



Civil Service
Learning

Devolution proofing your policy



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In an increasingly devolved UK, policy officials from all administrations are strongly encouraged to communicate, cooperate and collaborate with counterparts in other administrations. This will help you to know the impact of your work area on a UK wide basis.

Does the policy relate to a devolved or non devolved matter?

Policies on non devolved matters can impact the devolved administrations (DAs), or the DAs might simply have an interest in them (for instance on matters relating to international and EU relations).

Does the new policy cut across areas for which the DAs are primarily responsible?

Is the cooperation of the DAs essential for the successful delivery of your policy? Have you developed any contingency plans?

Have I considered all the practical impacts of the policy, for example, the political, social, legal and economic effects in Scotland, Wales and Northern Ireland?

Is there political/popular support in the DAs and nations for your policy? Does it contradict a DA manifesto commitment? Are there any legal implications arising from Scotland and Northern Ireland having their own legal systems? Will there be Barnett implications? Will there be disproportionately greater adverse economic impacts in Scotland, Wales or Northern Ireland than in England as a result of your policy?

What is the territorial extent of the policy? Is the territorial extent England only, England and Wales, Great Britain, or the United Kingdom?

This may not always be clear and it may be necessary to seek legal advice on this.

Will the DAs face a disproportionate or unexpected budgeting request?

It maybe that the DA will support a policy to the extent that it agrees to meet part or all of the associated costs. You will have to negotiate this with the DA. Generally however, the Statement of Funding Policy requires that the body whose decision leads to the additional cost will meet that cost.

Have I particularly considered the DAs' views/comments?

Have you consulted the DAs as described in the Memorandum of Understanding (MoU)? Also, in consulting the DAs, have you taken steps to ensure their views have been incorporated into the policy as appropriate?

Have I considered the views of an appropriate range of stakeholders?

What you consider a UK wide stakeholder, may not necessarily be so. You should aim to also seek out and consult stakeholders that are based in Scotland, Wales and Northern Ireland when seeking to assess the policy impact on those nations.

Have I used research / evidence pertinent to Scotland, Wales and Northern Ireland too, to develop the various policy options and justify any recommendations?

It is rarely sufficient to only consider evidence relevant to England to support your policy making. Your DA colleagues may be able to supply more relevant data or research. You should check how that data is collated, as any differences in process will make comparisons difficult.

Is the necessary implementation and delivery infrastructure in place in Scotland, Wales and Northern Ireland?

For instance, health, education and local government services operate differently in Scotland, Wales and Northern Ireland, and you should understand and take account of these differences when developing policies or implementation strategies. Are there any pre existing contractual obligations that might affect new commercial contracts or implementation in Scotland, Wales or Northern Ireland? Are there any geographical limitations you need to be aware of? You may find it helpful to also refer to the 'rural proofing' and the 'islands proofing' guidelines.