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## **Making policy better: remembrance of things past**

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## **Research Reports, Working Papers, Provocation Commentaries**

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## 1. Introduction

*'Those who cannot remember the past are condemned to repeat it'*

(Santayana, 1905:284)

In a recent book, Anthony King and Ivor Crewe, distinguished and long-standing commentators on public policy analysed what they called 'blunders' of our governments over the last forty or so years (King and Crewe, 2013). They asserted (p 25), and with much justification given the rest of the book, that 'Blunders on the part of government are certainly nothing new' and that certainly matches my own experience as a researcher into higher education and other policies over much the same period. What is it that goes wrong, and how can it be improved? This paper outlines King's and Crewe's ideas (drawing heavily on my review in *Higher Education Review* (Pratt, 2014)), and sets out some additional ideas to improve what I have called 'institutional memory' as part of the solution.

## 2. Human Error

King and Crewe detect two broad groups of problems in the way in which policy is made and implemented in the UK. First is 'Human errors'. What they call 'Cultural disconnect' is the way in which policymakers are unaware of the circumstances, attitudes and experiences of those at whom the policy is directed. With the poll tax for example, ministers - middle class and mostly privately and university educated – assumed that people, however grudgingly, would pay. Although warned by a civil servant, the policymakers appeared to be unaware that they needed to think about the likely impact on people *not* like them. A similar failing might be seen in the assumption that under the £9000 fee regime, universities would want to compete on price and the average fee would be about £6000. Yet (as had already been evident with £3500 fees) nearly all charged the maximum.

'Group think' is the phenomenon whereby 'the members of a face to face group feel under pressure to maintain the group's cohesion' (p 255). Pressure or criticism from inside may be repressed, whilst that from outside generates a bunker mentality. Often the group may be formed only of known supporters of the policy and avoided external consultation. Thus, in the case of the policy to create the Child Support Agency (later abolished after years of failing to achieve its aims) one senior minister reported that "the major defect ... was that everyone involved in it was in favour of it. There was no grit in the oyster" (p 262).

Prejudice is another human error. Politicians appear to display this to high levels, perhaps because that is why they are in politics. Since the late 1970s, there has been a prejudice against public sector provision in favour of the private sector or of introducing market mechanisms, as in the case of the National Health Service, or in higher education. Some prejudices may still be employed, even when they clearly do not stand up to test excluding consideration of other options.

'Operational disconnect' broadly means the divorce between those who make policies and those who have to implement them. Many policies take no account of the problems of implementation: policymakers decide to have a poll tax, or introduce Individual Learning Accounts, and someone else has the job of making it work; the problems of implementing them go unconsidered or, if raised, are simply ignored (perhaps because of cultural disconnect, group think or prejudice).

The last of King and Crewe's human errors is 'Panic, symbols and spin' - relating to the compelling need to be seen to be doing something in response to a problem. Knee-jerk policy making often results, so that the hastily introduced Dangerous Dogs Act, which followed shrill and emotive media reporting of a few (albeit seriously unpleasant incidents), neither reduced the number of dangerous dogs or the incidence of the (much more numerous) attacks from other breeds (p 295). But the legislation, as with several other policies cited, was largely symbolic, meeting the need for governments to look good - rather than doing good.

### 3. System failure

The second group of problems is 'System failures'. The first is that 'The centre cannot hold'. Contrary to much received opinion and despite moves to strengthen it, the role of the prime minister in the UK is weak, and this weakness is combined with the independence and power of, and competition between, the departments and agencies of government. In an age of increasingly complex policy, the 'British government is not a single, unified entity. The more one looks at it the more disparate it seems' (p 305). This problem is exacerbated by the system failure of 'Musical chairs'. British ministers 'move from post to post at a remarkably rapid rate' (p 321) with the result that they push for policies before they are familiar with their domain, and/or fail to assess the possible outcomes. Further, they are 'Ministers as activists'. Governments come into office committed to substantial change: Ministers no longer 'sheepishly accept' civil servants' advice: "'can do" was...the watchword' (p 335). As a result, 'officials...have become remarkably reluctant to speak truth to power' (p 335).

Yet for all ministers' power, King and Crewe argue that there is a profound lack of accountability. 'Most ministers who make mistakes, however, egregious, do not resign and are most unlikely to be sacked' (p 347). The lack of accountability points to another system failure, 'A peripheral parliament'. King and Crewe assert that for 'much of the time' the UK parliament is, as a legislative body, 'either peripheral or totally irrelevant. It might as well not exist' (p 361). Some blunders are within the executive sphere of ministers, so parliament is scarcely involved.

The complexity of much policy is another problem, resulting in 'Asymmetries of expertise'. The collapses of several grandiose IT schemes were the result largely of this system failure. The problem is not just that ministers are ignorant of the technicalities; effective structures for project management (as opposed to day to day administration) are often not established. Policymakers increasingly rely on outside contractors, whose performance is often woeful - and it is then the public sector which must pay - and on (expensive) external experts and consultants who may fail to deliver, and in any case have an interest in

continuing their involvement rather than successful timely completion. One minister referred to IT consultants as no better than 'snake-oil salesmen' (p 189). In the case of the policy for ILAs, the private sector turned out in many cases to be corrupt, often criminally so.

The last system failure identified by King and Crewe is 'A deficit of deliberation'. They note way the British system gives governments freedom to take decisive action, but point out that 'it is every bit as easy to take the wrong decisions as it is to take the right ones' (p 385). In all the cases of blunders they present, King and Crewe assert that there was no careful consideration of options, there was absence of time to think and of consultation and advice from others. The intense partisanship of British politics precludes deliberation, yet many of the cases cited had broadly bi-partisan support, and had joint deliberation taken place, better policies would have been likely to emerge. This feature is compounded by the *modus operandi* of the mass media, which pillory trivial mistakes but neglect the more tedious and detailed substance. Lastly the scope for deliberation is constrained by electoral pressures. It is difficult to tackle long term, unpopular measures when you are up for re-election within a few years.

If all of this points to a dismal failure of British government, it is worth remembering, as King and Crewe point out early in their book that the UK is in many ways a well governed country (p xiv). And it is always worth remembering that making policy is very, very difficult. The problems are vast, intractable, messy, with conflicting criteria (like cost and safety), limited resources, many variables that are uncontrollable and many factors that may contribute to the outcomes unknown, or even if known, unquantifiable.

Nevertheless, as King and Crewe show, all the blunders cited in their book could have been avoided or minimised. Worse, they also show that for most of them, what needed to be done to prevent them was well-known. *The Blunders of our Governments* frequently notes the damning findings in reports of parliamentary committees or the National Audit Office which were unused. Here is a wealth of information about what happens when particular measures are taken, or of what circumstances help or hinder successful implementation, and on what mistakes occur in the policy-making process.

There is also the substantial literature on policymaking, going back at least to Simon's *Administrative Behaviour* (Simon, 1947) that sets out key principles. Despite its difficulties, making policy is at core a simple concept. Following the ideas developed by my colleagues and me at the Centre for Institutional Studies, it is viewed as an attempt to solve some problem, to achieve a transformation from one state of affairs to another (sometimes to maintain a state of affairs that might otherwise deteriorate). The problem might be to eliminate inequities in local taxation (the original issue with the poll tax) or as in student tuition fees in England now, to enable continued financial support for the universities.

There is also a literature, dating back at least as far as Lindblom's (1959) article about failings in policy-making. Often, for example, the original problem is ill-formulated, and conflated with others. The poll tax became part of the solution to the (perceived) problem of local government excesses. Then there are – unavoidably and legitimately – constraints. Cost is perhaps the most obvious, and Shattock (2012) has shown how the Treasury interests dominated much of British higher education since 1945. Constraints are features that must be true of a solution, but often they come to be the problem – as with student fees which are meant to reduce public expenditure (though it seems likely they will fail to do this) – as much as to support universities. As the policy literature shows, it is crucial to generate as many alternative solutions as possible, and to analyse these to see which might be the most effective at solving the problem. Is the proposed solution apt for the problem? In many of the cases cited by King and Crewe, few alternatives were considered, nor their likely impact through prospective evaluation. All policies embody testable propositions of the kind: 'if we do this, then that will happen'. There is plenty of evidence available of past policies and from other countries of probable outcomes of particular measures. Better to test the propositions in advance than regret their failures in practice later. Even then there may be follies, as with tuition fees, when the evidence already available suggested that universities would not vary much in the choice of fee level, and that the recovery of student loans would be far below government expectations. As King and Crewe show, solutions often get selected for extraneous reasons, and then pursued regardless of evidence, sometimes introduced in haste to be seen to act firmly. Often too, the implementation of the solution is seen as the goal, regardless of whether it solves or mitigates the problem.

King and Crewe outline a number of measures in line with the precepts of the literature, including being clear what problem is being tackled, what alternative solutions there might be, and so on. They focus particularly on measures to minimise system failures and to strengthen both the government's decision-making capacity and parliament's powers of scrutiny. These range from the restoration of genuine cabinet government to strengthening parliamentary committees and 'expanding and adding to the functions of the long-established Policy Unit' close to the Prime Minister (p 319) so it is more comparable in size and function of prime ministers' departments in countries. Another suggestion is that ministers might be appointed (again as is the practice in other countries) from a wider pool, from the House of Lords or even outside parliament. Thus, while human errors are inevitable in policy making (as in all other aspects of life), they can be anticipated and their likelihood reduced by institutional devices. Procedures and rules, as Weber pointed out around a century ago, minimise human error; we can make them and change them to improve their effectiveness.

#### **4. Institutional memory**

Whilst failures of policymaking could be mitigated by following the precepts of the literature and the steps that King and Crewe suggest in their various chapters to enhance systematic analysis and deliberation, it seems to me that there is also another ingredient to these kinds of policy failure, which is the absence or failure of *institutional memory*. Institutional devices can constrain human error and require systematic procedures, but they also need resources to work, and the most important of these is not money (as might be expected) but information. Much valuable information lies in the record of past experience. Yet in King's and Crewe's examples (and in my own studies of higher education policy eg Pratt and Burgess, 1974) no-one seemed to remember the lessons of the past, or if they did these were ignored or suppressed. Time and again in these examples there were opportunities to consider what was already known about a topic or the likely consequences of a particular action but the information was not forthcoming.



So how can institutional memory be made better? There is little about this notion, let alone its improvement, in the literature. The idea relies, of course, on a metaphor, along the lines that Morgan (2007) set out in his book on *Images of Organisation*. Personally, I see organisations as structures (we 'build' organisations), but they clearly 'behave' organically and it is in this sense that institutional memory might be said to exist. I suggest it does so in three forms, both within and without policymaking organisations:

In documents

Records etc of policy making organisations about past policies and their outcomes

Research and other material without policymaking organisations

In people

particularly civil servants (at national level, and their equivalents elsewhere) within policymaking organisations

outside policymaking organisations, eg researchers, journalists, beneficiaries (or victims) of past policies

In 'rules'

Formal: for example about the procedures that are to be followed in developing policy

Informal: the culture and practices of organisations.

One account of how institutional memory can fail is given by Hogwood and Peters (1985). They took the organic image further, using a medical metaphor to describe the problems and failures of policymaking in terms of 'pathology'. I think the metaphor is overextended, but nevertheless it is a useful way of understanding and their analysis offers a hint of the idea of institutional memory (though they do not use the term).

In the category of 'informational pathologies' Hogwood and Peters (1985: 83-85) identify problems such as 'information overload', 'learning disabilities', and failure of memory. They attribute memory failure to several causes:

Key individuals leave

Lack of records

Form of records

- Retrievability of records
- Failure to recognise relevance
- Failure to remember that there is a memory
- Inability to relate past to present

The first they see as 'rare' (*op cit*: 83), when a single person or group heading an organisation leaves, taking their personal memories with them. I suggest that a version of this personal aspect of institutional memory may be more common than they think. The (fictional) manifestation of this source of institutional memory is the character Sir Humphrey in the television series 'Yes Minister'. He embodied the accumulated understanding of a professional civil service of the hazards of policymaking, (though this was most often applied, for the purpose of humour, in the prevention of change). It is possible that we have a kind of generational loss of institutional memory, which explains why many policies similar to those previously tried seem to come round about every 15-25 years – the effective life span of a senior civil servant. (For example, in higher education we had the creation of the colleges of advanced technology 1956, the creation of polytechnics late 1960s and 1970s, the unification of the two sectors 1990s). It is also possible, I suggest, that the current trend to managerialism in the civil service with its more rapid turnover of senior civil servants will increase the incidence of institutional memory loss.

The second form of memory failure according to Hogwood and Peters arises from the difficulty of designing and using policy records. Sometimes events are simply not recorded, or they may be recorded in inconvenient ways, without, for example, useful summaries or indexes. It seems to me that there is a further aspect of this problem here, not identified by Hogwood and Peters, which is that records are usually kept for accounting purposes, rather than as 'evidence' that can be drawn on in future. The culture of record keeping is not enhanced by the tendency of the press and the public to seek to blame, rather than to learn. A proposal to reduce the time for which government records are kept secret was greeted by the *Sunday Times* (Liddle 2009) for example with a ghoulish interest in the sources of advice to ministers – the headline was 'Come on, let's know who in the cabinet stood up to Blair' - not with a cheer that we can learn more quickly about the success or problems of policymaking

Nevertheless, institutions are full of records, which constitute much of their institutional memory. Yet they are often overlooked. Hogwood and Peters surmise that this may be because of their third and most important reason, the lack of recognition that the past is relevant. 'It frequently does not occur to policy makers...that their predecessors had been there' (*op cit*: 84). This chimes with King's and Crewe's observations about the failure of policymakers to learn from the reports of parliamentary select committees and the NAO. Hogwood and Peters suggest too that the parallels between past events and new ones are not always recognised. It is curious that, in an age of globalisation in which the phenomenon of 'policy transfer' (Dolowitz, 2000) has rapidly developed and foreign examples are frequently used as inspiration for policy, previous policy in the same country is neglected. It is not obvious that experience in a different country with different social and cultural context is more appropriate than that of one's own country, albeit in different times.

I would augment Hogwood and Peter's ideas with the obvious natural reluctance by policymakers (no different from the rest of us) to admit to mistakes. This is likely to be more of a factor for the more permanent members of the civil service than their frequently changing political masters or mistresses, who were not involved in previous policies. I further surmise that institutional culture is (again naturally) to defend the service and the advice it has offered (as *Yes Minister* illustrated so well).

There is now also a pervasive political culture, evidenced in the 'new public management' and the ideals of 'better policymaking' espoused by the government's advisors (for example, Bullock et al 2001). This approach emphasises, amongst other things, 'forward looking' and 'outward looking' policy, focussing on future intentions, objectives and targets, though it does seek to be 'evidence based' and to 'learn lessons' (*ibid*). However, the 'lessons' in this document are about the problems of adopting forward or outward looking approaches, and the obstacles to 'modernising' policymaking. Lessons of history barely get a mention. Only one response to the survey of senior civil servants cited in the document suggested 'more learning from failures' (*op cit*: 26).

Further, the aspiration for evidence-based policy has its inbuilt hazards. Wilensky (1967) warned (over thirty years before Bullock et al wrote) of the 'paradox of improved information':

'Insofar as the managers ask the wrong questions ... wrong decisions will be more efficiently arrived at, and poor judgement now buttressed by awesome statistics, will be made more effective... more weight will attach to data and systems analyses, whatever their quality' (Wilensky, 1967 in Hogwood and Peters, 1985).

There are further problems of:

Clogging channels of communication

Overload of policymakers

Overload of implementers

Cost

Too much information is a problem, and there is the eternal problem, manifest widely in higher education, of quantity driving out quality.

Lastly there is the familiar problem of what kind of evidence is sought. The discourse of contemporary policy documents, in a culture of 'spin', is on achievements and alleged improvements; privatisation of public services is promoted on grounds of 'choice'; increased tuition fees on the basis of improvement of quality as a result of competition between institutions for students. But it is from failure that we learn most; knowledge advances by a process of trial and error as Popper (2002) showed, and all policies embody knowledge assumptions, akin to hypotheses, of the kind 'if we do this, that that will happen'. We have countless examples from history of attempts to 'do this' and thus of evidence about whether 'that' happens and of factors that help or hinder its achievement. Yet as the respondent cited earlier (in Bullock et al) on the need to learn from failures noted: 'a risk averse culture develops...failures are not accepted and learnt from...' Depressingly, a report from the National Audit Office (NAO, 2009: 5) came to similar conclusions:

'Nearly 90 per cent of management boards do not discuss learning from their activities frequently, a third do not have a member of the board responsible for reporting on organisational learning, and only half of departments have 'contribution to organisational learning' within their competency framework for senior civil servants'.

We need to find ways to rehabilitate the evidence of the past. We need to address all three components of institutional memory I set out above: records, people and rules. It is clear from *Blunders of our Governments* that there is no shortage of records of past policies, nor of commentary on their successes and failures. What is lacking is rules that require these to be considered before policy is made. Perhaps, for example, the National Audit Office should be required to scrutinise policy proposals in advance, as well as in retrospect. Even if procedures such as this are not developed, the institutional memory of civil servants and key executives in government agencies needs to be preserved, by avoiding excessive movement of such staff, caution over the importation of outsiders (such as consultants) however expert in their own fields but ignorant of the policy areas they are to address and the experiences of the past therein, and the development of a culture that values such expertise. There is still a place for Sir Humphrey in British policymaking.

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