Wales Centre for Public Policy
Canolfan Polisi Cyhoeddus Cymru

Commissions and their role in public policy

Report

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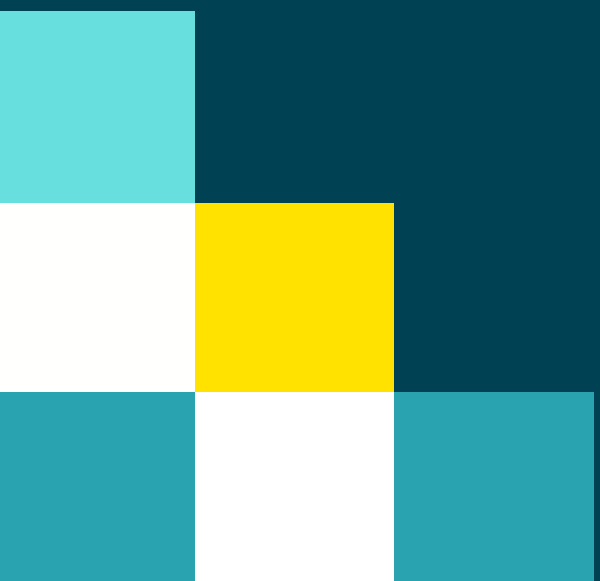

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The Centre collaborates with leading researchers and other policy experts to synthesise and mobilise existing evidence and identify gaps where there is a need to generate new knowledge.

The Centre is independent of government but works closely with policy makers and practitioners to develop fresh thinking about how to address strategic challenges in health and social care, education, housing, the economy and other devolved responsibilities. It:

- Supports Welsh Government Ministers to identify, access and use authoritative evidence and independent expertise that can help inform and improve policy;
- Works with public services to access, generate, evaluate and apply evidence about what works in addressing key economic and societal challenges; and
- Draws on its work with Ministers and public services, to advance understanding of how evidence can inform and improve policy making and public services and contribute to theories of policy making and implementation.

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- The Commission on Justice in Wales has been tasked to examine how a distinct Welsh justice system might be established, and to identify options that improve 'people's access to justice, reduces crime and promotes rehabilitation'.
- This report brings together evidence and expert perspectives on the factors that make policy commissions successful, with an aim of informing both the Commission on Justice in Wales and all future Welsh policy commissions. It analyses how to get the foundations of a commission right, the different approaches to gathering evidence, and managing the politics to ensure the best possible impact on public policy.
- Policy commissions are usually time-limited bodies, subordinate to government, providing non-binding recommendations, which a government can accept, alter or reject. They are formed for several reasons, including to: consider ideas for change; provide expert advice to the government; and facilitate compromise.
- Clear and realistic objectives, striking a balance between breadth and depth of work, and teamwork within the commission are important factors to get right in the early stages.
- 'Evidence' is open to wide interpretation. Open calls from the public will produce very different evidence from calls to expert and specialist fields.
- Commissions need to carefully consider how they frame their recommendations, to ensure that they are not carved up and wrongly interpreted.
- Policy commissions in Wales operate in a challenging political context, bridging both Cardiff and Westminster, and must navigate the political and policy concerns relevant within Wales, at UK level, and the evolving relationships between the tiers of government too.
- Some factors are out of a commission's hands, but they have control over others. Their recommendations should be feasible, they should engage with government throughout the entire process, and have follow-up arrangements in place to encourage implementation.

Introduction

In 2017, the First Minister announced a Commission on Justice in Wales, to be chaired by Lord Thomas of Cwmgiedd. The Commission is tasked to examine how a distinct Welsh justice system might be established, and to identify options that improve 'people's access to justice, reduces crime and promotes rehabilitation'. The Commission expects to report in 2019.

The Wales Centre for Public Policy was asked to provide support to the Commission, and in January 2018 we hosted a panel event involving members of the Commission on Justice in Wales and experts from previous commissions on public policy matters in Wales. The event explored how to get the foundations of a commission right, how to gather useful evidence, and how to have impact on the policy process.

This report brings together evidence on the key features of a commission, why they are useful, and the valuable contributions of experts on key processes and mechanisms. Any reference to experts is presented in a non-attributable fashion and reflects the candid nature of discussion during the event.

Key features of a 'commission'

In recent years, in Wales and elsewhere, various groups have been created by governments under broad headings of 'commissions' (such as the Richard Commission), 'reviews' (such as the Beecham Review) and 'inquiries' (such as the Bichard Inquiry). Such groups have addressed a vast array of policy questions, over different time durations, with tightly defined to broad-ranging remits, and are perceived to have had varying levels of success.

Commissions on public policy matters are thus difficult to define, as their forms differ depending on their context and purpose. They do, however, tend to share some key features. They typically:

- are extra-governmental, and located outside 'normal' public administrative institutions;
- are advisory - making recommendations without directly dictating policy;
- provide an institutional forum to combine expert advice alongside public input;
- and are generally mandated by the executive branch of government (Inwood and Johns 2014; Marier 2009).

Commissions can thus be understood to be usually time-limited groups, subordinate to government, that provide non-binding advice, in response to which the government has the authority to accept, alter, or reject its findings. The degree to which commissions are - and are perceived to be – 'independent' or 'expert' can depend upon the manner in which they are established, the remit negotiated, and the commission's membership. Herbert (1961) argues that commissions are particularly useful when concerning subjects with technical detail, sensitive political matters, and new developments affecting all of society and its institutions. Creating a commission can send a strong message that a government is dissatisfied with the status quo and wants to learn more about an issue to bring about change (Marier, 2009).

Why commissions are formed

Many motives are suggested for establishing a commission (Clokie and Robinson 1937, Herbert 1961, McAllister 2005, Marier 2009, Stirbu and McAllister 2011). Some are more complimentary than others, including to:

- Signal the government's dissatisfaction with the current situation, and willingness to consider radical ideas for change;
- Consider legislative policy;
- Provide expert advice where a government has no policy;
- Educate the general population;
- Enhance public participation in policy deliberation;
- Facilitate political compromise, especially over controversial issues;

However, other motives observed include a desire to:

- Pass on the responsibility of solving a problem;
- Prepare the way for a government's predetermined policy;
- Stifle discussion;
- Sideline an issue and/or avoid action.

Rowe and McAllister (2006: 105) highlight the particularly cynical motivations in forming a commission:

> *There is certainly evidence to support… more cynical understandings of the roles of commission. The… Lyons review of local government finance conveniently spanned [an]… election campaign and allowed ministers to promise to return to the subject once the report was received. Similarly, the Sutherland Royal Commission (1999) was a Labour Party manifesto commitment in 1997… The Wakeham Royal Commission (2000) and the Jenkins Commission (1998) were also concerned with manifesto commitments to constitutional reform in especially difficult areas. Yet, in each case, there was not even consensus within the Cabinet as to the course to take. As such, the commissions represent an effort to find some agreement by 'passing the buck' and forestalling internal dispute in the short term while appearing not to delay action.*

Alongside the motives of governments, the motives of commission members are perhaps also relevant. Some studies identify a sense of public duty as an important motive (e.g., Stirbu and McAllister 2011); others suggest commissions can be a vehicle through which prominent individuals seek to leave a professional legacy (Wallis et al. 2017). Commissions also give members a chance to express their own opinion in detail.

Whatever the mix of motives, creating a commission affords an opportunity to gather detailed information on a complex issue, and in doing so increase pressure on a government to act; even where intentions may be partisan or to stifle progress on an issue, the very appointment of a commission permits independent advice that may be unwelcome or challenging to a government (Bulmer, 1983, Rowe and McAllister, 2006).

Academic research on the impact of commissions

The successes or failures of a commission are inevitably assessed subjectively. Perceptions of whether individuals or organisations in the public sphere have succeeded are subject to many, conflicting, equivocal, shifting criteria, developed by individuals who form their views drawing on their existing preferences, and in the face of partially incomplete, contradictory and contested information (see Moore 1995, 't Hart 2011). Nonetheless, some broad analysis and suggestions can be inferred from the academic literature.

How a report is received is important, not just what it says (McAllister 2005); this means paying attention to stakeholder interests in all relevant jurisdictions, and when legislative or

constitutional change is recommended, across all parties too. To receive such wide-ranging support, the Commission's report must be perceived as reasonable, and do-able.

Similarly, Inwood and Johns (2016) point to strong leadership and positive relations with all stakeholder groups as critical to achieving policy change through commissions, helping to explain why some result in change and others do not. Stutz (2008) analysed 11 commissions (in Canada) and offers perhaps the best synthesis of factors that can affect the implementation of a commission's recommendations:

- **Making recommendations that are feasible**. This might involve making recommendations that have cross-party support and/or are inexpensive or relatively easy to act on.
- **Planning for the implementation of recommendations**. A commission can potentially engage in dialogue with government and other parties (political or otherwise) to discuss which recommendations may be possible, and assist in planning for the implementation.
- **How long the commission takes to report its conclusions**. Longer inquiries may still achieve change, but delays tend to reduce the attention devoted to the issue at hand.

Other factors may not be primarily within the control of a commission, such as:

- **Follow-up arrangements**. It is important that a government plans to have arrangements in place to implement the commission's recommendations.
- **Professional interest**. The willingness of the key professional organisations to take action on the subject may be important in driving change once a commission has reported.
- **Political environment**. The extent to which the political climate is supportive of the recommendations is important.
- **Political champion**. The support of key political leaders can enhance the prospects of delivery.
- **Affected interests**. The extent of opposition from powerful groups is a factor?
- **Overlapping jurisdiction**. Who is able to decide on how to respond to recommendations is also important:
- **Supportive parallel developments**. A commission which coincides with other major policy developments may struggle to gain traction.

- **Change of government**. A commission may fail to have an impact if the administration which initiated it is replaced before the recommendations are implemented.

This suggests that commissions need to be able to strike a balance between independent and rigorous inquiry on the one hand, and on the other awareness of the political context in which it is operating.

Some scholars have begun to document and analyse the particular phenomenon of commissions for the UK's devolved administrations (see for example, Kenealy and Parry, 2017, and McAllister, 2005). While they have not yet reached generalisable conclusions about success or distinctiveness from UK commissions, these scholars highlight a particular need to balance the potentially competing interests of different governments. As the current negotiations of post-Brexit governance arrangements reveal, the continued dominance of Whitehall in intergovernmental relations must be taken into account where policy matters cross jurisdictions. As Kenealy and Parry highlight for constitutional devolution commissions, Whitehall has been able to exercise considerable influence previously:

> *Devolution commissions… operate in the shadow of established intergovernmental relationships. Recommendations reached by such commissions need to be approved by two governments—the UK government and the relevant devolved government—and intergovernmental working is often required following commissions to implement the agreed policy. Of interest are not only the dynamics between governments, but also the dynamics within the UK government. Revising the devolution settlement often involves the interaction of numerous Whitehall departments (Kenealy and Parry, 2017: 2).*

There may of course be alternative ways of framing success, plus other factors that are critical to achieving success in the Welsh context, but this literature affords a basis from which to consider how policy commissions in Wales operate.

Expert insights from the panel discussion

The expert panel convened by the Wales Centre for Public Policy had a wide ranging discussion, which highlighted several factors that might increase the prospect of a

commission having meaningful impact on public policy. We group these under three main headings: getting the foundations right; evidence gathering; and managing the politics.

Getting the foundations right

The early stages of a commission can heavily influence its eventual impact on public policy. Four practical foundations emerge as key: a commission's terms of reference, its resource, its membership and leadership, and its support team.

One of the first things that will define a commission is its terms of reference. The Commission on Justice in Wales (Welsh Government, 2018) has a broad set of terms of reference, being tasked with:

- Promoting better outcomes in terms of access to justice, reducing crime and promoting rehabilitation;
- Ensuring that the jurisdictional arrangements and legal education address and reflect the role of justice in the governance and prosperity of Wales as well as distinct issues that arise in Wales;
- Promoting the strength and sustainability of the Welsh legal services sector and maximising its contribution to the prosperity of Wales.

Such breadth may be of advantage to the Commission, as members can more freely interpret the terms of reference to suit their objectives. If a Commission can hit the ground running and define the issues members feel it can have the most success with, a broad terms of reference may be useful. However, there is also a danger that broad terms of reference permit either over-ambition, or ambiguity and confusion. This has significant implications. A commission might need to spend more time meeting stakeholders or gathering evidence across a wide range of subjects before it feels on top of the issues at hand. One expert outlined their experience:

> *[With our commission] I think because it was a very broad range in terms of reference, and we felt obliged to see lots of people in each of the areas, it took us a long time to get going, I thought, because the first six months, pretty much, we're seeing all the key players. It took us, I think, at least eight months to frame any kind of serious decision-making in terms of ruling things in and out (Expert insight, panel session).*

To overcome this, it is important for members of a commission to be aware of the potential pitfalls. Members should recognise that they cannot answer every question broadly relevant to the enquiry. They will need to limit the scope so that when they report, their recommendations are, and are perceived to be, based on solid analysis and/or meaningful stakeholder engagement. As one expert reflected during the panel session:

> *I think it's vital that you have clarity of objectives… It's also about being realistic about your time lines… [with our commission we needed] to be realistic about what we could do… You've got more time [than us] but a very big remit, so it probably won't feel like more time, in that sense (Expert insight, panel session).*

A second issue for commission members to address in the early stages is the extent of the available resource, and how resource is allocated according to their priorities. Resources will determine the number of meetings a commission can have with external stakeholders, the public engagement they can do across the country, the experts they can call upon, and the research that they can fund. Many commissions need to make use of existing research, as well as working with the academic research community to provide rapid reviews and evidence sessions where required. Resource limitations can drive creativity in ways of working. One expert highlighted drawing upon their own network to draw in additional capacity:

> *We couldn't go off and commission lots of new research. We had to use some of the research that was out there. It's fortunate if one is an academic because, obviously, one has academic connections that one can draw on, informally… You can almost commission informal discussions around a very discrete area of research, rather than have to do it more formally (Expert insight, panel session).*

A third foundational issue for a commission is its membership and leadership. External factors will play a huge part in any commission's success. However, members' individual expertise and the manner in which they interact are crucial too. Commission members may be chosen because of their expertise in a relevant field, or bringing a particular view on a question, and there are trade-offs with each (Bulmer, 1983). Experts provide unique knowledge and insight, and may allow a commission to save costs on external research by providing their own analysis; however, they may be seen as out of touch by the public (particularly if they have a close relationship with the government or a political party) or have a biased and pre-existing view before the commission gets underway. Each of these characteristics can be handled, but it is valuable to consider them consciously in the early stages.

How a commission's members interact is also very important. They may be appointed in different ways, come from different social class backgrounds, have differing personalities, and/or have differing expertise or views on the subject. Differing groups and factions may also develop as the commission goes on. All have the potential to damage how members conduct their work for the commission. Two experts told the panel session of their views about teamwork:

> *Teamwork… [is] absolutely crucial… There is no room for individual egos, really, in a good commission or expert panel. Everybody will have their own interests and their own backgrounds, that's the nature of a group like this, but it's really significant that everybody buys into the collegiate approach and the group way of working, and people don't go off on a tangent and pursue agendas that could, potentially, undermine the work that you're doing (Expert insight, panel session).*

> *At one stage I had to shift between two rooms where there were two different groups of people and come with a compromise from one group to the other group, until we eventually came to a conclusion which we were happy to all sign up to (Expert insight, panel session).*

In short, while individual approaches and opinions are to be welcomed, they must be in pursuit of a collective objective. The size of a commission may be important, with smaller commissions potentially more likely to be cohesive, while lacking diversity and resources (McAllister, 2005).

A commission must also be well-led. The chair must earn and retain the trust of their colleagues in the commission, and work with key external actors to try and have their recommendations implemented. One expert argued that such leadership is crucial:

> *Of course, being well led is very important… if you're not well led then that can be a problem… The commission of 2012, on the Human Rights Act, didn't have internal harmony and didn't have particularly good leadership, and I think that was the reason, or part of the reason, that that commission failed (Expert insight, panel session).*

A commission chair must balance several competing interests. The importance of doing so will vary according to the politically sensitivity of a commission's remit, but nonetheless a commission chair must be seen to be, at least somewhat, detached from party politics and government, while at the same time earning the respect of those in the political process. They also need to display many of the qualities associated with reforming leaders in other contexts; they must convincingly articulate the problem, propose an achievable set of

recommendations, influence the political process so that the recommendations are sanctioned, and monitor their implementation (Goldfinch and 't Hart, 2003).

The final issue for a commission to consider in its opening stages is its support team, predominantly in the form of government officials but also other individuals and groups. A commission's secretariat will generally comprise civil servants from the government that has announced the commission. They will provide administrative support - organising events, budgeting, as well as assisting the commission as it gathers evidence and writes its report (McAllister, 2005). Given their expertise and the time required, commissions can be expensive, and there may be public scrutiny of their costs. Commissions may therefore have to make do with a smaller support team, which may influence the speed and quality of some of the work. The work secretariats undertake will also depend on a commission's membership. For example, if membership is based more on expertise than on representativeness, the secretariat may have less of a role in conducting research.

A secretariat's contribution to the success of a commission can be significant. One expert outlined how useful the secretariat had been to them:

> *We got an absolutely excellent secretariat… with the best brains in the Welsh civil service… which was excellent because I had, really, very, very good support, and for a fairly technical commission was quite important. I can't overemphasise: get good people to work for you, because it really does make a difference (Expert insight, panel session).*

While a secretariat will be expected to be impartial, their constant involvement in the commission's evidence gathering and report writing can lead to inadvertent influence over the direction of its directions, as another expert reflected:

> *The report is being written as you go, and the secretariat are playing a really critical role in that, but there are absolutely pivotal moments… where I felt we were going a little bit off-piste with some of the direction… [that is] when the chair has to step in with the drafting of the report. There was a danger, at one point, that the secretariat were misinterpreting some of the work on that, and so it was important that we anchored it back into what we were doing (Expert insight, panel session).*

Good stewardship of the report by the commission's members and chair can ensure that report drafting does not become a serious problem. It is also worth highlighting the other support that commission members may be able to rely on. For example, they may be able to make use of research by academic colleagues, research agencies or individuals who have an interest in the subject at hand (McAllister, 2005).

Evidence gathering

Once the foundations are in place, a key task is to actually investigate the questions at hand, by gathering evidence, and conducting and/or commissioning research. This section addresses two key issues: the utility of public consultation; and making use of existing research.

An early key issue for commission members to consider is the extent of the proposed public engagement. Some commissions will be focused on subjects that welcome vast public consultation. For example, the Richard Commission was set up to examine the powers and arrangements of the National Assembly, focusing on questions and decisions key to the way Wales was to be governed in future. As such, it made sense to consult as many groups and individuals as possible. Indeed, within that Commission, 'it was agreed that the barometer of success for the process side of our work lay in the measure of public engagement and participation' (McAllister, 2005: 44). In comparison, the Bichard Inquiry was set up to examine child protection measures and information sharing within a police constabulary; while members still received evidence from the public, their focus was much more on organisations and groups with direct relevance and authoritative knowledge of their commission's scope (Bichard, 2004: 165).

The terms of reference and a commission's early direction will, in part, determine the evidence that is received. A commission can invite submissions from the public, and advances in technology make this a much easier process than in the past. A website can be set up detailing the commission's call for evidence, with the call then being shared widely on social media and on more traditional media platforms. Members should also decide whether they will limit evidence-gathering to Wales, or whether it is interested in perspectives from outside Wales as well. As well as receiving written submissions from the public, commission members can also organise or attend public meetings in Wales. These have the advantage of allowing large-scale gathering of evidence in a small number of sittings. In all of these processes, commissions operating in Wales will need to establish if they are required to operate bilingually.

However, the general consensus from our expert roundtable was that commissions should be judicious in who they see. As one expert told the Commission:

> *I think gathering evidence is the easy bit… having the capacity and capability properly to weigh it and analyse it is the bigger challenge. What are the criteria to use to sense check the evidence? Is it just the case that if 80% of people say the same thing then we're going to believe it… I don't have easy answers but I think, at this early stage, [it's worth] thinking about processing and standards (Expert insight, panel session).*

It is essentially a choice between technocratic expertise and public engagement. While the public discourse is often geared towards open consultation, much of the evidence that will be relied upon will come from experts and commissioned research (McAllister, 2005). In the panel session, one expert was suspicious of the usefulness of public consultation, even in generating legitimacy for the inquiry:

> *We had a huge number of meetings around Wales and that was, I think I wouldn't exaggerate to say that was a waste of time, a complete waste of time and resources (Expert insight, panel session).*

It may be the case that making use of experts in specialist fields is more useful and informative than having town hall debates across Wales. A commission may also be able of make use of international evidence, and evidence from universities:

> *We would rely quite heavily on international experience… Lots of countries have done [what we looked at] and they've all done it in different ways and, therefore, for any proposition there was, not a test exactly, but some corroboration or otherwise from what had happened somewhere in the world. With a good secretariat and one very internationally experienced commissioner, we were able to bring that sort of thing to bear (Expert insight, panel session).*

> *I think it's important to use what's already there, never mind commissioning because… there's work there already. There's also opportunities, I know you partner with academic institutions who are already exploring these areas, to give it the push and urgency it needs. Having work that is done by others for you has always got the advantage that you can create a bit of detachment from it as well at key moments (Expert insight, panel session).*

Experts also noted that commission members will need to decide how much they will make use of informal evidence. Some previous commissions in Wales have engaged in private conversations with individuals and organisations to get their opinions on key issues. Others have avoided those meetings in order to maintain their openness and integrity. Commission members will need to decide which course to take early in the process.

Managing the politics

A commission can only have impact if the political context surrounding it is able and willing to deliver its recommendations. From the perspective of commission members, it would be ideal if the political system would wilfully accommodate their evidence-based recommendations. However, policymaking takes place in a messy and unpredictable political environment, with a tendency for events and attention to shift and change at short notice (Cairney, 2016). This section addresses four aspects of managing the politics to enable a commission to have policy impact: political sponsorship; offering feasible recommendations that suit different audiences; how and when to publish; and promoting recommendations after a report has been published.

The first key issue is having political sponsorship and support. Experts generally agreed that having support across the political and legal spectrum will be crucial.

> *I think it's important to have strong support and sponsorship, I mean political sponsorship here: in truth, who's watching your back, basically (Expert insight, panel session).*

If a commission has supporters in the right places, then it will be heard. If it lacks sponsors and supporters, it will be difficult to get any recommendations implemented. Who the appropriate sponsors are will be context dependent. For some commissions in Wales, it will be a Welsh Government Cabinet Secretary, and/or key Welsh Assembly committees. Generally, subject relevant think tanks and professional associations can also be important as indirect routes to influence policy thinking. In many cases, having sponsorship from the UK Government may also be important. Considering the political context of the Commission on Justice in Wales, one expert summarised the difficulty of balancing these multiple interests:

> *You were appointed by the Welsh Government, but the people you need to persuade are the UK Government… That's in the context of London paying precious little regard to Cardiff… the Wales Office, certainly, has a weak voice inside central government… I think Cardiff can behave rather petulantly with the Westminster government, and that is noticed in London as well. Add to that the fact that politicians from the Labour Party and the Conservative Party in London and Cardiff can be mutually contemptuous of one another. Plaid Cymru and the Liberal Democrats are different. That, I think, is going to be a nettle you're going to have to grasp (Expert insight, panel session).*

However, commissions are not entirely powerless in this process, and careful framing of conclusions and recommendations can be important in achieving the desired impact. For example, there is a danger that a commission's report can be carved up into different pieces, with some elements then implemented, and others not. Where recommendations are co-dependent this risks bad policy, or some of the most important issues being ignored. With this in mind, commission members and secretariats may need to consider both bundling and prioritising related recommendations. Further, they should consider whether their recommendations are feasible to implement. One expert, making reference to previous commissions such as the Beecham Commission, argued that it's one thing to effectively frame a commission's narratives, but it's as important to make recommendations that can actually be put into practice. Delivering feasible recommendations is important to political sponsors too: people in government or opposition will not want to invest political capital in recommendations which do not sufficiently respond to the complex nature of the political context in which they operate.

It could also be a good use of a commission's time to plan how a report will land. This could consider how the report will be received by key stakeholders in Cardiff and Westminster, as well as via the media. If certain individuals or groups might respond negatively to one important recommendation, there may be ways to convey it differently, or to group it alongside recommendations that might be received more positively:

> *How it will land, how it will be received and what the objections will be raised when people receive it so, in your own mind for the launch particularly, you're very clear about how that will pan out. [It's]… about really showing the commission has ownership of this and… wanting it to see the light of day (Expert insight, panel session).*

Commission chairs may consider whether it is worthwhile to deliver different interpretations of the recommendations to different audiences. The UK Government may have different viewpoints to Welsh Government, and each political party may have differing views. What the findings mean to each party will be different, and a commission – and particularly the chair, who ordinarily leads political consultation - could choose to present appropriate narratives for each. Some previous commissions have done this:

> *Obviously, what you're telling the Welsh Conservatives, in our case, was presented very differently to what we told the Welsh Labour Party and Plaid Cymru. I mean purely in terms of the words I used and the bits of the explanations that I highlighted ahead of others (Expert insight, panel session).*

Tailoring recommendations might increase the prospects of implementation. It could also present case studies of how its recommendations will change the lives of people in Wales. For some audiences, this may illuminate the commission's conclusions better than academic reporting or tables of data.

A third issue for commission members to consider is how and when to publish their findings. One option is to publish a single report at the end of the enquiry. Another option is to publish an interim report at some point during the enquiry, ahead of a full report at the end. Publishing an interim report can give intended audiences a sense of the forthcoming recommendations, as well as a chance to gauge the responses to some of the more contested proposals ahead of final publication:

> *I think it could well be useful because in the interim report you can clear away confusion, you can do your conceptual clearing in the principles that you've talked about and set those out. Then, you can present, possibly, as we were fortunate to be able to do, those conclusions which were likely to achieve fairly general acceptance. If that builds momentum behind you then it makes life easier for the final report (Expert insight, panel session).*

However, an interim report can potentially lead to complications further down the line. A commission may not be fully confident in its recommendations until the final stages. Publishing one conclusive report allows a commission time to gather evidence and carry out its deliberations away from the public eye:

> *There are risks attached to an interim report for me… If you're in for the long run then the intellectual coherence and the holistic nature of your recommendations will be pretty important… If you've carved it up already… for an interim report and the difficult bits come further down the line, what will you end up with? Well, very slow movement on the more amenable ones and nothing on the latter ones. I think you've got to think through the risks attached to interim reporting as well. (Expert insight, panel session).*

The choices open to commission members here are not necessarily binary. They could issue a briefing note that sets out some guiding principles that fall short of concrete proposals or recommendations. Doing so could give government and other stakeholders a sense of what the final report will contain, without breaking up recommendations or diluting the impact of the final report.

The final issue for a commission to consider when managing the politics is promoting its recommendations. There was a strong consensus among the experts that commissions need to continually meet government and political leaders to advocate for their recommendations:

> *Keeping political leaders informed, responding to them and flattering them, I think, is important… Also work with non-Welsh think tanks as well as Welsh ones, so [for example] the Institute for Government as well as the Institute for Welsh Affairs. Try to engage with the Common's Justice Committee, the Lord's Constitution Committee, not just the committees in the National Assembly for Wales, and the Welsh Affairs Committee (Expert insight, panel session).*

> *I've sat down and done drop-in sessions for AMs… [and met] each of the party groups to answer their questions about the report. [It] is ongoing really, and there's a reason for that, because if the recommendations are going to see the light of day there is, effectively, a cut off point… I feel an ownership of the report… so I'm continuing to work with the commission… until then (Expert insight, panel session).*

> *I went to see every politician in Wales who might have any conceivable interest in this. I assured them of my constant attention if they wanted to come and talk to me at any time. That's the first thing. If you're dealing with politicians, as Disraeli said, you've got to lay it on with a trowel. There is a strong personal element to this and you just have to be in touch with them on a frequent basis (Expert insight, panel session).*

Most of the promotion is likely to come from a commission's chair, as they are the figurehead. However, if a commission's members are unified and well-led, then they should be in a position to speak with one voice. There may also be times when a particular member has connections within the political system that could be utilised more effectively than the Chair doing it on their own.

As well as communicating privately with key stakeholders, a public profile for a commission's recommendations may be crucial, and the media will play an important role. Explicit consideration of how key individuals and organisations across the Welsh or UK media will report the recommendations is advised:

> *[A] charm offensive with the media, you know, just to keep them on-board… it's not just the political editor of BBC Wales, by the way... It's not just them, although I did sit down and talk to them, and people like Martin Shipton, so that they knew where we were going with our recommendations. It's other people who can be opinion formers (Expert insight, panel session).*

It is unclear whether UK media will be interested in a Commission on Welsh policy matters, although some sections might be. To have any success, it will be necessary to identify and keep interested media figures on-side during the enquiry so that by the time of reporting they may be able to help shape the narrative.

A broader communications strategy for any commission should also take social media into account. Social media affords more freedom to communicate with people directly, and respond quickly to any negative or challenging reporting. However, unless a commission actively moderates online discussions, there is a danger that posts offer views that are not shared by other members, or which inadvertently lead to poor media coverage. The expert panel summarised some potential problems, and how they might be tackled:

> *Where the storm always happens these days is [on] social media. The Western Mail will have its headline and will be read by the people who generally would agree with you on most things, but it's a tiny audience. The opposition will come on social media… you can be completely derailed by a mob on social media if you're not careful… You need to think through your strategy on that, whether you are going to go down that route or allow your secretariat to do it, or ignore it. One warning, ignoring people on social media is a recipe for something else bubbling up somewhere else because you're just supressing it, really, and pushing it to another environment (Expert insight, panel session).*

> *You've got to be deft and modern communicators during the process of the commission or panel, as well as at the end, because, quite simply, that's what's expected of you and if you don't do it the vacuum will be filled by others who will do it less well. So, I was very clear about our communication strategy - that I wanted it to be modern, that I wanted it to be social media based. I wanted to have the freedom to brief people, informally, when we got close to our recommendations (Expert insight, panel session).*

As the nuanced comments above suggest, there is not necessarily a correct strategy regarding social media, but in today's society commissions are unlikely to be able to eschew it completely. The most important issue to consider is that social media engagement serves the commission's purpose, both articulating and promoting its recommendations to relevant audiences and actively listening to those who engage with you, while maintaining integrity and standards.

Conclusions

The evidence and expert observations presented in this short report form a rapid review of the existing evidence on commissions and their potential to have impact on public policy. The academic literature on this subject is still quite limited. While scholars have reached useful early conclusions, their analyses deserve ongoing critical reflection.

The Centre's expert roundtable session provided a wealth of additional insight for analysis. The candid comments provided by experts revealed a number of pitfalls into which commissions can fall, such as disjointed membership, poor leadership, bad luck, bad timing, unfeasible recommendations and poor planning, which hopefully future commissions can reflect upon, and avoid. Some may be difficult to dodge. Policy commissions in Wales operate in a challenging political context, bridging both Cardiff and Westminster, and must navigate the political and policy concerns relevant within Wales, at UK level, and the evolving relationships between the tiers of government too. Commissions may simply be blown off course owing to wider events.

Nonetheless, there are many things that commission members can do to mitigate such risks, to operate effectively, to gather useful evidence, and to report deliverable recommendations that could improve policy and outcomes in Wales. Clarity allows a commission to carry out its objectives. Good teamwork ensures that everybody is satisfied with the final recommendations. Continually interacting with key stakeholders in the political and legal process enables a commission to test the viability and popularity of its recommendations – and stay abreast of the political winds). Working with those in relevant sections of the media allows commissions to better influence dominant public narratives; and deciding on a social media strategy will be helpful both during and after a commission's reporting stage.

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