemptions from equalities legislation. It was also an issue which appeared to separate the Prime Minister from the majority of his cabinet, precipitating a rare ministerial revolt.

Both sides in the debate claimed that the other was opposed to a set of fundamental rights: for the gay rights movement the new legislation established the right not to be discriminated against because of one's sexuality in the provision of goods and services, while for the churches the provisions were said to infringe the right of Christians to practise their faith in the public sphere.

In the end, the government passed this landmark piece of anti-discrimination legislation without the kind of broad religious exemptions that the major churches had demanded. But this outcome was by no means certain and through telling the story of the campaign to place this issue on the political agenda and then later to determine the remit of the legislation, this chapter aims to draw out important lessons about how our political system operates.

The analysis which follows focuses on two political decisions taken in the early stages of Tony Blair's third term in office. The first was a decision by the government to amend the February 2006 Equality Act to include a ban on discrimination in goods and services on grounds of sexual orientation. This became law by means of the Sexual Orientation Regulations (SORs) which the government finally promulgated in April 2007.

The second was a decision not to widen the exemptions contained in those regulations that pertained to religious organisations. There were already exemptions for activities that were linked to religious observance or practices that arise from the basic doctrines of faith. However, the Catholic church requested a wider religious exemption from the law, claiming that Catholic adoption agencies would have to close because they would not, for doctrinal reasons, be able to place children with same-sex couples.

After a great deal of public controversy and internal debate within government, Tony Blair announced at the end of January 2007 that there would be no further religious exemptions. As a concession, the Catholic adoption agencies would be exempted from the regulations for 18 months to see if there was a way they could continue to operate under the new law.

This chapter explains how and why these two decisions were made, with the aim of shedding some light on how political decision-making works in Britain.

The Story: Equal before the law?

Unfinished business – getting the issue on the political agenda

Following its election in 1997, the Labour government introduced a range of measures to establish equality before the law for lesbian, gay and bisexual people. These measures included the equalisation of the age of consent to 16, the removal of Section 28 of the Local Government Act which banned the "promotion" of homosexuality in schools (which was widely believed to have prevented teachers from tackling homophobic bullying), the introduction of civil partnerships, establishing the right of gay people to adopt and introducing a ban on workplace discrimination on grounds of sexual orientation.

However, prior to April 2007 it remained possible for lesbian and gay people to be discriminated against in the provision of goods and services on the basis of their sexuality. So, for example, hoteliers or landlords could legally refuse to let accommodation to gay couples on grounds of their sexuality. For gay rights campaigners, therefore, securing a ban on such discrimination remained a major priority.¹

A number of inter-related factors led to this issue rising up the political agenda and, crucially, a commitment to act being written into Labour's 2005 manifesto. The first was an international intervention: European Employment Directive 2000/78/EC meant that the UK had to move to outlaw employment discrimination on grounds of religion and belief and sexual orientation by 2003, and disability and age by 2006.² UK equalities legislation had until then been governed by three separate equalities bodies, covering gender, race and disability, but now three new equalities strands (faith, sexuality and age) also required some form of statutory supervision and enforcement. In December 2001, the government therefore started to consult on whether the UK should move towards a single statutory equalities commission. In early 2005, towards the end of Tony Blair's second term, the government published an Equality Bill whose primary aim was to establish a single Commission for Equality and Human Rights (CEHR) which would replace existing bodies and cover all of the main equalities strands.

Many equalities activists wished to go further and establish a Single Equality Act (building on, but going further than the 2005 Equality Bill) which would act to "level up" existing equalities legislation, to ensure equal protection for all groups across the different strands. Within the Labour Party, Angela Eagle MP successfully worked through the party's National Policy Forum process to include a commitment to a Single Equality Act in its manifesto for a third term. By definition this would have entailed banning goods and services discrimination on grounds of sexual orientation at some point during Labour's third term.

Following calls for the government to do more to tackle discrimination particularly against Muslims, the government decided to broaden the remit of the Equality Bill, beyond establishing the CEHR, to include a specific ban on religious discrimination in the provision of goods and services. Gay rights campaigners felt that a parallel protection from discrimination on grounds of sexuality should also therefore be brought forward.³ Stonewall, the largest gay rights organisation in the country, began to argue that the Equality Bill itself represented an opportunity for the government to act.⁴

Campaigning for change

The main national gay rights groups involved in the campaign to amend the Equality Bill were Stonewall and a small group within the Labour Party, the Labour Campaign for Lesbian and Gay Rights (LCLGR, now LGBT Labour).

LCLGR decided to mobilise grassroots pressure within the Labour Party, through its annual conference, to seek an amendment to the Equality Bill. This latter move became a successful example of a relatively small group of actors claiming a political space to change the policy agenda. By chance, Conservative-controlled Bromley Council had proposed in June 2005 not to allow civil partnership ceremonies to take place in its town hall. This became a very high profile example of how it remained lawful for discrimination to take place against lesbian and gay consumers.⁵ Labour activists used the case as a "hook" so that they could get the issue of goods and services discrimination debated as a 'contemporary issue' at the September 2005 party conference.⁶

Following a campaign backed by prominent figures such as former cabinet minister Chris Smith the conference prioritised the issue of goods and services discrimination for debate. LCLGR activists then engaged in protracted negotiations with the government, during which one participant says, "we came under a great deal of pressure to drop it".⁷ Ministers and their advisers, while stating that they supported the measure in principle, were worried it would give the Lords a reason to vote down the whole Equality Bill. Eventually a compromise resolution was unanimously supported by delegates, which committed the government to act either by amending the current Bill or, if not, to bring forward legislation before the next election.

In the aftermath of the conference, the Labour peer Lord Alli put down an amendment to the Equality Bill to ban goods and services discrimination on grounds of sexual orientation. In November 2005, the relevant minister Baroness Ashton, agreed to back the substance of the amendment.⁸ The government amended the Bill to enable it to bring forward a ban at a later date, following public consultation.

The battle over religious exemptions

The government drew up a consultation document “Getting Equal” and invited members of the public to submit proposals in support of or in opposition to the regulations and sets of proposed exemptions. The government also proposed a number of exemptions, including one to allow religious organisations to continue to discriminate in activities central to religious doctrine, such as wedding ceremonies. Another exemption was proposed to allow for lesbian-only or gay-only clubs, stating that clubs could discriminate but only if their main purpose was the promotion of the well-being of those groups.⁹

This formal consultation process led to around 3,000 written responses, with both gay rights and Christian groups mobilising their supporters to write in either supporting or objecting to the regulations. According to one government source,¹⁰ the consultation process was useful from a policy-making point of view, not because it highlighted significant opposition and support (of which ministers were in any case aware), but rather because it threw up a whole range of particular real-life examples, which then fed into the process of finessing the regulations and the various exemptions.

It became clear at this time that both churches and religious organisations, such as the Evangelical Alliance, favoured wider exemptions to the regulations. This opposition began to focus on one area in particular: the position of adoption agencies run by the Catholic church. The church claimed that the agencies would not be able to operate under the law, because they would be unable to place children with same sex couples for religious reasons.

The head of the Catholic church, Cardinal Cormac Murphy O’Connor, also raised a wider concern: namely that the “freedom to act according to (religious) belief in the service of others “was being curtailed, and that “a new morality” was being imposed by the state on religious organisations.¹¹ Moreover, he believed that religious organisations were being deliberately excluded from the public sphere by “a new secularist intolerance”.¹² For the Cardinal, then, the issue was not just about the adoption agencies, but also about whether religious bodies could continue to act in the public realm. Other Christian groups shared these fears: “There are some militant secularists who seem to favour expunging all religion from the public sphere discarding hundreds of years of British history.”¹³

The government announced in October 2006 that due to the large number of responses to the consultation process, the regulations would not be brought in until April 2007, to give time for the government to take further soundings. The government was clearly taking the issue of further religious exemptions seriously and close observers claim that at that stage it could have gone either way.¹⁴

Lesbian and gay rights campaigners received a significant boost from the decision taken by the then Northern Ireland Secretary Peter Hain to impose similar regulations in Northern Ireland without the sort of religious exemptions that were being requested in the rest of the UK. This decision, law from 1 January 2007, put down a marker: “It was an example of how it ought to be done. You couldn’t get into a situation where people had more rights in Northern Ireland than in England.”¹⁵

Before the Prime Minister could make his decision on the matter, several prominent cabinet ministers, such as Alan Johnson, Charles Falconer, Peter Hain and Harriet Harman, publicly came out against further exemptions. As Lord Falconer put it, “we take the view in this country that people shouldn’t be discriminated against. That applies to everybody.”¹⁶ In the press it was widely believed that the two remaining doubters were the Prime Minister and Ruth Kelly, the minister responsible for equalities issues, but commentators speculated that Tony Blair might (at the end of his premiership) lack the authority to impose an outcome on his cabinet colleagues.¹⁷

Concerned that ministers were opposed to further religious exemptions, the head of the Catholic church in England and Wales, Cardinal Cormac Murphy O’Connor, wrote a public letter to all members of the cabinet informing them that the adoption agencies would have to close if they did not allow an exemption. This was followed by a similar letter from the two most senior Anglican bishops, Archbishops Rowan Williams and John Sentamu.¹⁸

However, on 31 January Tony Blair finally announced that there would be no further religious exemptions, while giving the adoption agencies 18 months to see if their services could continue under the new laws.¹⁹

Reflection and analysis

Having explored how events unfolded, we now explore why and how these policy decisions were made: why the government decided to act on goods and services discrimination in late 2005 and why, after considerable public debate, it decided not to widen religious exemptions to the regulations in early 2007. This section in particular focuses on the following questions:

- Who were the key actors involved in the policy-making process and what were their motivations?
- What characterised the social and political environment in which these actors operated? What aspects of that environment influenced government decision-making?
- In which spaces did the key actors interact and seek to influence or exercise power?
- What resources were used by the various actors to influence the decision-making process?

The roles and motivations of the key actors²⁰

Tony Blair

The then Prime Minister was clearly a pivotal figure, holding final decision-making power within government. Blair clearly saw the extension of equalities and anti-discrimination legislation as a key part of his government's legacy. For instance, in his final speech to the Labour party conference in September 2006, Blair twice mentioned equal rights for gay people as one of his main achievements in office.

Equally, however, this commitment to equality appeared to clash with his desire not to see Catholic adoption agencies close. Tony Blair himself is a practising Christian and as Prime Minister he had also long supported a role for faith-based organisations in the public realm, backing the extension of faith schools, for instance. Although it is, of course, impossible to read the Prime Minister's mind, from the press coverage and interviews with other stakeholders, it is clear he sought a compromise on the question of religious exemptions.

Ruth Kelly

As Secretary of State for Communities and Local Government, Ruth Kelly was responsible for implementing the government's decision to outlaw goods and services discrimination. Ms Kelly was in a similar position to Tony Blair in wishing to support the new legislation, but wanting to keep the adoption agencies running. As events unfolded, the media started to focus on Ruth Kelly's own faith, given that she was one of few practising Catholics in the cabinet and rumoured to be a member of the conservative Catholic organisation Opus Dei.²¹

The cabinet

It was clear from the press reports at the time that the majority of the cabinet was not in favour of further religious exemptions to the legislation. It is worth noting that five cabinet ministers were running for the deputy leadership of the party at the time, and that coming out against further exemptions was likely to be popular with both MPs and party members. Three of those ministers made their opposition to further exemptions clear through statements in the press (Peter Hain, Harriet Harman and Alan Johnson).²²

Because Tony Blair was coming towards the end of his premiership, ministers appeared willing publicly to rebel against what they feared would be a compromise on principle. The cabinet's role in blocking a religious exemption was therefore crucial. According to one prominent MP, "we managed to assemble a blocking majority of the cabinet which meant that these statutory instruments could not be promulgated (with a religious exemption)... nobody needed persuading".²³

The Labour Party

The position of most Labour Party members was clearly in support of banning goods and services discrimination, as shown by the unanimous vote at the 2005 party conference. The trade unions were also supportive, voting for the motion at the party conference and with the Trade Union Congress (TUC) General Secretary Brendan Barber directly lobbying ministers in favour of amending the Equality Bill.²⁴ One commentator at the time pointed out that the question of equal rights went to the very heart of the party's political tradition and as such was one on which grassroots members and trade unionists would oppose further compromise.²⁵ According to one protagonist, "99%" of the Parliamentary Labour Party (PLP) were opposed to religious exemptions.²⁶

It is worth pointing out that ordinary party members, trade unions and backbench MPs were in an unusually strong position in late 2006 and early 2007 because of the impending election for a new leader and deputy leader of the party. A number of candidates for the deputy leadership clearly chose to take a very public stance on this issue that they would have known was popular within the party.

Parliament

In this case, parliamentary involvement in the policy-making process was limited to the House of Lords. This is because the government amended the Equality Bill after it had already had its second reading in the Commons. One attempt was made to remove sexual-orientation clauses from this amendment by a mixture of peers, mainly cross-benchers and Conservatives, but this failed with opposition from the government and the Liberal Democrats. The amendment gave the government the power to introduce the regulations on sexual orientation by means of a statutory instrument, meaning that parliament had no subsequent power to define the remit of the regulations. Hence, in the context of widespread support within the PLP for the measures, the focus of the lobbying was on cabinet ministers, Ruth Kelly and the Prime Minister himself.

Civil society associations

The Catholic church

The Catholic church was opposed to the new legislation without a full exemption for religious organisations. The church's concerns were that:

- the agencies would have to close because they could not conform with the law – and local authorities would therefore remove their grants;²⁷
- the "freedom to act according to (religious) belief in the service of others"²⁸ was being curtailed, and that "a new morality" was being imposed by the state on religious organisations;²⁹
- religious organisations were being deliberately excluded from the public sphere by a "new secularist intolerance".³⁰

The Church of England

The two leading figures in the Anglican Church, Archbishops Rowan Williams and John Sentamu, publicly supported the Catholic church's position. The debate took place in the context of major disagreement within the Anglican communion internationally over the ordination of gay bishops, with Rowan Williams being keen to occupy a middle-ground position that would hold the church together.³¹

The Evangelical Alliance

The largest coalition representing Evangelical Christians in the UK, representing over 3,000 local churches and encompassing 750 Christian organisations, supported religious exemptions to the regulations. The Evangelical Alliance's position was similar to that of the two main churches, spelt out to the author by its Public Policy Director Dr David Muir: "We believe that all people are equal and that you need political and institutional arrangements to make that a reality. The question is how do you do justice to all, without trampling on freedom of conscience?"

Stonewall

Stonewall is the leading gay rights organisation in Britain, headed by Ben Summerskill. It has played a very prominent role in campaigning for equal rights for lesbian and gay people in recent decades, enjoys a positive relationship with government and has supporters across the main political parties.

In response to continued reports of discrimination against lesbian and gay people around the country, Stonewall initiated the campaign to put goods and services discrimination on the political agenda. It also mobilised its supporters to back the proposed legislation without significant exemptions during the consultation process and was heavily involved in direct negotiations with ministers and MPs as the debate unfolded.³²

Labour Campaign for Lesbian and Gay Rights (LCLGR)

LCLGR (now LGBT Labour) is a smaller gay rights group officially affiliated to the Labour Party. It played an important role in getting the issue of goods and services discrimination put to a vote at the 2005 party conference. It was also involved in directly lobbying ministers during the debate on religious exemptions.³³

The media

A number of prominent national newspapers came down in their editorials in favour of a religious exemption. Indeed one MP told the author that fear of a media backlash was one of the reasons ministers were initially cautious about the issue: "there was a worry about how much fuss would be caused with some of the most vocal groups and with the *Daily Mail*, putting it bluntly".³⁴

The social and political environment

The actors described above clearly did not act in a vacuum – there were important social and political factors that structured the options open to them and made it more or less easy for them to successfully influence the policy-making process.

Changed cultural context

The campaign to place this issue on the agenda represented the latest stages of a process going back over 40 years in the struggle for equal rights for gay, lesbian and bisexual people in Britain. Only 40 years ago homosexuality was illegal – by 2007 homosexuality had been legalised, the age of consent made equal regardless of sexuality, Section 28 had gone, gay people could join the armed forces and same-sex couples had won the right to have their partnership recognised in law.

Over that time Britain has clearly undergone a major cultural shift, with popular attitudes becoming much more liberal on questions of sexuality. This is illustrated by a recent survey undertaken by YouGov³⁵ which found that:

- Three out of four people would be comfortable if their child's teacher was gay and more than three-quarters of the population would feel comfortable if their doctor was gay;
- Almost everyone (92%) would be comfortable if a footballer on the team they support was gay, and close to nine in ten people would not mind if a member of the royal family was gay;
- Nine out of ten people want anti-gay bullying in schools to be tackled;

- Over half of people think that lesbian and gay people experience public prejudice in Britain and a significant majority (73%) think that anti-gay prejudice should be tackled.

In addition to the growth of more liberal attitudes on questions of sexuality, we have also seen a decline in religious practice and belief in Britain over many years now, which is significant in this case given the prominence of the church in opposition to the Sexual Orientation Regulations.

There has been a headline decline in the proportion of Britons who say they attend a place of worship falling from over 80% in 1964 to just over 30% in 2005 and the number of people saying they do not belong to a religion rising from below 5% in the 1960s to just under 40% today. Britain's increasingly secular society also marks it out from other countries. For example, a 2002 international poll for the Pew Research Center found that only 33% of Britons felt that religion was important in their lives. This contrasts to 92% of Indians, 77% of Brazilians and 59% of Americans.³⁶

The fall in attendance at many local churches around the country is a further sign of a weakening of Christian belief and practice. The Christian Research English Church Census found that Sunday church attendance among all Christian dominations fell between 1989 and 2005 (for the Church of England it fell by 31% and for the Roman Catholic church by 49%).³⁷

So, the growth of more liberal attitudes towards sexuality and the declining popular strength of the church clearly provide an important background to the decision on goods and services discrimination. It did not come out of the blue, but rather took place in the context of very significant cultural changes over the last 40 years.

Political opportunity structure

What political scientists would call the political opportunity "structure" (the political institutions and the different actors who occupy roles within them) also clearly helped put the issue on the agenda and weighed heavily in favour of this piece of legislation.

The presence of the Labour Party in power clearly tipped the scales in favour of gay rights. Since 1997 Labour has taken important steps to give gay, lesbian and bisexual citizens equality before the law. These steps include:

- the equalisation of the age of consent to 16;
- the removal in 2003 of Section 28 of the Local Government Act which outlawed the "promotion" of homosexuality in schools;
- the introduction of the right to adopt for gay couples;
- the removal of the ban on gay people serving in the military;
- the Civil Partnerships Act, which gives same-sex couples a mechanism to have their partnerships recognised by law and entitles them to the same legal benefits as married couples.

Many of the gay rights activists interviewed by the author argued that except in one or two matters, the movement's agenda for legislative equality is now largely complete. The work that remains to be done is in the area of changing public attitudes and tackling discrimination as and when it occurs.

On the specific issue of the ban on discrimination in the provision of goods and services, opinion within the Labour Party was clearly overwhelmingly in favour. The grassroots of the party supported amending the Equality Act, as expressed by a near unanimous vote at the party conference. Moreover, the fact that the party leadership itself accepted the principle of banning discrimination in this area at that conference showed that this was a policy area where the government was basically supportive but was cautious on the detail.

The political situation at the very top of government weakened the lobbying power of the Catholic church. Whereas on the issue of employment discrimination on grounds of sexuality, church leaders had secured last-minute exemptions by directly lobbying the Prime Minister, such efforts did not succeed on this occasion. This might be in large part because Tony Blair was known to be stepping down later in 2007, and thus normally loyal ministers and MPs were much less willing to take his lead on controversial issues. As one columnist questioned at the time: "At this stage of his career, has Blair got the authority to force an unpopular

concession through a party for whom this Equality Act is not just any piece of legislation, but an expression of its most cherished political ideals?”³⁸ Added into this mix was the prospect of an election for the deputy leadership of the party, which meant that candidates for that post such as Harriet Harman, Peter Hain and Alan Johnson went out of their way to stress their opposition to any exemption. Cabinet discipline on this issue quickly went out of the window.³⁹

Another significant component of the political opportunity structure propitious for the gay rights movement was the supportive position of the Conservative front bench. It was at this time that David Cameron was seeking to show that the party was more in tune with liberal-minded voters. As a result, Cameron publicly backed the government’s position of going ahead with the SORs (the Sexual Orientation Regulations) in the absence of a compromise – and the opposition helped the regulations get through the Commons committee stage. It was left to the House of Lords to mount the only serious formal opposition, in the form of Baroness O’Cathain’s amendment to strike down the regulations and which was ultimately defeated.

Spaces

There were a number of important spaces in which the actors described above interacted and in which the decisions were made. Importantly, these spaces varied in the degree to which they were open to influence from outside the upper echelons of the political system. We distinguish in what follows between closed, open and claimed political spaces.

Closed spaces

“Sofa government”

Whereas in the past important government decisions were made collectively in meetings of the whole cabinet, under Tony Blair the cabinet was largely sidelined and the most important decisions were typically made by the Prime Minister in discussion with a small group of advisers and key political allies (although cabinet committees also played a role). This has been described by some commentators as “sofa government”. Such a style of government is entirely closed from public scrutiny, with deliberations and decisions being made privately and explained later to the full cabinet, the media and parliament. The final decisions both to proceed with the legislation and not to grant wider religious exemptions were taken in this space.

The cabinet

We do not know from media reports how much formal attention was given to this issue at cabinet nor whether it was subject to serious debate in that forum. As described above, Tony Blair preferred to deal with ministers on a “one-to-one” basis. Whether or not discussions took place at full cabinet, the cabinet was crucial in determining whether or not further religious exemptions should be made. This was because the Prime Minister, towards the end of his premiership, lacked the political authority to put forward an exemption that was opposed by the majority of his ministers.

The Parliamentary Labour Party

One “closed space” that played a crucial role in this case was private discussions between Labour MPs and ministers. One MP who led the campaign against religious exemptions told the author that she and others had directly spoken with ministers in order “to assemble a blocking majority in cabinet” – to prevent a full religious exemption being granted. She argues that because the regulations were being brought through by means of a Statutory Instrument rather than by primary legislation, they could not be amended in the House of Commons. As such MPs had to ensure that the regulations that came out of government did not include further exemptions, by ensuring that enough of the cabinet supported that position.⁴⁰

Invited spaces

The “Getting Equal” process

From March 2006 the government invited public consultation on its document “Getting Equal” which set out its detailed proposals. This process clearly had some effect: Ruth Kelly explicitly claimed the delay in implementing the Sexual Orientation Regulations (set for October 2006 but put back to April 2007) was because of the strong public response to the paper. In particular, of course, Ms Kelly wanted a delay to see if they could meet the concerns of the Catholic church over the adoption agencies.

Formal parliamentary processes

In this case the role of parliament was particularly interesting and the subject of some controversy. The Equality Act had already been approved by the House of Commons when the government agreed to introduce the regulations. They were therefore not subject to formal debate in the House of Commons itself, with the Commons dealing with the regulations during a private committee meeting at which they were put through “on the nod” with the agreement of the Labour and Conservative front benches.⁴¹

The real formal parliamentary battle over the regulations therefore took place in the House of Lords. It was here that an effort was made by opponents to block the regulations, with peers being lobbied by both sides in the dispute.

Ministerial dialogue with civil society associations

Several of the organisations representing both sides of the argument held direct talks with Ruth Kelly or her aides during the course of the debate. These included Stonewall, LCLGR, the two main churches and the Evangelical Alliance. Both Stonewall and the Evangelical Alliance stressed to the author that they favoured direct talks with ministers, which they felt were more constructive compared to more confrontational tactics such as street demonstrations.⁴²

Claimed spaces

Labour party conference

The Labour Campaign for Lesbian and Gay Rights can take a great deal of credit for getting the whole issue of amending the Equality Act on the internal party agenda. LCLGR ran a campaign in the run up to the 2005 conference for Constituency Labour Parties (CLPs) to support a contemporary resolution in favour of amending the Bill.

As a result, a large number of CLP delegates voted for the resolution in the priority ballot. There followed protracted negotiations with the relevant cabinet minister, Alan Johnson and LCLGR delegates, at which LCLGR won an assurance from the minister that he would at some stage amend the Act.⁴³ A unified motion was agreed which was put to the conference floor and agreed overwhelmingly. This was a clear example of effective grassroots mobilisation – and one of the few moments in recent times when the party conference has directly altered government policy.⁴⁴

The media war

Following the end of the formal consultation process and in particular during December 2006 and January 2007, the Catholic church launched a very public campaign in the media to apply pressure on the government. From a review of the media coverage at the time, the Catholic church appeared to have a greater public profile in opposition to the regulations than Stonewall did in support. The head of the Catholic church wrote a high-profile public letter to the Prime Minister and all members of the cabinet pressing the case for the adoption agency exemption.⁴⁵ He also contributed to numerous radio and television programmes at this time and wrote comment pieces for national newspapers.⁴⁶

The street

At the very late stages of this process in the run-up to the adoption of the Sexual Orientation Regulations in April 2007, there was some use of public demonstrations to apply pressure on decision-makers. The most significant of these was called by the group Christian Concern for Our Nation, which gathered outside Parliament on the day of the House of Lords vote on the regulations and Lady O’Cathain’s opposing amendment. However, a representative of the Evangelical Alliance told the author that they preferred talks to demonstrations: “It was not done on the street. If you’re going to change people’s minds, you need to educate them, not alienate them. You do that by meeting with them, talking to them and helping by being constructive.”⁴⁷

There were no organised counter-demonstrations by gay rights groups, which appeared to be more successfully engaged in directly persuading power-holders (MPs and ministers) – as one gay rights activist put it, “we relied on direct lobbying”.⁴⁸

Levers and resources

The different actors involved in this process each had access to different kinds of resources which they mobilised to influence decision-making. One such resource was the use of **the media** through which groups sought to present their case and win wider public support.

It was through the media that both sides sought to frame the language of the debate in different ways. Interestingly, both sides in the debate used the politically resonant **language of rights** to make their case. On the gay rights side, Stonewall, LCLGR and supportive Members of Parliament argued that the issue was one of basic equality – it was about the right of lesbian and gay people not to be discriminated against. As one put it: “You are either protected against discrimination in the provision of goods and services or you are not.”⁴⁹

In turn, the churches and religious groups also used the language of rights, arguing that people’s “freedom of conscience” was being curtailed, because Christians would no longer be able to operate in the public sphere in a way that accorded with their faith.

From a review of the press and broadcast coverage at the time, it becomes clear that particularly through January 2007 the Catholic church was much more prominent in the media than gay rights groups were. In particular Cardinal Cormac Murphy O’Connor made frequent appearances on radio and television programmes during this period. Nevertheless, the church was on the losing side of the argument. It may be that the church fell back on a greater media presence precisely because it felt it was losing the argument behind the scenes in government. The cardinal’s letter to the cabinet in January 2007, warning that the adoption agencies would close if the government went ahead, was interpreted by some as being a final “threat” aimed at applying maximum public pressure, given that it looked like ministers were opposed to further exemptions.⁵⁰

A second set of resources used by the different groups was **direct access to decision-makers**. Both sides held direct talks with Ruth Kelly to press their case. Gay rights groups clearly preferred this kind of direct dialogue with ministers as opposed to more confrontational methods such as street protests.⁵¹ According to one close observer, Stonewall can be credited with doing this lobbying “gently, effectively, forensically” in a way that ultimately proved successful.⁵² The Evangelical Alliance have also stressed that they too favoured “constructive” talks rather than confrontational tactics: “shouting won’t work”.⁵³

It is difficult to tell who had greater direct access to the key decision-makers during this process. On the one hand, the gay rights movement benefited from stronger institutional and personal links with the party in power. LCLGR was able to use its position within the Labour Party to successfully put the question of amending the Equality Bill on the agenda at the Labour party conference. Supporters of the legislation were also represented on the party's National Policy Forum which ensured the whole question of a Single Equality Act was put on the agenda and eventually made its way into the party's 2005 manifesto. There were also personal links: many Labour MPs and ministers are long-standing supporters of lesbian and gay rights.

On the other hand, the two most important political decision-makers, Tony Blair and Ruth Kelly, were widely seen as being sympathetic to the Catholic church's position, both of them being practising Christians themselves.

A third lever used by both sides to influence the decision-making process was the **formal consultation process**, which clearly threw up sufficient objections to the proposed regulations that Ruth Kelly delayed their implementation. Both sides clearly sought to mobilise the communities they represented to write in either supporting or opposing the regulations, leading to up to 3,000 responses to the consultation. In this respect, both sides benefited from the co-ordination offered by national representative organisations, with Stonewall offering advice to local lesbian and gay community groups and keeping them informed – while groups such as the Evangelical Alliance could do the same for Christian groups. As part of this process, Stonewall emphasised the importance of presenting real-life cases of discrimination that were coming into them around the country, building up a strong evidence base to put to ministers.⁵⁴

Conclusions

The battle over the proposed ban on discrimination in the provision of goods and services on grounds of sexual orientation was one of the most high-profile public policy battles in the last phase of Tony Blair's premiership. It brought to a head a clash between the major churches and secular law, with the churches feeling that the state was imposing on them a "new morality" and that the equalities legislation would force it to withdraw from offering services in the public sphere. For lesbian and gay rights groups, it represented "unfinished business" for the Labour government and the closing of one of the final remaining loopholes that allowed discrimination against lesbian and gay citizens.

There are a number of lessons that we can draw out of this case study in terms of what it tells us about the way power operates in the British political system. First, it tells us that no government or set of policy-makers operates in a vacuum. The political space for this issue to be placed on the government agenda was opened up by a set of long-standing social changes that had been going on in British society over a period of 40 years. Britain has become in that time a much more liberal and open society – and following years of political struggle and more recent reforms, one in which equal rights for lesbian and gay citizens are now written into law. It has also become a much less religious society, and one in which the social weight of the church to affect government decisions has been significantly diminished. Although it was always possible that the government might accept the churches' arguments for a wider religious exemption, the fact that it could resist the pressure on it to do so is telling.

Second, it tells us that party politics matters. The overwhelming support for this measure within the Labour Party, the trade unions, among Labour MPs and the majority of the cabinet was clearly critical in getting this measure passed and without significant exemptions. Leaders can only shift so far from the broad parameters of party opinion, and on this it was clear that if Tony Blair wished to pursue a compromise there would have been an open mutiny within government.

Third, it tells us that political power within our system is contingent: the power and authority of a Prime Minister is potentially enormous, as it was for Tony Blair in 1997. Yet towards the end of his premiership, he clearly lacked the political authority to make his party move into areas it instinctively opposed. Although we are still not clear about the Prime Minister's position at the time, it is clear that if he had wanted to widen the religious exemptions to the regulations, it would have been extremely difficult to do so because of political opposition within the cabinet. Moreover, the power of backbench Labour MPs and party members was much greater than in the recent past – simply because this issue came onto the agenda exactly when the party was preparing a change in leadership, with a number of politicians eager to secure the votes of their colleagues and supporters.

Finally, formal consultation processes in this case were clearly not the time radically to change government policy. By the time the government was consulting on the regulations, it had already decided to implement them. The key decisions on this were taken years before, essentially in the decision to introduce a Single Equality Act. Of course, the consultation process did lead to a secondary debate around religious exemptions, which was significant in itself. However, in general terms this case shows that if civil society groups want to set the agenda and bring about real change they must do so by creating the political space first, and then seek to influence the processes of policy development.

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Appendices

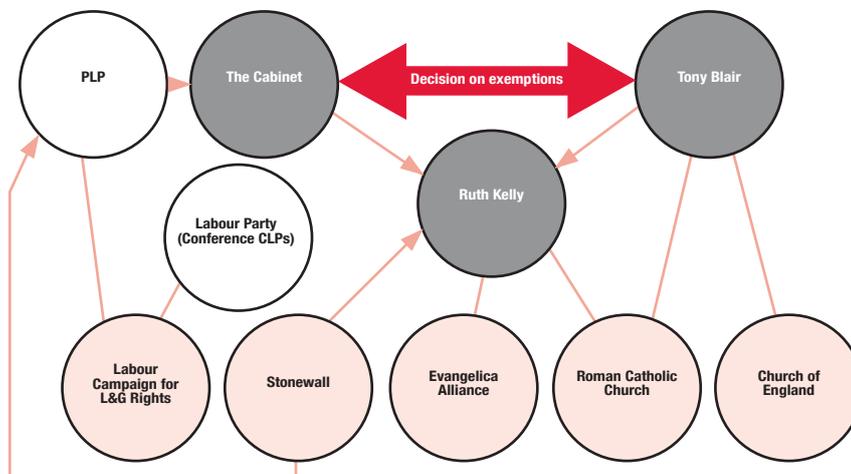
Appendix 1 – Methodology

The case study is based on two phases of research. First, a review of the existing written literature on this subject, largely (because of the contemporary nature of the decision) drawn from media references found on the Internet. The sources used are referenced throughout and listed at the end of the review, but they include:

- Parliamentary debates and questions and answers from Hansard, the official parliamentary record;
- The chronology of press releases issued over the internet by the main civil society associations campaigning on either side of the argument, specifically Stonewall, the Labour Campaign for Lesbian and Gay Rights (LCLGR) (now LGBT Labour), the Catholic church, Christian Concern for Our Nation (CCON) and the Evangelical Alliance;
- News articles on this subject from national newspapers and on the BBC news website;
- Comment pieces and editorials in the press on the subject.

Second, this literature review was followed up by a set of interviews with participants in the campaigns for and against the new provisions and individuals close to decision-making. These included figures in government, the Labour Party, lesbian and gay rights groups and Christian organisations. It should be made clear at the outset that the Catholic church, one of the key protagonists, did not wish any of its representatives to be interviewed for the research. They argued that it was still a “live issue” and did not wish to comment at this stage. Instead, I have used secondary sources to ascertain the views and positions of the Catholic church.

Appendix 2 – Relationship Map



Appendix 3 – Interviews

Angela Eagle MP, Exchequer Secretary, former Vice-Chair of the Parliamentary Labour Party, 5 November 2007.

Alon Or-bach, Co-Chair, Labour Campaign for Lesbian and Gay Rights, 23 October 2007.

Katie Hanson, Co-Chair, Labour Campaign for Lesbian and Gay Rights, 26 September 2007.

Jonathan Finney, Parliamentary Officer, Stonewall, 16 January 2008.

Dr David Muir, Director of Public Policy, Evangelical Alliance, 17 January 2008.

Lord Smith of Finsbury, former Secretary of State for Culture, 17 October 2007.

Government Adviser, 18 September 2007.

Footnotes

- 1 Jonathan Finney, interview with the author.
- 2 Brazier et al 2007.
- 3 Lord Smith, interview with the author.
- 4 Jonathan Finney, interview with the author.
- 5 LCLGR 10 October 2005.
- 6 Alon Or-bach, interview with the author.
- 7 Katie Hanson, interview with the author.
- 8 Lord Smith, interview with the author.
- 9 DCLG 2007
- 10 Government adviser, interview with the author.
- 11 Murphy O'Connor 30 January 2007; 29 March 2007.
- 12 Murphy O'Connor 29 March 2007.
- 13 Dr David Muir, interview with the author.
- 14 Angela Eagle MP, interview with the author.
- 15 Angela Eagle MP, interview with the author.
- 16 Guardian 22 January 2007.
- 17 Bunting 2007.
- 18 Guardian 25 January 2007.
- 19 BBC News Online 29 January 2007 (b).
- 20 See Appendix 2 for relationship map.
- 21 BBC news online 9 May 2006.
- 22 Guardian 22 January 2007.
- 23 Angela Eagle MP, interview with the author.
- 24 Alon Or-bach, interview with the author
- 25 Bunting 2007.
- 26 Angela Eagle MP, interview with the author.
- 27 Murphy O'Connor 22 January 2007.
- 28 Murphy O'Connor 29 March 2007.
- 29 Murphy O'Connor on "Today" programme 30 January 2007.
- 30 Murphy O'Connor 29 March 2007.
- 31 Guardian 25 January 2007.
- 32 Jonathan Finney, interview with the author.
- 33 Katie Hanson, interview with the author.
- 34 Angela Eagle MP, interview with the author.
- 35 YouGov 2007.
- 36 Stone and Muir 2007.
- 37 As above.
- 38 Bunting 2007.
- 39 Guardian 22 January 2007.
- 40 Angela Eagle MP, interview with the author.
- 41 BBC news online 20 March 2007.
- 42 Jonathan Finney and David Muir, interviews with the author.
- 43 Alon Or-bach and Katie Hanson, interviews with the author.
- 44 LCLGR 1 October 2007.
- 45 Murphy O'Connor 22 January 2007.
- 46 BBC news online 23 January 2007; Murphy O'Connor 31 January 2007 (a).
- 47 David Muir, interview with the author.
- 48 Alon Or-bach, interview with the author.
- 49 Angela Eagle MP, interview with the author.
- 50 BBC news online 23 January 2007.
- 51 Alon Or-bach, interview with the author.
- 52 Lord Smith, interview with the author.
- 53 David Muir, interview with the author.
- 54 Jonathan Finney, interview with the author.
- 55 All at www.bbc.co.uk/news
- 56 All at www.christainconcernforournation.co.uk
- 57 All at www.guardian.co.uk
- 58 All at www.lgbtlabour.org.uk
- 59 All at www.stonewall.org.uk

About the Author

Dr Rick Muir is Senior Research Fellow at the Institute for Public Policy Research. His research focuses on democratic participation, citizenship and community cohesion. He has a doctorate in politics from Oxford University, where he taught and lectured on Latin American politics. His publications include *The Power of Belonging. Identity, citizenship and community cohesion* (with B. Rogers), “Power Politics: Who Runs Britain?” (with E. Thornberry and I. Kearns) in *Politics for a New Generation: The progressive moment* (J. Margo and N. Pearce eds.), *The New Identity Politics, Who Are We? Identities in Britain 2007* (with L. Stone) and *Sticking Together. Social capital and local government* (edited with H. Khan).



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Practical Resources Appendix

To complement these case studies, the Carnegie UK Trust is exploring the diverse “power tools” that can be used by civil society associations to map and understand power and influence, organise power and ensure that gains are sustained. This work includes the compilation of a list of resources and practical toolkits that can help strengthen the capabilities of civil society associations to affect change. A web resource is available on the Carnegie website: <http://democracy.carnegieuktrust.org.uk/democracy>

This appendix provides a sample of resources that can help readers put into practice some of the findings and implications from the case studies on “power and influence”. Some resources have been produced in specific contexts but can be easily adapted to different situations. All online resources have been accessed between 1 and 15 May 2008.

Planning advocacy

Department for International Development

“Tools for Development: A handbook for those engaged in development activity” is a handbook on various techniques to improve development activities and interventions. Chapter 2 gives a comprehensive list of matrix-based stakeholder analysis techniques including *Power and Interest* matrix and *Importance and Influence* matrix.

<http://www.dfid.gov.uk/pubs/files/toolsfordevelopment.pdf>

Just Associates

The Action Guide for advocacy and citizen participation, *A New Weave of Power, People & Politics*, is a method compiling a list of tested and easy to carry out exercises and tips for analysing power and devising how to change its nature, distribution and impact. Methods can be very useful with groups who are traditionally marginalised and excluded. Beyond practical tools, the manual also delves deeply into questions of citizenship, constituency-building, social change, gender and accountability.

<http://www.justassociates.org/ActionGuide.htm>

International Institute for Environment and Development

The “Power Tools Resource Box” includes a handbook to tools and resources for policy influence in natural resource management and 26 tool summary cards. This handbook introduces a range of ideas on techniques that marginalised people can use to tackle power asymmetries in order to have a greater positive influence on policy. The website also outlines associated reviews of policy tools in action, and recommends a series of websites and books that contain further useful tools for policy change.

<http://www.policy-powertools.org>

Overseas Development Institute (ODI) Research and Policy in Development programme (RAPID)

ODI’s RAPID produces a wide range of online and printed information, publications and toolkits as a resource to help researchers, policy-makers and practitioners maximise the impact of research-based evidence on policy. A substantial database of tools, resources and training support can be found here

<http://www.odi.org.uk/rapid/Tools/Toolkits/index.html>

The following resources can provide useful guidance on how to communicate messages and advocacy objectives effectively.

http://www.odi.org.uk/rapid/Publications/Documents/Comms_toolkit.pdf

http://www.odi.org.uk/rapid/Tools/Toolkits/Communication/Tell_story.html

National Council for Voluntary Organisations (NCVO)

NCVO has several specialist teams providing information, advice and support to others working in or with the voluntary sector. They have produced books and toolkits on campaigning which can be ordered through their website <http://www.ncvo-vol.org.uk>

Save the Children

Save the Children's advocacy toolkit is a good starting point to help plan, implement, monitor and evaluate advocacy. Tools include explanation of key issues, practical exercises to help sort and analyse information including mapping decision-making power and formats that can be of use to plan and record your advocacy. The 2005 version can be found here

http://catalogue.vsoint.org/opac/opacreq.dll/full?Search_link=AAA:3779:4065304&userid=&oidg=&p2c=&lastlinks=&nextlinks

Strengthening participation

Champions of participation: Engaging Citizens in Local Governance is a resource pack containing discussions and case studies from around the world on how citizens engage in local governance by the Institute of Development Studies. The CD also includes a list of UK websites on participation.

http://www.ids.ac.uk/UserFiles/File/news/2008/Champions_Report.pdf

peopleandparticipation.net

peopleandparticipation.net, an initiative by Involve (a non-partisan organisation that works to put people at the heart of decision-making), is a site providing practical information for those working to involve people. The site provides an exhaustive list of methods and approaches as well as their uses and limitations. Case studies and an online process planner can also help select the most suitable method.

<http://www.peopleandparticipation.net/display/Methods/Home>

<http://www.involve.org.uk/home>

Building alliances, coalitions and networks

Most advocacy resources will have a section on how to create effective alliances and partnerships but the following resources and toolkits specifically focus on these issues.

The Partnering Initiative

The Partnering Initiative is committed to enabling practitioners to build partnerships efficiently, effectively and sustainably. It is building a comprehensive collection of tried and tested "tools" and other materials including for wider access and use. The "Partnering Toolkit" offers a concise overview of the essential elements that make for effective partnering while the "Tools for Broker" focuses on practical tools that the broker can use independently.

<http://thepartneringinitiative.org/mainpages/rb/tools/>

"Campaigning in collaboration"

"Campaigning in collaboration" by Shimmin, S. and Coles, G. (2006) shares practical lessons drawn from the real experiences of voluntary organisations campaigning together. This publication is available through NCVO.

Using legal frameworks and other directives

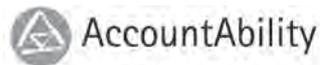
Umbrella organisations often provide support on how to use legal and normative provisions at the national and international level to build a case.

In 2007, the European Anti-Poverty Network Ireland and One Family produced '**Handbook on Using Rights-based Approach**' to achieve social inclusion and equality and build advocacy issues. The guide can be found at http://www.eapn.ie/documents/4281_Human%20Rights%20Handbook%20-%20Final%20January%202008%20pdf.pdf

Monitoring and evaluating impact

Good Practice Guide to Campaigning, by Coe, J. and Mayne, R. (2008) is the third guide in the series from the Campaigning Effectiveness programme (more information can be found at <http://www.ncvo-vol.org.uk/ce/index.asp>) and draws on experiences, materials and tools from across the voluntary sector to offer practical solutions in supporting organisations in monitoring and evaluating their campaigns. This publication is available through NCVO.

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