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How Institutional Culture Trumps Tier Effects: Evidence from Government Responsiveness to FOI Requests

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Abstract:

Claims that decentralization could improve government accountability and responsiveness led to its adoption as a policy objective across the globe. But recent empirical work finds little evidence of ‘tier effects’ in practice; instead, significant variation exists even between most-similar bodies. Recognizing the value of FOI in facilitating large-scale data collection, and that the UK’s institutional diversity offers an important source of *between-* and *within-*tier variation, I compile a large new dataset by emailing two separate FOI requests to 812 UK public bodies with an executive function. Identifying significant variation in timeliness and quality between UK territories, I argue that differing foundational motives can help explain patterns of responsiveness between institutions established by transparency-facing reforms and those designed to resolve conflict. A lack of evidence that by lower-tier governments are generally more responsive reaffirms the recent challenges to the more fundamental claims about decentralization that informed academic debate and real-world practice.

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1. INTRODUCTION

In the closing decades of the last century, countries across the globe adopted decentralization reforms in response to bottom-up demands for greater autonomy and self-government and top-down pressures by international organizations such as USAID and the World Bank (Hindriks & Lockwood 2009). In part, this advocacy was influenced by longstanding theoretical expectations of ‘first generation’ fiscal federalism theory (Qian & Weingast 1997) that expected decentralization and transparency to trigger efficiency gains from increased accountability and proximity that could reconnect citizens with their governments (for example, World Bank 1999, DFID 2002).

More recent research has, however, severely tested the unidirectional and optimistic claims previously ascribed to decentralization. Positivist in orientation and rooted in a political economy framework (Wibbels 2006), ‘second generation’ theories assert that prior contributions overlooked agency problems within government (Moorkherjee 2015), incorrectly assumed that politicians and bureaucrats’ incentives align with citizen preferences (Prud’homme 1995), and misunderstood the complex intertwining of functions across tiers of government (Wibbels 2006). Above all, this research has been cognizant that outcomes under decentralization are intrinsically linked to the cultures and organizational heterogeneities that underpin institutions and shape the behavior of political actors (Rodden & Wibbels 2002). But the field continues to struggle with institutional endogeneity: we cannot ascribe causal claims to institutions if those institutions are themselves responses to the underlying social, cultural or demographic characteristics of the societies in which they are embedded (Rodden 2006).

Global decentralization reforms have paralleled an even more expansive worldwide proliferation of Freedom of Information laws, a key means of promoting

transparency (Worthy 2013) that had been taken up in 117 countries by 2017 (freedominfo.org). Indeed, FOI reforms share with decentralization their adoption as a tool to advance transparency, openness and citizen access in OECD and developing countries alike. But while this expansion has been the focus of many country-specific and cross-case studies, FOI has only slowly been recognized as a potentially powerful tool in empirical research (Savage & Hyde 2014), and tests of public bodies' responsiveness to FOI requests remain comparatively rare.

Addressing the challenge posed by endogeneity and context-specificity in the field, I argue that two features of the UK case are of particular value to a research question that tests the theorized correlates of government responsiveness. First, the UK is a venue for comprehensive FOI legislation covering a sufficiently large number of organizations at all tiers to facilitate data collection and statistical analysis. Second, these organizations are extremely diverse, comprising traditionally-secretive bodies that long predate modern-era interests in transparency, hundreds of local governments that have been subject to openness requirements for several decades, and newly-created intermediate-tier bodies in Scotland, Wales and Northern Ireland that diverge significantly in their foundational motivations.

The remainder of this article proceeds as follows. After first specifying the 'tier effects' that traditionally expected lower tier bodies to be more responsive and the 'second generation' challenges to this supposition, I investigate three sources of context-specific variation that would cross-cut any such effects; namely organizational-level heterogeneity; administrative capacity constraints; and institutions' foundational motives that should incline certain public bodies towards – or away from – greater openness. I

then specify the usefulness of the UK case in testing of the role of institutional culture in outcomes. Third, I identify the methodology and data used to operationalize three hypotheses as part of a large- N research design. I then email two FOI requests to the complete universe of 812 UK public bodies with an executive function at either the central-, devolved- or local- level to construct a large new dataset, codifying responses to these two requests to create two objective measures of responsiveness. Fifth, I analyze these measures of timeliness and quality against a number of potential correlates for the universe of UK public bodies. I conclude by discussing the generalizability of these findings for broader academic understanding of the effects of decentralization and transparency reforms such as FOI on government responsiveness.

2. THEORIES AND CHALLENGES IN EXPLAINING GOVERNMENT RESPONSIVENESS

2.1 ACCOUNTABILITY AND THE CHALLENGE TO DECENTRALIZATION THEORY FROM ORGANIZATIONAL HETEROGENEITY

Decentralization – the transfer of central government powers and functions to authorities at regional and local levels – has transformed the constitutions of growing numbers of countries over the past several decades. By the early 1990s, and influenced by early fiscal federalism theory, advocacy by donor governments and international organizations helped foster a broad consensus that decentralization was a positive force for more satisfied consumer-voters, better democracy and freer markets (Beramendi 2007, see for example World Bank 1999, DFID 2002).

A central tenet of this consensus was the expectation that decentralization might improve the *accountability* of government to citizens, what Faguet terms “the most important theoretical argument concerning decentralization [and] central to the motivations of real world reformers” (2014: 2). Although its definition is contested in the literature (Hindriks & Lockwood 2005), accountability at a basic level should involve an obligation on a public official or public body to explain and justify their conduct (Bovens 2007). But in contrast with definitional complexity, the theoretical ‘promise’ of decentralized decision-making is simple: it shortens the accountability chain from decision-maker to citizen, allowing greater expression for local needs and more opportunities to hold decision-makers to account (Lieberman 2018).

These theoretical gains from a shorter chain of accountability require a preference revelation or linking mechanism between citizens and the decision-making process. In traditional fiscal federalism theory, this mechanism is downward accountability derived from democratic elections, lobbying, or by “voting with your feet” by moving to other jurisdictions (Rodden 2011), all of which assume knowledge and meaningful local participation. Hence the importance of access to information and openness as a necessary first condition for preference revelation and accountability (Dethier 2002, Albalade 2013). As Azfar et al. argue, “[u]nless the public knows what goods and services are provided by the government, how well they are provided, who the beneficiaries are, and how much they cost, it cannot demand effective government” (1999: 12).

Responsiveness is also a broad concept with many possible measures, frequently (but not exclusively) referring to the welfare economics premise that decentralization should be associated with more informed and responsive local governments because of

an improved fit between public goods provision and local preferences or needs (see for example Besley & Burgess 2002, Faguet 2004). Government replies to Freedom of Information Act requests are a different measure of responsiveness from allocative efficiency considerations such as these. But far from being a trivial curiosity, FOI laws have become one of the most important ways of promoting transparency worldwide (Worthy 2013). Their rapid international expansion also allows researchers to test government responsiveness not only across countries but between the tiers of government using objective metrics. FOI, therefore, is an important means to illuminate one aspect of a concept that is frequently challenging in empirical research.

The FOI field is far smaller than that of the enormous research literature surrounding decentralization and fiscal federalism. But while the two fields rarely intersect directly, a limited number of contributions from the transparency literature mirror ‘first generation’ decentralization theory in suggesting that local governments might be relatively more open than central governments. For example, in the United States, Peters & Pierre (1998) argue that higher levels of citizen trust confer a greater degree of legitimacy on state and local governments, giving them greater governing latitude than their federal counterpart. And in considering the relatively recent passage of FOI laws in the UK, Worthy (2013) argues that “local government was already, in relative terms, more open” than the center, largely because local governments had been subject to public access legislation such as open meeting requirements for far longer.¹

¹ The Local Government Acts of 1972 and 1985 introduced similar requirements to US ‘open meeting’ legislation that obliged councils to allow public access to meetings and documents, and national legislation not specific to local government such as data protection and audit regulations also provide access to particular personal records or accounts (Worthy 2013).

But over the past two decades, this normative presumption that decentralization should improve responsiveness has been fatally undermined by two parallel developments in the field. Not only has empirical testing found little support for earlier universal notions (for example, Triesman 2000, Rodden 2006), but theoretical approaches to investigating outcomes under decentralization have been recast: the previous benevolent assumptions of welfare economics have since been supplanted by political economy applications that focus instead on agency problems in government (Wibbels 2006, Moorkherjee 2015).

For the purposes of explaining government responsiveness, the repeated finding that voters are ill-informed about public goods provision by different tiers of government (Wibbels 2006) is a particular challenge to decentralization theory, because it suggests that the traditional focus on downward accountability mechanisms between local officials and their voters are likely to be misplaced. In successive country cases, local elections have been found to be weak mechanisms for preference revelation and for voters to hold local politicians to account. They are associated with far lower levels of participation and often reflect the electorate's satisfaction or dissatisfaction with the political environment at the central level rather than issues specific to local races (Heath et al. 1999); in other words, they are second-order elections (see Marien, Dassonneville & Hooghe 2015).

In sum, the primary verdict of second generation contributions is that “when it comes to the political and economic consequences of federalism [and decentralization], the devil is in the details” (Beramendi 2007: 759-760). But while this awareness has necessitated a far more incremental rate of progress that is alert to case-specific institutional configurations, the field has been eager to exploit new methodologies to shed

light on persistent empirical questions. That context specificity matters should not be an impediment to better understanding the institutional correlates of government responsiveness.

Indeed, as in other fields in the broader discipline (e.g. Hafner-Burton et al. 2017), the FOI literature has made strides in understanding these correlates of responsiveness through repeated evidence of significant individual-level heterogeneity that yields dissimilar outcomes even among most-similar organizations. Not only organizations' political or bureaucratic leadership but the individual officers tasked with responding to FOI requests may differ in their personal partisanship and cognitive biases (such as being pro- or anti-transparency), and records officers may vary in their ability and experience with FOI laws. As Piotrowski (2011) argues:

“Administrative culture of an organization is very much driven by personalities... The personalities of the individuals in leadership positions, and those of front line administrators... definitely affect the level of transparency in a town. A spirit of openness established by leadership and embraced by administrators, influences access to government” (2011: 26)

In this regard, a number of contributions in the FOI literature have detected organizational-level heterogeneity that may influence the responsiveness of records professionals, including administrative culture, the ‘gadfly factor’, local media activism, organizational resources and political competition (Piotrowski 2011), differences between political and back-office facing departments (Welch 2012) and even an officer’s personal feelings towards the requester and the likely reactions of their colleagues (Kimball 2012). In the UK, Worthy (2013) finds that central government FOI responsiveness was “uneven”, with “different departments transparent to different

degrees” (Worthy 2010: 548), and that such patterns were dependent “on internal cultures and leadership... [which is] crucial to FOI at all levels” (Worthy 2013: 400, 409).

Such organizational-level heterogeneity implies that a large amount of variation must be expected in understanding institutional responsiveness that cross cuts tier. But there is scope in the burgeoning literature for further investigation of responsiveness across a large number of bodies using objective metrics codified remotely.

A first hypothesis can therefore be drawn from the perspectives developed in this section as follows. Despite theoretical expectations from early theory that lower tiers of government might be associated with greater responsiveness, any differences between the tiers are likely to be overwhelmed by heterogeneity that will yield significantly different outcomes even between otherwise highly-similar organizations:

H1: Organizational-level heterogeneity overwhelms ‘tier effects’ that might otherwise expect differentiated responsiveness between central- and local-tier bodies

2.2 THE CHALLENGE OF CAPACITY

Quite apart from electoral accountability mechanisms and officer-level variation in proclivities towards openness, decentralization and information access laws create new challenges for public organizations that may have starkly unequal capacities to discharge their responsibilities (Terman & Feiock 2014). Capacity constraints have been particularly prominent since the 2007-08 financial crisis and subsequent public spending constraints in many OECD countries, and such pressures have been particularly acute at the lower tier where governments often do not have legal authority to run large budget deficits. If officials do not have the policy expertise, staffing and/or fiscal resources to

discharge their responsibilities (Howlett 2009, Terman & Feiock 2014), lower-tier governments may simply lack the capacity to put into effect the greater responsiveness expected of them in theory.

Given the claim in contemporary FOI theory (in the UK literature) that local government should be more responsive, it is essential to test such expectations. But in contrast to the large decentralization literature, there is surprisingly little research that considers how local capacity constraints can influence government responsiveness (or even outcomes in general) (Terman & Feiock 2014). Using evidence from FOI responses to fill this gap in understanding capacity constraints I test a second hypothesis, namely:

H2: Governments subject to greater capacity challenges will be less responsive to FOI requests

2.3 THE ROLE OF INSTITUTIONAL CULTURE IN OPENNESS

A third cross-cutting factor to the ‘tier effect’ assumptions of decentralization theory also concerns organizational culture; namely the premise that institutions more inclined towards openness might be more amenable to the demands of FOI. As outlined in this section, previous research demonstrates the importance of factors such as administrative culture, local advocacy and leadership to institutional openness. But a narrow focus on heterogeneity between local political leaderships and FOI officers – or on differentiated transparency norms between local and central governments – neglects the global expansion in the regional tier (Hooghe, Marks & Schakel 2010) that has paralleled the growth of FOI legislation itself. It is not unreasonable to anticipate that political institutions newly-created in the modern government era might be more receptive to

openness demands – and more capable of entrenching transparency into their institutional norms – than bodies with long histories of operating in closed systems.

Not all newly-created intermediate-tier bodies are however created with similar foundational inclinations. In large parts of the world, federalism and decentralization have been adopted as tools in conflict resolution, as in Iraq, Nigeria and Bosnia & Herzegovina. Recasting violence into more peaceful forms of interaction requires complex institutional architectures – such as minority groups’ inclusion in powersharing mechanisms like consociationalism (Keil 2012, Wallensteen 2015) – and these conflict-resolution imperatives may act contrary to the transparency and responsiveness objectives that have inspired decentralization reforms elsewhere. As *The Economist* argued in November 2013:

Peace often fails to bring the prosperity that might give it lasting value to all sides. Powersharing creates weak governments; nobody trusts anyone else enough to grant them real power... Lacking genuine political competition, with no possibility of decisive electoral victories, public administration in newly pacified nations is often a mess. (The Economist, 9th November 2013)

Drawing from conceptions of diverging institutional foundations, a third hypothesis anticipates that the foundational imperatives of public bodies will influence their subsequent responsiveness:

H3: Institutions inclined towards openness and transparency will be more responsive to FOI requests than institutions designed to resolve conflict

Interactions between these hypotheses suggest that ‘tier effect’ expectations of greater responsiveness under decentralization are likely to be insufficient at best.

3. TESTING RESPONSIVENESS IN THE UNITED KINGDOM

In investigating how the cross-cutting factors outlined above might offer a more durable explanation than tier effects in understanding the responsiveness of central, devolved and local governments to FOI requests, two features of the UK case are of particular value to the research design. First, it is a venue for comprehensive FOI legislation covering a sufficiently large number of organizations at all tiers to facilitate data collection and statistical analysis. And second, significant differentiation in the foundational motivations of the regional-tier institutions in Scotland, Wales and Northern Ireland offers an ideal test to investigate whether institutions inclined towards openness might be more responsive than consociational institutions designed to resolve conflict.

3.1 ACCOUNTABILITY AND ORGANIZATIONAL HETEROGENEITY - UK

In contrast to perspectives that local elections offer voters a preference revelation or electoral control mechanism, UK local elections have long been argued to be second-order contests (Heath et al. 1999). They are subject to considerably lower turnouts than first-order general elections and “local government election results are a largely accidental by-product of central government’s popularity at local election time” (Miller 1988: 2).

Moreover, the UK public sector provides an extremely diverse set of organizational models from which to test differences between public bodies at the same tier. Along with New Zealand, Britain’s *Next Steps* initiative most fully epitomized the New Public Management restructurings undertaken in many OECD countries in the 1980s and 1990s (Schick 2002), becoming the principal organizational type for UK central government service delivery (James et al. 2011), with approximately 80% of civil servants relocated from ministerial departments (Wettenhall 2005: 616). Principal-agent

considerations that inform the political economy orientation shared by much of the recent decentralization literature are therefore explicit in the organizational specification of many UK public bodies.

3.2 THE CHALLENGE OF CAPACITY - UK

‘Capacity’ is a term with a very broad reach and a number of possible proxy measures, none of which are fully satisfactory on their own. Unfortunately, data is not generally comparable across the vastly different bodies in the sample (compare for example the £4 *million* annual budget of West Somerset District Council – the smallest in England – with the £173 *billion* spent by the UK Department for Work and Pensions). To consider capacity challenges I therefore limit the investigation to **local government** bodies, a suitable sample for two reasons. Not only do they represent the largest single subset of relatively-comparable organizations in the data ($N=433$), but local government is the destination at least 70-80% of all FOI requests in the UK, a proportion which is growing (Worthy & Hazell 2017).

Paradoxically, existing contributions argue that “local authorities have managed this disproportionately large volume more efficiently than central government” (Worthy et al. 2017: 490). But this rapid increase in FOI requests coincided with a long squeeze on public finances that has restricted local authority budgets since 2010, a policy which offers one potential source of variation for considering capacity. Because local government funding is a devolved government responsibility in Scotland, Wales and Northern Ireland, changes to local government resource budgets have varied significantly across the UK. The UK coalition government’s decision in 2010 to undertake deep cuts to English local government resource budgets was not matched elsewhere: English

councils spent 22% less in real terms in 2015-16 than they did in 2009-10 (Amin-Smith et al. 2016), compared with reductions of 15% in Scotland and 11.5% in Wales (*Financial Times*, 19 July 2015). Having faced more substantial cuts, English councils' responsiveness to FOI requests might be relatively more affected than counterparts in Scotland and Wales.

However, resource cuts are a blunt measure of capacity because other social, cultural or political factors may also influence outcomes across the four territories of the UK. A more granular approach therefore draws on local government budget data collected by the UK Department for Communities and Local Government. Since this data is not directly comparable across the four UK territories, these additional variables represent proxies for two possible capacity measures for the 353 councils in England: the local council's total budget for central services ('back-office' functions) in 2014-15; and the percentage change in this budget over the austerity period between 2010-11 and 2014-15. If resources are a factor in the overall level of organizational transparency (Piotrowski 2011), responsiveness should increase with staff and budget size. Because this data is an imperfect and incomplete measure, additional variables that might influence government responsiveness can also be included, such as socio-economic data collated at the local government level, and local council political composition data.

3.3 THE ROLE OF INSTITUTIONAL CULTURE IN OPENNESS - UK

A key advantage in investigating the relationship between institutional foundations and responsiveness is the UK's diversity in the longevity and underpinning norms of its governmental institutions. As one of the oldest consolidated democratic nation-states, the

British central government's working norms long predate modern-era interests in transparency and open government. This historical backdrop has informed the prevailing understanding that central government should be less open than local government because executive dominance and political traditions entrenched secrecy as a "historical, cultural and institutional phenomenon" over many centuries (Worthy 2017: 17).² But in "the most radical constitutional change [the UK] has seen since the Great Reform Act of 1832" (Bogdanor 2001: 1), devolution recast the UK's state machinery by creating three new intermediate-tier institutions with significant 'self-rule' autonomy, underpinned (unusually for a decentralizing state) by entirely divergent foundational imperatives.

Devolution to Scotland and Wales formed part of a broad constitutional reform agenda during the first Blair Government, including FOI legislation, the Human Rights Act and (later) the replacement of the Appellate Committee of the House of Lords with a Supreme Court. Labelled "New Politics" by contemporary commentators (e.g. Cairney 2012, Mitchell 2000, Osmond 1998), the potential for more transparent and responsive government was one of the key justifications for the establishment of the Scottish Parliament and National Assembly for Wales (e.g. Michael 1999).³ Ambitions for transparency and responsiveness in the new institutions were particularly embedded in Scotland; indeed, 'access and participation' became one of the four key principles adopted by the consultative group tasked with drafting the detailed proposals on how Scotland's devolved institutions should operate (Consultative Steering Group 1999)

² Indeed, the FOI Acts only closely succeeded the Official Secrets Act 1989, a law that further entrenched secrecy norms (Worthy 2017).

³ In a keynote lecture during his short tenure as the National Assembly for Wales' inaugural First Secretary, Alun Michael argued that integral to the 'New Politics' was that "The government of Wales is no longer carried out behind closed doors, but out in the open. And that can only be a good thing for democracy and for the quality of our decision making" (1999: 7).

In contrast, three factors underpinned the establishment of Northern Ireland's devolved institutions:

1. Conflict resolution through mandatory powersharing - the 1998 Belfast Agreement that re-established devolved government attempted to stem chronic political violence by addressing not only constitutional and security matters but also human rights and social and economic inclusion (Wilford et al. 2003), creating an architecture in which conflict resolution through political accommodation was the primary imperative (Carmichael 1999).⁴
2. Political paralysis – linkages between elections and government formation are obscured in Northern Ireland politics because the main British parties do not generally compete in Northern Ireland elections. As a result, local politicians were offered “all the advantages of political activity with none of the disadvantages of responsibility” (Prior 1982, cited in Bogdanor 2001: 99).
3. A direct lineage from the previous Stormont Government and the post-1972 Direct Rule machinery – indeed, the post-1972 Northern Ireland Office (NIO) was the “lineal descendant of the old Stormont Cabinet Office” (Bell 1987: 212). Northern Ireland's civil servants working for the NIO “found it difficult to adjust to the accountability demands placed on them by the return of devolved government in December 1999” (Knox 2009: 436).⁵

⁴ NI's devolved institutions may have “institutionalised sectarianism and sectarian division” (Wilson & Wilford 2003 in McLaughlin 2005: 115) and worsened public administration with “less cohesive government” and decisions “made on a lowest common denominator basis” (Birrell 2009: 245).

⁵ Northern Ireland has also not amended the Westminster-passed FOI Act despite holding legislative competence. As Wilford & Wilson (2001) argue, “So far the Assembly has followed Westminster in its freedom-of-information regime, not yet exploring as in Scotland a more liberal variant. A combination of the parochialism of some members and the lack of habituation of the

A fourth factor, sectarian partisan competition and historic discrimination by some councils in employment and housing, is also key to understanding Northern Ireland local government. Northern Ireland's local authorities emerged from an era in which council chambers were described as a "bearpit of sectarianism" (Knox 1998: 1) and where "religious discrimination by some local authorities in employment and housing [became] a motivating factor behind the civil rights protests in 1968 and subsequent outbreak of disturbance" (Knox 1998: 3).

While such disturbances are less apparent since the 1998 Belfast Agreement, these divergent institutional underpinnings provide a theoretical basis for anticipating that Northern Ireland's local governments might be less responsive than councils in England, Scotland and Wales, and that Northern Ireland's devolved-tier bodies would also be associated with poorer responsiveness than their counterparts in Scotland and Wales.

In short, the tiers and institutions of UK government provide opportunities to test not only the traditional arguments that decentralization could improve responsiveness, but within-tier diversity also provides a means to consider the alternative correlates of responsiveness that might embed openness within an institution.

4. MEASURING RESPONSIVENESS THROUGH FOI REQUESTS

The global Freedom of Information expansion has spawned a number of country-specific and comparative studies that assess its impact in a number of different settings (Hazell & Worthy 2010). However, FOI legislation has been far less-frequently employed as a

Northern Ireland civil service to close democratic scrutiny has led to tensions over access to information held by the executive" (2001: 4).

methodology in experimental research, although this is beginning to change (e.g. Lewis & Wood 2012, Ross & Whittaker 2009, Cherry & McMenemy 2013, Michener & Rodriguez 2015, Worthy et al. 2017).

In contrast to other potential and existing measures, there are a number of advantages of using emailed FOI requests to obtain an objective, comparative metric of government responsiveness. First, the technique relies on a universal requirement that public bodies must respond to or refuse the request within a statutory period (20-working days in the UK). Second, because FOI responses generated remotely to identically-worded emails can be codified into objective metrics, the data is less likely to capture respondents' impressions that may bias traditional governance indicators (Rodríguez-Pose & Di Cataldo 2014) by creating 'echo chambers' in which experts use unrelated general measures of country performance such as GDP per capita to assess transparency (Bauhr et al. 2017: 28). And third, government bodies at all tiers investigated here have equal access to email as a universal means of communication.

The Freedom of Information Act 2000 (applying to England, Wales and Northern Ireland) and the Freedom of Information Act (Scotland) 2002 came into force on 1 January 2005. These acts have extensive coverage of at least 100,000 bodies (Birkinshaw 2010), established a general right of access to information held by public bodies, and imposed a duty upon public bodies to disclose information held by them on receipt of a request for information. The legislation also established Information Commissioners to act as enforcers and champions of the legislation. These commissioners are publicly

appointed⁶ and are independent from government in disseminating information to the public, in issuing guidance to public bodies on their legal obligations, and in their enforcement function where bodies are adjudicated to be in breach of the Acts. Because compliance requirements do not vary between the types of public bodies covered by the Acts, FOI regulations on their own should not affect the opportunities for certain bodies to shirk in complying with disclosure requirements.⁷

4.1 METHODOLOGY AND DATA

To operationalize the test of responsiveness to FOI requests, a complete list of email addresses for the universe of public bodies subject to FOI laws was assembled from official registers and the annual reference guides in the devolved countries: the *Scottish Political Guide*, *The Wales Yearbook* and the *Northern Ireland Yearbook*.

Organizations were emailed FOI requests if they were considered to have an executive function at any level of government. Selecting the universe of public bodies intended to avoid sample biases and to generate sufficient responses: despite the legal obligation to respond, previous work has reported a low response rate (e.g. Michener & Rodriguez 2015). Along with UK ministerial departments, the devolved governments and local councils, Non-Departmental Public Bodies at both the UK-level (such as the Homes

⁶ The UK Information Commissioner is appointed on the nomination of the UK Government subject to a pre-appointment hearing of the relevant parliamentary select committee. The Scottish Information Commissioner is appointed on the nomination of the Scottish Parliament.

⁷ In common with other FOI legislation, there are a number of exemptions for disclosing certain information, such as the absolute exemptions covering information received from security bodies, court records, and communications with senior members of the Royal Family. (Information Commissioner's Office: *When can we refuse a request for information?* Accessed 18 November 2017 at <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/refusing-a-request/>)

and Communities Agency) and devolved-level (such as the Wales Audit Office) were included. Advisory and Tribunal Non-Departmental Public Bodies which sit infrequently and/or have a shoestring staff were excluded, as were town-, community- or parish-councils, universities, schools, police forces and fire authorities. Although public sector National Health Service (NHS) bodies in Wales, Scotland and Northern Ireland were included, NHS Clinical Commissioning Groups in England (which had been recently established at the time of the trial) were excluded. Table 1 details the final set of 197 central government bodies and 181 devolved government bodies.

Table 1: Central and Devolved Public Bodies Receiving Two FOI requests

Type of Agency	UK	Scotland	Wales	Northern Ireland
Ministerial Department or Devolved Government	22	1	1	12†
Executive Agency	39	8	0	0
Non-Departmental Public Body	114	34	17	47
Non-Ministerial Department	22	5	0	0
Commissioner	0	6	4	1
National Health Service body	0	23	10	12
Total	197	77	32	72

† Unlike Scotland or Wales, each ministerial department is established as separate corporate entity

Table 2 details the 433 local councils that received two requests. A series of local government reorganizations effective 1974, 1986, 1995-1998 and 2009 replaced a uniform two-tier system across England, Scotland and Wales with a complicated hybrid. Although Scottish and Welsh reforms were straightforward, replacing the previous two-tier system with 32 and 22 single-tier councils, the English system accommodates both continuity two-tier areas and single-tier authorities combining previously-separate county and borough functions.

Table 2: Local Authorities Receiving Two FOI requests, by Type

Local Authority Type	Number of Councils
England	
<i>Single-tier areas</i>	
London Borough	32
City of London Corporation	1
Metropolitan Borough Council	36
Unitary Authority	56
Total Single Tier Authorities	125
<i>Two-tier areas</i>	
Non-Metropolitan County Council (Upper tier)	27
District or Borough Council (Lower tier)	201
Total Two-Tier Authorities	228
Scotland, Wales and Northern Ireland	
Unitary Authority (Scotland)	32
Unitary Authority (Wales)	22
District Council (Northern Ireland)	26 †
Total Single Tier outside England	80

† Since 1 April 2015, 11 single-tier districts

The final wording of each email was identical for all organizations and is reproduced in Figure 1.⁸ The requests were drafted to be reasonable but sufficiently challenging, and needed to be equally relevant across a wide range of organizations with different functions and responsibilities. The questions illuminated two key features of an organization's bureaucratic capacity and quality, namely asset management and procurement. The ability of an organization to keep track of its assets is fundamental to its governance; the first email therefore asked for detailed information on the number of laptops that had been issued to staff. The second email asked for information about single-

⁸ A discussion on the research ethics of FOI is contained in the Appendix note A1

bidder contracting, a “red-flag” indicator of corruption (Fazekas et al. 2016: 369, also Mungiu-Pippidi 2015). This request asked organizations to state how many contracts had been put out for tender and how many were awarded after a process in which only one contractor submitted a bid. To test data retention quality, both emails asked for the most recent year available at the time of the trial (2013) and for older data (2010).

Figure 1: Sample Emails

Trial 1:

Under the Freedom of Information Act I would like to request the following information about the distribution of laptops to staff:

Could you please provide me with the total number of laptops owned by your organisation that were registered to and/or in the possession of staff members (whether directly employed by your organisation or otherwise) on the following two dates:

- a) 1 May 2010 (or nearest available date – please specify), and
- b) 1 May 2013 (or nearest available date – please specify).

I would prefer to receive this information electronically as a reply to this email.

Trial 2:

Under the Freedom of Information Act I would like to request the following information about the issuance of contracts:

- 1. Could you please provide me with the total number of contracts put out for tender by your organisation during the following two periods:
 - a) January 1, 2010 - December 31, 2010 (or the nearest available 12-month period – please specify), and
 - b) January 1, 2013 - December 31, 2013 (or the nearest available 12-month period – please specify)
- 2. For each of these two periods, please state how many of these contracts were awarded after a tendering process in which only one contractor submitted a bid.

I would prefer to receive this information electronically as a reply to this email.

In anticipation of receiving large volumes of data, two Gmail accounts were set up under my own name to receive responses from the requested organizations. The wording of each email was tested using a small trial sample including universities, fire authorities and police forces that were not on the list of recipients. The first email (asset

management) was sent to 849 public bodies between 28 February 2014 and 7 March 2014. Due to the UK Government's abolition of regional probation trusts on 31 March 2014 (between the two waves), 812 bodies received the second FOI between 19 August 2014 and 8 October 2014. The subject of both emails was clearly stated as "Freedom of Information Request". From responses to these requests, I created two large cross-sectional datasets from observations of public bodies' responsiveness at approximately the same point of time (or where any incidental differences in time would be ignored). Combining these two datasets into one – by coding organizations' responses using standardized metrics – permitted the investigation of any variation between the two trials and the creation of composite measures for the two trials together.

4.2 CODING PROCEDURE

After emailing the FOI request to each public body, I logged the timing and content of each response and replied to any requests for clarification. Although coding responses to FOI requests can pose challenges to researchers, the requests deliberately asked for numerical data (such as the number of single-bidder contracts) that would be suitable for coding. I logged the timing and content of each reply, including the date on which the organization acknowledged and replied to the request, whether they provided precise or approximated information, and whether the information related to the specific dates or time period requested. I also recorded any additional relevant qualitative information provided by the responder. There is no legal requirement for respondents to acknowledge receipt of FOI requests; however, 641 out of 849 public bodies (76%) acknowledged the first email and 627 of 811 (77%) the second. I sent each email to the organization's named

point of first customer contact, for example, reception@ceredigion.gov.uk. Where no first contact address was listed, or if emails were returned to sender, I redirected requests to the organization's FOI team, for example freedomofinformation@darlington.gov.uk.

There was significant variation in the administration of requests between organizations. Several wrote back to an incorrect email address. One English district council attached unrelated taxi invoices to its acknowledgement. Others used two separate replies but gave different answers to the same question in each response.⁹ Despite evidence from Scotland that councils rarely keep cost records (Cherry & McMenemy 2013) excessive cost was the most common exemption claimed for refusal. Organizations frequently self-reported an incorrect 20-working day deadline by which they would respond, or gave an incorrect date on which they had received the email.

4.3 RESPONSE VARIABLES

Two variables of interest were constructed from the database to measure the timeliness and overall response quality.

Timeliness: The first measure, a binary variable, assesses the timeliness of an organization's two responses based on the number of days taken to respond. I score the organization one if both responses were received within 20-working days and zero otherwise.

Quality: The second score gauges the quality of the two responses. For the first email, I assign a score of one (and zero otherwise) for *each* of the following: the date the data

⁹ Unless an organization's second reply indicated that additional material was supplementary or correcting an earlier response, only the first response was coded.

refer to was exactly correct for 2010; the date the data refer to was exactly correct for 2013; the number of laptops had been exactly stated for 2010; and the number of laptops had been exactly stated for 2013. Organizations that did not provide a response, or where a response was received late, scored zero. An answer providing the correct date and the exact number of laptops for both years and within the statutory deadline receives a maximum score of four. I then standardize this measure to range from zero to one.

For the second email, I assign a score of one (and zero otherwise) for each of the following: the total number of contracts was specified for 2010; the total number of contracts was specified for 2013; the total number of single-bidder contracts was specified for 2010; the total number of single-bidder contracts was specified for 2013; the 2010 information related to the 12-month date range which had been requested; and the 2013 information related to the 12-month date range which had been requested. Thus the maximum possible score is six, and again, this measure is standardized to range from zero to one. I obtain a composite measure of the quality of an organization's responses by taking the average score for each question.

4.4. EXPLANATORY VARIABLES

For Hypothesis H1, which investigates whether organizational-level heterogeneity overwhelms a longstanding theoretical assumption that local bodies perform better than central bodies, I create a dummy variable for local and central-tier organizations and regress these dummies on the composite measures of timeliness and quality.

Hypothesis H2 anticipates improved responsiveness to be associated with greater capacity. As outlined in section 3.2., both a broader and more granular approach can be

used. At the broader level, I create dummy variables for local government bodies in England, Scotland, Wales and Northern Ireland. Because of smaller grant cuts to local government budgets, Scottish and Welsh councils should be more responsive to FOI requests than those in England. The more granular method uses UK government data¹⁰ to create two continuous variables representing the log of each English council's reported budget for central services ('back-office' functions) in 2014-15 and the percentage change in this budget between 2010-11 and 2014-15.

In section 2.2, I argued that explanatory variables such as tier, resources, political control, competitiveness or socioeconomic variation may be overwhelmed by individual heterogeneity. As Fournier argues, "ceteris paribus, high heterogeneity should lead to low model fit" (2000: 54); consequently, if heterogeneity is present it will be exhibited via large model variance and resulting low measures of fit (R-squared) in the statistical modelling.

Hypothesis H3 further investigates cultural heterogeneity across different organizations by analyzing foundational variations between the devolved institutions of the UK. To establish whether there is any evidence for the theorized variations in outcomes, I create dummies for 'new politics' institutions (Wales and particularly Scotland) against a dummy for 'consociationalism/conflict resolution' institutions (Northern Ireland). Importantly, this method cannot **directly** distinguish between the hypothetical 'openness' characteristics of Scotland and Wales or 'conflict-resolving'

¹⁰ 2010-11 data: *Local authority revenue expenditure and financing England: 2010 to 2011 Individual local authority data*. Published 9 December 2010. Revenue Account (RA) budget 2010-11. 2014-15 data: *Local authority revenue expenditure and financing England: 2014 to 2015 Individual local authority data*. Published 23 July 2014, Last updated 22 October 2014. Department for Communities and Local Government. Revenue Account (RA) budget 2014-15.

Northern Ireland: differences could instead be attributed to factors other than foundational motives. While there is no straightforward quantitative resolution, the research design exploits the significant foundational variations between the UK's various government bodies and evidence from contemporary politics identified in the discussion of hypothesis H3 and the results.

In addition to the main explanatory variables, data exists for local government bodies to examine a number of other **socio-economic** and **political** variables identified elsewhere in the literature.

Certain socio-economic factors such as fiscal deficits and debt levels are unsuitable here because UK councils cannot incur such deficits. But other measures including **population size** (e.g. Enikolopov & Zhuravskaya 2007) and real **per capita incomes** (e.g. Alt, Lassen & Rose 2006; Piotrowski & Van Ryzin 2007) are added to the model and reported as *Log Population* and *Log Gross Value Added per Head* for each local government area.¹¹ These models exclude the City of London Corporation because of this area's extremely high GVA and extremely low resident population.

To test **party control** (e.g. Piotrowski & Van Ryzin 2007, Guillamón, Bastida & Benito 2011), I include a dummy of the largest political party on the council, and to test **political competitiveness** (e.g. Piotrowski 2011, Worthy 2013) I use a large dataset of local government election results between 1999-00 and 2014-15¹² to create a continuous

¹¹ See Guillamón et al. 2011 for a summary of socioeconomic influences.

¹² I am grateful to Colin Rallings and Michael Thrasher in providing access.

variable of the *Effective Number of Parties* (Laakso & Taagepera 1979)¹³ represented on the council.¹⁴

5. RESULTS

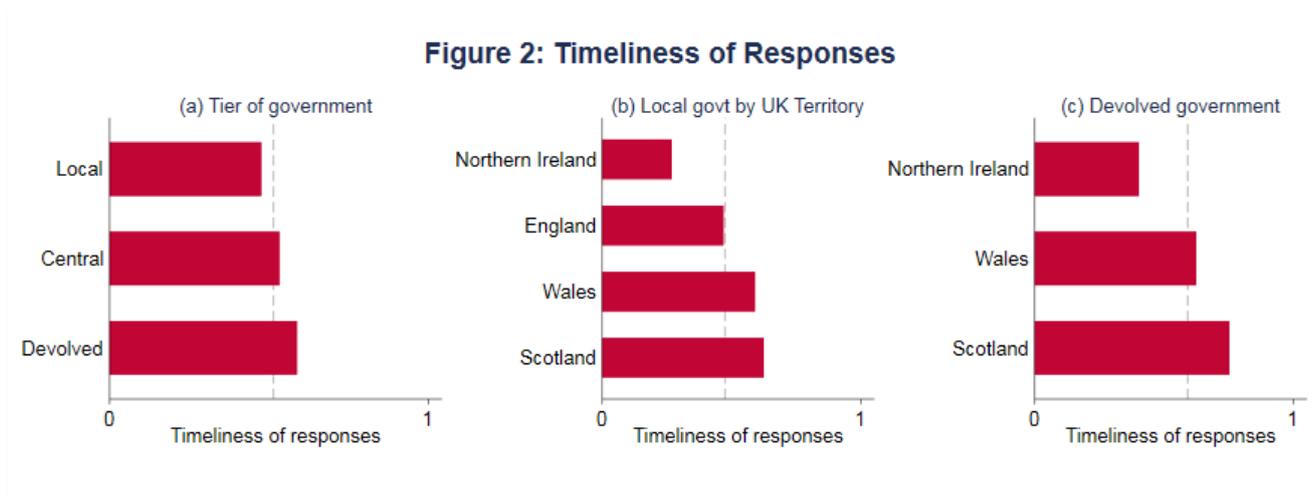
5.1 DESCRIPTIVE MEANS

Before statistically analyzing variation in the **timeliness** and **quality** of UK public bodies' FOI responses for each hypothesis outlined above, I first illustrate descriptive means for both composite measures. **Timeliness** scores are shown in Figure 2, disaggregated into three charts each showing various combinations of the tiers and territories of the UK.¹⁵ Just over half of the public bodies (418 out of 812, or 51%) responded to **both** emails within the statutory deadline, a response rate that while poor, exceeds those of prior studies (Cuillier 2010; Michener & Rodriguez 2015; Worthy, John & Vanonni 2017).

¹³ The Effective Number of Parties is computed by the formula: $= \frac{1}{\sum_{i=1}^n p_i^2}$, where N the number of parties with at least one council seat and p_i^2 is the square of each party's proportion of all seats on the council. A multi-year average is used because the period 2010-15 was associated with an "electoral meltdown" (Cutts & Russell 2015: 70, 72) in Liberal Democrat representation in which a previously very-competitive party at local level lost more than 1,300 councillors. This precipitous decline created apparently uncompetitive councils in areas that had been competitive for more than a decade. Rather than an unreliable snapshot of the year in which the survey was undertaken, competitiveness is estimated using the mean average ENP for each council over the 16 years available. See Appendix Table A2 for complete dataset.

¹⁴ Note that in the UK is not possible to test the percentage of voter abstention as a factor influencing transparency as found elsewhere (see Esteller-Moré & Polo Otero 2012) because some elections are coterminous with UK General Elections or devolved government elections which significantly (and artificially) inflate local turnout, and some councils elect by thirds.

¹⁵ Each chart shows organizations responding to both emails by the deadline, and each bar represents the average for the public bodies in the relevant category. The grey dashed lines indicate the mean for the relevant sample.

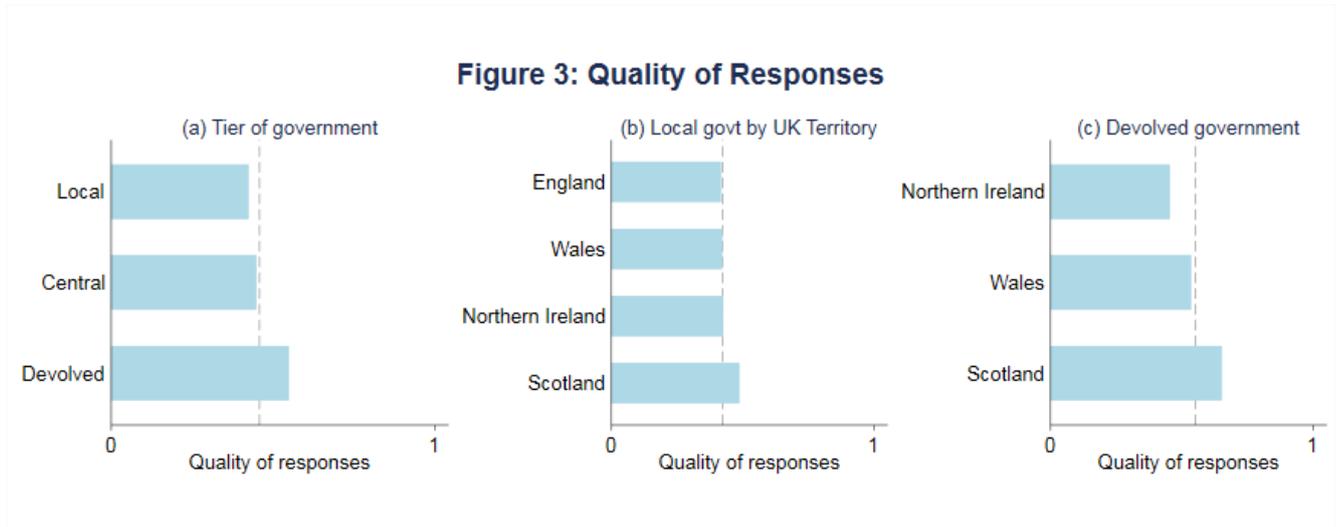


Examining Figure 2, chart (a) appears to show some inter-tier variation, with local government slightly below the average, devolved government slightly above, and central government bodies close to it. Devolved bodies are most timely, with 59% answering both emails on time. Chart (b) shows local government variation between the UK's territories, with Northern Ireland councils performing well below average, English councils close to it, and Scottish and Welsh councils better than average. Chart (c), corresponding to the expected direction of effects in Hypothesis H3, shows substantial differences between the devolved territories: 75% of public bodies in Scotland always respond by the deadline, 63% in Wales, and only 40% in Northern Ireland.

Figure 3 shows variation in the **quality** of responses across the tiers and territories of the UK.¹⁶ Just 101 of 812 public bodies (12%) contacted in both waves provided exactly the information asked for in both emails and on time; 175 (22%) did not provide any accurate information by the deadline. The average quality score is 46%, indicating that less than half of the required information was received by the deadline. Overall,

¹⁶ See section 4.3 for the scoring criteria.

patterns in Figure 3 are very similar as those in Figure 2, and the correlation between the two measures is .66.



5.2 STATISTICAL MODELLING

I next investigate these patterns via statistical modelling, taking each hypothesis in turn. While traditional fiscal federalism theory and an albeit-limited evidence base from FOI theory expect local governments to be more responsive than the center, Hypothesis H1 proposed that any purported tier effects would be overwhelmed by heterogeneity at the organizational level. Using Probit regression for the binary variable (*timeliness*) and a linear model for the continuous variable (*quality*), Table 3 summarizes the relationships between the central and local tiers (the devolved tier is also shown but not analyzed until the discussion of Hypothesis H3). Model 3A shows timeliness and model 3B quality; local government is the reference category. These results find no evidence to support fiscal federalism/FOI theory; instead, central government performance for both the timeliness and quality measures is not different from local government at any

conventional level of significance. Importantly, the R-squared reported in this and subsequent models are small, indicating large unexplained heterogeneity.

Table 3 Responsiveness Measures for Devolved and Central Tiers versus Local Tiers

	Timeliness (3A)	Quality (3B)
Devolved	0.112*** (0.044)	0.125*** (0.03)
Central	0.057 (0.043)	0.024 (0.028)
Constant		0.424 (0.015)
Model	Probit	OLS
Observations	812	812
(Pseudo) R-Squared	0.03	0.023

*Notes: (i) Probit results converted to marginal effects using the observed values method (Hanmer & Kalkan 2013). (ii) The reference category comprises local government bodies. (iii) Robust standard errors in parentheses. (iv) *p≤0.1, **p≤0.05, *** p≤0.01*

To corroborate this absence of tier effects as theorized in hypothesis H1, Table 4 tests for any territory-specific effects in the central-local relationship by disaggregating the coefficients and marginal effects into associations for local government bodies in each of the four territories of UK. Model 4A shows timeliness and model 4B quality; central government bodies are the reference category. In general there is no difference, except that Northern Ireland councils are less likely to always respond at time, significant at the 5 percent level. Although English councils are less responsive than UK central bodies, this association is of small magnitude and just outside statistical significance at the 10 percent level. Except for Northern Ireland, this evidence again rejects traditional assumptions that local governments might be associated with improved performance.

Table 4: Local Government responsiveness across the 4 UK territories versus Central Tier bodies

	Timeliness (4A)	Quality (4B)
Scottish Local Government	0.928 (0.095)	0.038 (0.059)
Welsh Local Government	0.058 (0.112)	-0.026 (0.064)
Northern Ireland Local Government	-0.275** (0.108)	-0.023 (0.067)
English Local Government	-0.062 (0.044)	-0.030 (0.029)
Model	Probit	OLS
Observations	630	630
(Pseudo) R-Squared	0.012	0.004

Notes: (i) Probit results as Table 3 (ii) The reference category comprises central government bodies. (iii) The Greater London Authority is classified as part of English local government.

I next consider hypothesis H2 and the role of capacity in influencing responsiveness. As discussed in section 2.3, there are large numbers of possible proxies for capacity and Table 5 considers three of these for the **timeliness** measure (the **quality** measure is shown in online Table A1). The first three territory dummies shown in model 5A represent the broader measure, namely smaller cuts to local government budgets between 2010-11 and 2014-15 in Scotland and Wales compared with England. The next two continuous variables included in model 5B show the narrower proxies using local government financial resource data for 353 local governments in England. These variables represent the **percentage change** in the body's central services budget ('back-office' functions) between 2010-11 and 2014-15 and the log of the body's **total** budget for central services in 2014-15.

Models 5C, 5D and 5E regress the timeliness and quality scores on the additional socio-economic and political variables outlined in section 4. Models C and D show *LogPopulation* and *LogGVA*; Model E shows party political control dummies for *Labour* and *Conservative*) and *the average Effective Number of Parties represented on the council over 16 years* (as a proxy for political competitiveness). Model 5F presents the full model.

Table 5: Local Government Responsiveness to FOI Requests – Average Marginal Effects from a Probit regression (Timeliness Measure)

	Timeliness (5A)	Timeliness (5B)	Timeliness (5C)	Timeliness (5D)	Timeliness (5E)	Timeliness (5F)
Explanatory Variable						
Scotland Locals	0.154* (0.091)			0.156* (0.090)	0.196* (0.106)	0.203** (0.096)
Wales Locals	0.119 (0.109)			0.101 (0.112)	0.142 (0.115)	0.132 (0.115)
NI Locals	-0.212** (0.105)			-0.185* (0.111)		
Capacity: % Change in Central Services budget, England only		0.013 (0.084)				
Capacity: Log Central Services budget, £, 2014, England only		0.046 (0.036)				
Log Population			0.167** (0.080)	0.063* (0.032)		0.047 (0.035)
Log GVA				-0.103 (0.074)		-0.098 (0.079)
Labour					0.150 (0.097)	0.124 (0.099)
Conservatives					0.125 (0.100)	0.124 (0.101)
Effective Number of Parties (16-yr Average)					0.011 (0.053)	
Pseudo R-squared	0.01	0.004	0.04	0.02	0.01	0.02
Number of Observations (iv)	433	353	433	433	407	407

Notes: (i) Probit results as Table 3. (ii) The reference category comprises local government bodies in England. (iii) Delta-method Standard Errors in Parentheses, * $p \leq 0.1$, ** $p \leq 0.05$, *** $p \leq 0.01$. (iv) Because the party control variables have no relevance in Northern Ireland's party system, the Northern Ireland local dummy is excluded from Models 5E and 5F.

Model 5A shows results for local government responsiveness in the four territories of the UK without controls. Although territory does not explain the quality of an organization's responses (online model A1A), for the timeliness score (model 5A) Scottish councils were 15 percentage points more likely to always respond on time than English councils (significant at the 10 percent level), and Northern Ireland councils 21 percentage points less likely to respond on time than English councils (significant at the 5 percent level). That Scottish councils perform better is consistent with the ordering predicted for hypothesis H2. The coefficient for Welsh councils is positive relative to English councils, although the relationship does not reach conventional levels of significance.

In contrast, for the more granular measures of capacity (model 5B), modelling does not corroborate hypothesis H2 that governments subject to greater capacity challenges would be associated with poorer responsiveness – the marginal effects reported here lie far outside significance. Investigating the alternative factors proposed in the literature, and for the *timeliness* measure, a larger log population is associated with greater local government responsiveness at the 5% level as a standalone variable (model 5C), an association which remains significant but at the 10% level in the fuller models 5D and 5F.¹⁷ In contrast with timeliness, neither territory nor socioeconomic factors have

¹⁷ In Appendix Table A1, population has no association with response quality, but *Log GVA* has a small (negative) effect at the 5 percent level as a standalone variable (model A1C) and in the full model (A1F), indicating that higher area incomes are associated with *lower* quality responses.

explanatory power for quality scores (online model A1). None of the political variables shown in model 5E are significant.¹⁸

A final hypothesis, H3, anticipated that ‘new politics’ intermediate-tier institutions in Scotland and Wales would outperform Northern Ireland’s conflict-resolving institutions that are lineal descendants of an older, more secretive government apparatus. Returning to Table 3, there is strong empirical evidence that territory matters: the top row corroborates the descriptive means in Figures 2 and 3. Devolved governments and their agencies are 11 percent more likely to respond on time and have a 13 percent higher quality score than UK local governments, both significant at the 1 percent level.

Table 6 disaggregates this combined devolved-tier effect into separate results for Scotland and Wales; Northern Ireland is the reference category. These findings are stark: the Scottish Government and its agencies are 34 percent more likely to respond on time and have a 20 percent higher quality score than their Northern Ireland counterparts, both significant at the 1 percent level. Although there is no difference in quality, Wales’ devolved bodies are 21 percent more likely to respond on time, significant at the 5 percent level and again in the direction anticipated by hypothesis H3.

¹⁸ For the timeliness measure, Labour and Conservative as standalone variables are both positive; in fact, the Labour dummy significant at the 5% level. But this is a Northern Ireland party system effect: once Northern Ireland is included as a control variable the association vanishes.

Table 6: Responsiveness by Devolved-Tier Bodies in the UK

	Timeliness (6A)	Quality (6B)
Scotland Devolved	0.335*** (0.063)	0.203*** (0.058)
Wales Devolved	0.205** (0.092)	-0.087 (0.075)
Model	Probit	OLS
Observations	182	182
(Pseudo) R-Squared	0.08	0.07

Note: Probit results as Table 3, Northern Ireland is the reference category.

Again, the low measures of fit for models 6A and 6B provide evidence of large heterogeneity at the organizational level that has not (and probably could not) be captured in large-*N* data. Nevertheless, the strength of these coefficients and marginal effects suggests that hypothesis H3 appears a closer explanation of performance across the UK's territories than administrative capacity constraints or 'first generation' fiscal federalism theory. While quantitative data is unsuitable for *direct* tests of institutional culture, there are a number of contemporary cues suggesting that such influences may affect the markedly different findings between Northern Ireland and Scotland. In June 2015, the Northern Ireland Department of Finance and Personnel was served with the first Enforcement notice of its type by the Information Commissioner's Office, and a series of media reports from this period suggest a climate of non-transparency permeating from the very top of the department:

“[The Department of Finance and Personnel] *censured for refusal to answer FoI requests*” (Belfast News Letter, 2 February 2015)

“*Stormont department ignored FoI request for almost four years*” (Belfast News Letter, 9 June 2015)

“*Alarm over Stormont special advisors vetting FOI requests*” (Irish News, 1 September 2016)

“*Stormont admits: We’re now massively less transparent than under direct rule*” (Belfast News Letter, 20 June 2015).

In contrast, in 2016, the Scottish Government became one of the 15 founding subnational government participants of the Open Government Partnership (OGP 2016). Importantly, Northern Ireland’s poorer responsiveness cannot be explained by a different regulatory environment or a weaker capacity for public responses than the other devolved governments. Northern Ireland has the same legal Freedom of Information arrangements as England and Wales, and despite a smaller population, 55 press officers were employed by the Northern Ireland Executive in 2016, compared with 45 by the Scottish Government, 21 by the Welsh Government and 54 by the Republic of Ireland government (*Irish News*, 23 September 2016).

Secondary evidence of the importance of institutional histories can be derived from the equally poor performance by Northern Ireland’s local councils for the timeliness measure. In section 3.3., I argue that characteristics of local government in the province – sectarian partisan competition and historic discrimination by some councils in employment and housing – are directly connected with Northern Ireland’s history of conflict. That Table 4 shows Northern Ireland’s councils to be significantly (and uniquely) less timely in their responsiveness than their counterparts elsewhere again points to the importance of institutional culture in subsequent responsiveness. FOIs

submitted to local councils are directly associated with post-conflict sensitivities because of their capacity to reveal information that could (in a local council's view) undermine that organization's authority with respect to one side of the nationalist/unionist divide.

If markedly different responsiveness both *between-* and *within-* the tiers of government in the UK is reflective of individual- and organizational cultural biases with respect to openness, this is an important result for the government administration literature that would open up a research agenda where new hypotheses could be developed and tested with qualitative methods.

6. CONCLUSION

Over the past three decades of academic inquiry, classic decentralization theory – the “idealized notion of decentralized governance as fostering all things wonderful” (Wibbels 2006: 169) – has been challenged and subsequently replaced by more cautious, context-specific explanations that focus instead on the ways in which institutional settings shape the incentives of public actors. In place of ‘tier effects’, these recent contributions suggest a number of cross-cutting correlates of improved responsiveness, including officer-level variations in attitudes towards transparency, capacity constraints, cultural orientations of institutions towards (or away from) greater openness, and other socio-economic and political correlates such as area populations, local per capita incomes, ideology, and political competitiveness.

To investigate these potential correlates of responsiveness, I take advantage of the UK's comprehensive FOI legislation and intermediate-tier governments established for entirely different foundational motives to undertake an innovative large-*N* research

design. Sending two FOI requests to a universe of 812 UK public bodies with an executive function, I construct two objective measures of the timeliness and quality of an organization's responses from a large database.

Extensive statistical analysis does not corroborate the theorized associations between responsiveness and most of these correlates, excepting limited evidence for population (with respect to the *timeliness* measure) and area incomes (*quality* measure), and stronger evidence for the importance of within-tier variation with respect to institutional openness (hypothesis H3). The models report a high degree of heterogeneity in FOI responses, perhaps reflecting evidence of variation in the biases and experiences of responders or local political leaderships, or hidden practices to circumvent full compliance with FOI legislation that are extremely difficult to identify in either quantitative or qualitative research (Roberts 2005).

Apart from heterogeneity, the best fit in the statistical modelling appears to be the third hypothesis which drew attention to the importance of foundational underpinnings in inclining institutions towards – or away from – greater openness. There is substantial variation between the UK's devolved governments: Scottish bodies performed significantly better than their Northern Irish counterparts where transparency concerns rank below conflict resolution as the primary political objective for the devolved institutions. Although evidenced by large coefficients and marginal effects in the expected direction and indications from contemporary FOI developments in Northern Ireland, this hypothesis cannot be definitively confirmed because cultural biases such as these cannot be directly measured by large-*N* quantitative data. Additional qualitative

work would be required to corroborate the connections between institutional cultures and responsiveness as developed in this article.

If institutional cultures dominate, it is an important result that coheres with recent evidence in the literature that progressive transparency and anti-corruption reforms have inconsistent results in different country, regional and cultural settings. First, the apparent importance of institutions' cultural orientations towards openness aligns with evidence summarized in Lieberman (2018) that quality is strongly affected by local social structures and institutions, with improved results found where institutions are designed to help connect citizens to government officials. Second, notwithstanding the UK's FOI legislation that imposes equal requirements on all public bodies, government responsiveness was clearly not equal across the four territories of the UK. This replicates in an OECD setting a result found in other case countries, namely that transparency reforms are insufficient on their own, and that positive results for accountability require a broader-based process of public or societal engagement where the public rises to the challenge of monitoring the work of government (Bauhr & Grimes 2014). Absent such engagement and institutional trust, increased transparency has even been found elsewhere to demobilize citizens from the political process (Chong et al. 2018).

Of course, other explanations are possible. In addition to substantial unexplained variance, Northern Ireland's local government indicators improved between the timeliness and quality scores. There is also little difference between the tiers for the quality measure in general. This study also left unanswered whether the annual volume of FOI requests may affect an organization's performance.

But that such a comprehensive field experiment could not find evidence of the theorized correlates of responsiveness poses a significant challenge to the fiscal federalism and emerging FOI literatures. Far from an incidental side benefit, the assumed connections between accountability, transparency and responsiveness and decentralized forms of government have been “central to the motivations of real world reformers” (Faguet 2014: 2). To investigate these assertions this article employed a research design that drew from the UK’s comprehensive FOI legislation and significant institutional variation to measure the responsiveness of more than 800 public bodies across three tiers of government. Given that it is hard to imagine an alternative design that would allow these claims to be tested in an equally-replicable manner, this absence of empirical confirmation poses a serious challenge to the more fundamental claims about decentralization that have informed both academic debate and real-world practice.

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