



DG Undeb Sy'n Newid: Ein Dyfodol
UK's Changing Union: Our Future

A New Model Union?

The Young People's Constitutional Convention

December 2014

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About UK's Changing Union: Our Future

The wider UK's Changing Union project believes that young people should have an active voice within the debates taking place surrounding devolution in Wales and the rest of the UK, and to facilitate this, Ein Dyfodol/Our Future was formed.

Our Future's work is led by young people and young professionals in Wales and works to engage people aged 18-35 in the devolution debate through engagement, facilitation of debates and dissemination of information. Other publications include *Attitudes of Young People towards Devolution in Wales* and *Young People, Employment and Devolution in Wales*.

About the UK's Changing Union project

The UK's Changing Union project is a joint initiative between Wales Governance Centre at Cardiff University, the Institute for Welsh Affairs, and Tomorrow's Wales/Cymru Yfory on the future of the Union and the Welsh devolution settlement. The project is kindly funded by the Joseph Rowntree Charitable Trust and the Nuffield Foundation for a period of three years between January 2012 and January 2015. The project itself has two inter-related aims.

First it seeks to overcome the disconnected nature of the contemporary debates on territorial-constitutional matters in the four countries of the UK – debates which are currently conducted largely independently of each other and in which the implications of change in one place upon the other countries or upon the whole of the union are only rarely considered.

Against this background of a wider engagement with the future of the UK's territorial constitution, the project has been established to make a seminal contribution to the deliberations of the Commission on Devolution in Wales (or the Silk Commission) that was established in 2011 by the UK government.

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1. Chair's introduction

Introduction

In the early days of Our Future's work it became apparent very quickly that there would be a referendum on Scottish independence and that 16 and 17 year olds would also have the opportunity to vote in this historic referendum. Our Future was also aware of the impact the referendum would have on not only Scotland but the future constitutional makeup of the United Kingdom.

Our Future's work over the three year period of 2012-2015 was to engage young people from across Wales and the UK in the constitutional debate that was taking place in the four territories of the United Kingdom. As such it was decided to host the first ever United Kingdom's Young People's Constitutional Convention to gauge the opinion of young people from across the UK on the future of devolution and territorial politics.

On the 1 and 2 of September the UK's Changing Union: Our Future project invited delegates from across the United Kingdom, from a range of political persuasions and organisations to Cardiff Bay, to the home of Welsh governance at the National Assembly for Wales.

It was a pleasure to welcome delegates from across the UK to Cardiff Bay, the seat of Welsh democracy, to debate and discuss their views on the future of the islands that many of us call home. The outcomes of those discussions in the September 2014 are now covered in this report.

We hope that this record of the discussions from the convention provide policy makers with a clear insight into the hopes and ambitions that young people and professionals have for the future of their country.

Background to the workings of the convention

Drawing upon the experiences of *We The Citizens* and the recent Irish Constitutional Convention, the convention brought together, for the first time, young people and professionals (aged between 18 and 30 years) from a range of charities, organisations and political parties to debate and take part in a series of cross cutting discussions on some of the key themes of the UK devolution debate. The political diversity of attendees was controlled to ensure a fair representation of the different views that exist within the United Kingdom. This also ensured plurality of voices, and prevented one voice from dominating the proceedings.

Operating through a system of 'informed discussion' and deliberation, the convention looked at three key issues affecting the UK's future: social welfare, finance within the

Union and the constitutional architecture of the United Kingdom. Each session began with a presentation from an impartial expert, before delegates broke out into working groups. Facilitators played an important role in ensuring fair and equal speaking time amongst all participants, as well as recording comments. Prominent political and constitutional experts were invited to provide advice and answer questions, although they were not involved in any of the decision making of the convention itself. At the end of each session, the comments, thoughts and opinions generated during the working groups were reported back to the expert who provided an analysis of the delegates' findings.

Membership of the convention

The convention's membership consisted of young people working and being active in politics including researchers and policy analysts alongside young lawyers, economists and other such professions. This targeted elite approach reflected the limited resources that the Convention had to draw upon, with every attempt made to draw a representative cross section of young people with an interest in politics. The final delegate list brought together young people with a solid working understanding of the political systems of Wales, Scotland, Northern Ireland and Westminster to contribute to the discussions on the future of the UK which presented a worthwhile debate.

Organisations and parties that were represented at the Convention include:

Young Labour, Conservative Future, Young Fabians, Liberal Youth, Plaid Cymru Youth, Alliance Party Youth, Young Greens, Electoral Reform Society, Public Affairs Cymru, National Union of Students, Bite the Ballot, Funky Dragon, the Institute of Welsh Affairs, the different devolved administrations of the UK, young academics and other young professionals.

Recommendations

There was general agreement on the following recommendations:

Social welfare:

- The devolved administrations should be responsible for raising a proportion of their expenditure, especially if they were linked to public policy decisions.
- There should be a baseline of equality in terms of welfare across the UK; a minimum standard of treatment that still allows flexibility more broadly.

Fiscal devolution

- Politicians in the devolved administrations need to be responsible to the electorate for the money that they spend.
- A certain degree of fiscal decentralisation needs to take place to encourage the matter of fiscal responsibility.
- Taxes that are linked to devolved policy areas, and if they are required to help deliver the policy area, should be considered for devolution.
- Work needs to be undertaken to ensure that any taxes that are devolved are not evadable.
- Devolution of taxes over alcohol should be considered for devolution as a means of funding health services.

Changing constitution

- A constitutional convention should take place to consider the implications of devolution thus far.
- The United Kingdom should have a written constitution, more so if the UK adopts a federal structure.
- A written constitution should not only deal with matters of devolution, but should define wider elements of UK citizenship, as well as welfare and social rights of citizens.
- A written constitution should command wide democratic support and should be subject to a nationwide referendum to provide this democratic legitimacy.

Acknowledgments

I would firstly like to congratulate and thank all the participants of the Convention for their thoughts, opinions and contributions in what were sometimes challenging subject matters.

I would also like to thank the team of experts who helped plan and facilitate the day including Professor David Farrell, Professor Dan Wincott, Dr Rebecca Rumbul, Ed Gareth Poole, Lord Purvis of Tweed and the rest of the team at the Wales Governance Centre at Cardiff University.

I would finally like to thank the Deputy Presiding Officer of the National Assembly for Wales, David Melding AM, and his team at the National Assembly for their support and contributions in helping host and run the Convention on their premises.

Matt Francis, December 2014

Chair, Young People's Constitutional Convention

Chair, UK's Changing Union: Our Future

2. Summary of the Welfare in the Changing Union discussion

The session began with a presentation by Professor Dan Wincott (Head of School, Cardiff School of Law and Politics) outlining the main debates and principles of social citizenship and welfare in the United Kingdom. Professor Wincott discussed the current situation in relation to welfare distribution in the United Kingdom and the potential outcomes in the event of a reform of the way that social welfare is delivered across Great Britain¹ (including the consequences of devolution). Following Professor Wincott's presentation, delegates were divided into sub-groups to discuss the future of the welfare state in a changing United Kingdom.

At the heart of the deliberations was the question of whether the status quo represented a balanced system. This question led some delegates to raise the situation in Northern Ireland and the current Stormont impasse on welfare reform. According to these delegates the Northern Irish welfare debate reflected the inequity of the current welfare system in the United Kingdom, with Stormont forced into accepting welfare reforms triggered by the UK Government despite the unique and remaining costs of conflict that Northern Ireland still faces.

For other delegates, the affordability of the current system was a serious issue. In particular, some delegates argued that it was increasingly untenable to expect England to "foot the bill" for the rest of the United Kingdom. For these delegates, fiscal responsibility is needed for the devolved administrations to fulfil their public policy preferences e.g. free prescriptions. As one delegates said, "If Wales wants to pay for free prescriptions, it should raise the money itself". Indeed, certain delegates queried whether redistributive policies were possible within a devolved framework.

As the debate progressed, the position of Scotland rather understandably began to dominate proceedings. A number of delegates claimed that the Scottish Government's social tendencies (particularly free university education) were policies that attracted widespread support elsewhere in the UK, but that bitterness existed because they were not available throughout the UK state. On this point, other delegates brought up survey evidence that suggests while citizens in the devolved nations tend to support power and responsibility at the devolved level, they don't want differential outcomes in terms of social rights. Scots may want pensions devolved, for example, but they don't want to have an inferior pension to somebody in Doncaster.

This led onto discussions about whether all UK citizens could and indeed should be treated equally. In particular there seemed to be consensus that there should be a baseline of equality in terms of welfare across the UK; a minimum standard of treatment that still allows flexibility more broadly. However, there was no consensus on whether

¹ Social Security is already devolved to Northern Ireland.

welfare should be devolved at all, with a number of delegates arguing that it should be a UK Government responsibility.

3. Summary of Fiscal devolution across the United Kingdom discussion

Ed Poole (Lecturer in Territorial Governance, Cardiff School of Law and Politics) began this session with a presentation introducing delegates to the finances of devolution. Mr Poole discussed how the Barnett formula works and what the current options were for financing the devolved administrations. Mr Poole also outlined the benefits and implications of such proposals. Following this presentation, delegates returned to their respective groups to discuss the financial future of the changing union.

The first item that was referred to in this session by delegates was the subject of balancing the block grant with tax accountability for the devolved administrations. It was felt that without a level of fiscal responsibility there was no accountability over the costs of “shiny projects.” Several delegates referred to this point noting that politicians needed to be accountable to the electorate for their expenditure, something a few delegates felt didn’t happen at the moment. While there was concern about a potential race to the bottom, especially in the event of the devolution of corporation tax, there was support for fiscal decentralisation in the UK.

This then rose the obvious question of what taxes should be devolved. There was the suggestion that taxes should be linked to institutions and dependent on institutional need i.e. more departmental or subject specific taxes e.g. corporation tax and the economy. As one delegated noted, “if it helps a particular government to deliver change on a certain policy area, then I can’t see why they shouldn’t have responsibility for that tax.” Delegates drew attention to the potential problem of devolving taxes which could be easily avoided and some wondered whether the time required to operationalise devolved taxes would take too long to satisfy Scottish national sentiment following the independence referendum.

Some delegates suggested the devolution of alcohol taxes as a means of funding NHS services in Scotland, Wales and Northern Ireland, while the idea of regional autonomy for England was also raised as a means of rebalancing economic inequalities and tax gaps in the UK.

4. Summary of the Changing Union's Changing Constitution discussion

In the final session of the convention, Dr Rebecca Rumbul (Wales Governance Centre) provided a broad discussion of the potential options for the UK's constitution, including the idea of adopting a federal structure for the United Kingdom. Dr Rumbul also questioned how far should the limits of devolution go and when should that decision be taken, and by whom. Dr Rumbul concluded her contribution by asking whether a constitutional convention should take place and who should attend.

Within their sub-groups delegates were asked what they would like the UK to look like in ten years time. One suggestion was the establishment of a Welsh legal jurisdiction as a reflection of Wales' growing legal divergence from England. Support was also given to the idea of a UK federation, though some delegates suggested that this should happen in a slow and graduated process, what one delegate described as a Spanish style 'a la carte' route. This, they proposed, would include a menu of powers being made available to the nations to choose from. Such a situation would, they conceded, be asymmetric, but offered a way forward that could be attractive to many in the UK.

A constitutional convention was also called for from some delegates as a means of countering the current process of devolution "by accident", e.g. the legal consequences of the Supreme Court's judgement on the Agricultural Wages Board for the National Assembly for Wales' competence. In addition it was felt that more thought was needed about the implications for the devolved nations of the UK's participation in European Institutions, especially if England were to pull the rest of the UK out in a future referendum.

Delegates were then asked whether they felt the UK needed a written constitution. On this front there was general support and acknowledgement that such a constitution would be necessary if the UK were to adopt a federal system. However, it was acknowledged that it would require a massive step change in our political culture to a more legalistic style of governance, with the Supreme Court becoming a fully-fledged constitutional court. On this front, and in connection with the earlier mentioned comment on the Agricultural Wages Board, it was noted that Wales was a forerunner in this respect due to the number of Welsh Bills that have been referred since 2011 to the Supreme Court.

In terms of what the constitution should look like, there was a suggestion that that it should define wider elements of UK citizenship, not just political and civil rights, but also welfare and social rights. The legitimacy of any such constitution was of significant concern for delegates. It was felt that it should command broad support and a referendum was suggested as a means of ensuring democratic legitimacy, however this also led some delegates to query whether individual nations and/or regions could veto the constitution. The question of revision was also mentioned by attendees and in

particular there was a feeling that some form of entrenchment mechanism would be required in order to ring fence areas such as human rights. Delegates felt that this discussion raised the fundamental idea of what values we, as a society, choose to be defined by. There was little faith in politicians kick starting this process by themselves, with a number of delegates arguing that any process towards a convention and written constitution would require the build-up of momentum behind civil society actors. Particularly as political actors may cherry pick certain items, rather than develop or endorse a holistic and coherent constitutional plan e.g. the development of the Government of Wales Act 2006 from the Richard Commission.

However, this left delegates with the elephant in the room: the English Question. For delegates grappling with England wasn't about delivering a workable settlement for England by itself, but it was also about tackling the Anglo-centric political system in the United Kingdom. There was also confusion about what the English actually wanted: did they want English Votes for English Laws or their own Parliament?

5. Conclusions and future options

It quickly became apparent during the course of the convention that there was an appetite for reform of the UK state and a sense that the status quo was no longer an option. The primary issues that the convention recognised were that the path for change is unclear and significant work would be required to clarify these route map for reform. Nevertheless, the conversations of the convention did provide some options for change which had agreement amongst participants.

Options for change

A number of options for change were tabled throughout the convention, a breakdown of options that attracted support from participants is provided below:

Social welfare:

- The devolved administrations should be responsible for raising a proportion of their expenditure, especially if they were linked to public policy decisions
- There should be a baseline of equality in terms of welfare across the UK; a minimum standard of treatment that still allows flexibility more broadly.

Fiscal devolution

- Politicians in the devolved administrations need to be responsible to the electorate for the money that they spend.
- A certain degree of fiscal decentralisation needs to take place to encourage the matter of fiscal responsibility.
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Conclusions

Following the referendum on Scottish independence greater attention is being paid to how people across the UK view the Assemblies and Parliaments which make decisions about their daily lives, from education, to healthcare, and the money in their pockets. At this time of constitutional flux, one set of voices needs to be heard louder than ever: the voice of young people. One thing the Scottish referendum showed us is that young people do care about politics, and given the opportunity they will make their voices heard loud and clear. This has been further exemplified by the contributions made throughout the convention.

The conversation about the future relationship between the countries we call home is only just beginning. This is a conversation in which the voices of young people need to be amplified. The discussions, which took place in Cardiff in early September 2014, chronicled in this report are just a small part in helping young people to make an informed contribution to the future of the constitution, but they are an important first step. These findings and recommendations will be submitted to the various commissions taking place across the UK at the time of writing, and it is hoped it will go some way to making sure the voice of young people is heard in these debates; debates that affect our future.

ENDS