

Liberal Democrat Consultation Paper

**Review of the Liberal
Democrat policy process**

Consultation Paper 120



Autumn Conference 2015

Background

This consultation paper is designed to stimulate debate about the party's policy processes and suggestions for a distinctly Liberal Democrat approach in this area. The Working Group has identified key questions it would like to discuss but we also welcome thoughts and suggestions on any other important issues not covered in this paper.

Comments on the paper should be addressed to: Steve O'Neil, Policy Unit, Liberal Democrats, 8 – 10 Great George Street, London, SW1P 3AE. Email: steve.oneil@libdems.org.uk.

Comments should reach us as soon as possible and no later than 9 November 2015.

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1. Introduction

1.1 Unlike many other political parties in Britain, the Liberal Democrats trust their members to debate and decide the policy of the party – the positions the party takes and fights elections on. The system we use now for making policy was established in the 1990s, not long after the party was founded, and would now benefit from a comprehensive review and updating.

1.2 This paper aims to aid discussion about how the party's policy-making process might best develop from 2015, by:

- Setting out the existing process.
- Highlighting some weaknesses of the current system, and some strengths which we want to try and keep.
- Suggesting some specific new approaches for consideration.

2. The party's current process for making policy

2.1 The party makes policy in order to set out our priorities and our view of the things we would like to achieve.

2.2 People join parties for many reasons, but many join the Liberal Democrats because they would like to engage in discussion about what we would like to achieve, and then to help bring that about.

2.3 The formal policy-making process of the UK, or federal, party is set out in full in the party's constitution. Briefly, the party currently makes statements which are seen as party policy in several different ways.

2.4 The core of the federal party's policy-making process is through approval of a policy motion by party conference, which is held twice a year. Any local party, group of 10 conference representatives or some party groups (SAOs) may submit a motion, and the elected Federal Conference Committee (FCC) makes a selection for debate at conference from among those submitted, on the basis of quality of the proposal and drafting, the importance of the topic and how it fits into the party's current policy-making agenda, and its view of the appetite of the party for making this policy. Motions selected are debated fully at conference, usually together with some proposed amendments. The party's general support for discussion with relevant groups prior to motions being debated at conference means that most motions which reach conference are approved, although there is often heated debate on specific points, which are frequently rejected in a vote.

2.5 This route currently offers even very small groups within the party the opportunity to propose formal party policy on reasonably

specific topics, as long as they organise themselves effectively and the topic is judged of sufficient importance by FCC.

2.6 The Federal Policy Committee (FPC), most of whose members are elected by conference representatives, has overall responsibility for co-ordinating development of policy. It does this in large part through preparing policy papers for debate by conference – usually about six to eight a year, on quite broad subject areas such as Education, the Environment, or Taxation. Preparation of draft papers is usually carried out by working groups appointed by the FPC. Working groups typically contain about 15-20 party members, mixed between those already somewhat familiar with policy-making, and other party members, usually with specific relevant expertise or knowledge. Working groups typically take about a year, including a range of consultation mechanisms within the party to engage members, to draft a substantial policy paper which is then amended and approved by FPC and submitted to conference in the same way as other motions. Each policy paper is typically preceded by a short consultation paper for preliminary discussion within the party. Given this process of consultation, it is rare for whole policy papers to be rejected by conference, but specific points, often very high profile, are often hotly debated and may well be rejected on a vote.

2.7 Since 2005, FPC has usually commissioned at the start of each Parliament a substantial review of how the party's existing body of policy measures up against our needs, and mapped out a plan for future development in key policy areas during the Parliament, which forms the basis of much of the programme of the working groups.

2.8 This route allows the party to involve members, relevant spokespeople and external stakeholders in making policy in some of the biggest and most important policy areas.

2.9 Party spokespeople in both Houses of Parliament, and sometimes elsewhere, make decisions about policy positions they will adopt. Although not formally party policy, they are often widely seen externally as such, and some take the view that what the party votes for or against in forums such as the House of Commons is as important as formal party policy status.

2.10 The speed required in responding to policy developments, particularly to government announcements, and the need to go into considerable detail, particularly in debating legislation, means that it is inevitable that spokespeople will make policy decisions on specific questions that have not been considered by party conference. It is however important both that they do so within the general framework of policy in that area already agreed by the party, and that they therefore have the opportunity to contribute fully to the initial creation of policy through conference. Spokespeople often submit motions of their own for debate at conference. In general this works fairly well, and notably better than it has done at various points in the past.

2.11 This mechanism allows the party to respond at speed to specific policy developments, as long as there is a close relationship between spokespeople and formal party policy-making structures.

2.12 The process for agreeing the party's manifestos for general elections is that the FPC usually oversees a process for consulting widely and then drawing up a draft 'pre-manifesto', which it submits to conference usually at the autumn prior to the election (sometimes this is preceded by an even shorter 'themes' paper). This is subject to debate and vote. The final manifesto, based on the pre-manifesto, is finalised by the FPC and published at the start of the election campaign. Its actual content is based heavily on the existing body of party policy, with much of the work in its creation being on the detail of selection and presentation of existing policy. There are usually a

few areas in which the manifesto further develops new policy, always in line with existing agreed approaches.

2.13 This route allows the party to consult very widely across the party and over time on the manifesto, and then to finalise and publish in response to immediate developments. The procedure for European Election manifestos is similar but shorter.

3. Strengths and weaknesses of the current system

3.0 There are some aspects of the current process which seem to work quite well, and we may want to try and ensure we retain, and build on, in making any improvements. However there are also a number of features of the existing policy process which it would be sensible to try and improve, in particular to engage a much larger proportion of our members in policy discussion. Among other benefits, this could help to improve membership retention.

3.1 Engaging party members

3.1.1 FPC and working groups meetings tend to take place in London, primarily because this is where MPs and peers and party staff are based during the week. For those travelling from elsewhere, London is also one of the easiest places to get to from anywhere else in the country. Although discussion is possible remotely, the experience of many is that substantial in-depth and sometimes lengthy discussion of detailed policy issues by quite a large group of people is often much easier face to face. However the nature of London-based meetings, and the consequent inevitable travel challenges mean that volunteers to participate in these groups are significantly distorted towards the South East of England. This has been recognised for a long time, with various attempts made to address it through mechanisms such as more use of videoconferencing and email which have made some improvements, but not substantially tackled it.

3.1.2 Many of the usual under-represented groups, including women and ethnic minorities, and people with substantial caring responsibilities, are indeed often under-represented in policy-making. This is probably not worse in policy-making than it is for other areas

of the party's activities, and indeed policy working groups offer much better gender, ethnic and some other balances than would be the case if policy-making were left to the groups of MPs (even before this year's General Election result), peers or other bodies. The FPC invariably gives much focus to improving the demographic balance of participation in policy-making, but this is still an area which needs an improvement. Again, the major challenge here is identifying relevant people to engage.

3.1.3 The party has a large range of interest groups around particular issues, notably Specified Associated Organisations (SAOs) and Associated Organisations (AOs), often with substantial expertise and enthusiasm to offer. However engagement between these groups and formal party policy-making is intermittent. SAOs do have some formal rights, including the power to submit motions for conference and nominate members of relevant working groups, which when exercised are observed and welcomed. However groups may find some aspects of the policy process difficult to engage with, and SAOs and party policy would both benefit from them being more closely involved.

3.1.4 Among the party's membership is a strong scattering of independent experts in particular policy areas. The party often struggles to engage them: although politically-neutral policy expertise should not wholly guide our politics and policy-making, it can certainly greatly help it. The challenge here is not opposition to making use of these kinds of experts, but identifying them, persuading them it is worth it, and finding the right slot for what is sometimes quite specific expertise.

3.2 FPC, policy working group and policy paper process

3.2.1 The party's policy statements, when produced, do usually have the great advantage of having pretty wide buy-in from across the party, with relevant interest groups having the opportunity to highlight issues and contribute to development of the policy prior to its publication. This is particularly true when compared to other parties. Being the subject of a clear vote at conference often means that the losing side, even though they will continue to disagree, accept that the outcome is the party's legitimate position.

3.2.2. This 'deliberative' approach to policy-making that we follow, in which policy is developed in discussion with all relevant people and perspectives, and with enough time to do so properly, before being written and put to conference, is valued by many. This means that our policy is generally robust and well thought through, with potential pitfalls or unintended consequences being identified and addressed prior to publication. While this still allows conference to vote on points where there is a genuine difference of opinion, it means that it only does so where this is really the case, and on well developed options.

3.2.3 Since 2005 the FPC has started each Parliament by commissioning a significant exercise to review the challenges facing the country, how the party's body of policy matches up to that, setting out some key principles of policy development and then a programme for working groups in major areas through the rest of this Parliament. The third such exercise, 'Agenda 2020', is now under way. These exercises have not been perfect, but they have provided a level of coherence and guidance to policy development which did not exist before. Specifically the programme for future policy development may need to be less rigid than was the case in the 2010-15 Parliament, but is certainly an improvement of FPC's

previous much more ad hoc approach to commissioning policy papers.

3.2.4 The existing process for policy papers takes between about 12 and 18 months from initial idea, through agreement by FPC, agreeing a remit, and recruiting a chair and membership of the group, the group taking evidence from experts and interest groups, and carrying out its work, consulting the party at federal conference and often regional and state conferences and through other mechanisms, to final agreement by FPC, publication in time for reps to consider it and submit amendments, and approval by conference. There is some reason to believe that there is a trade-off between the extent of engagement in the party and speed. However, in a 24 hour news environment, this timing means the process cannot deliver decisions in time to inform the pronouncements of party spokespeople in response to events.

3.2.5 The pattern of working through most major policy areas through a working group one per Parliament means that for someone interested in a particular policy area it may be several years before a relevant working party comes round, which is not a great way of involving people.

3.2.6 In recent years most working groups have usually been supported by a staff member in the party's Policy Unit, or occasionally elsewhere, albeit often shared between two groups. This has been an important part of their working model, and not unimportantly, of the terms under which prospective chairs have been willing to agree to take on that role. This support has been less since 2010, and it is currently unclear what support will be available in the current Parliament. While staff support has not always been present in the party's history, it is undoubtedly the case that its absence makes the work of a substantial policy group more difficult, and requires a different way of working to the present.

3.2.7 FPC is actively engaged with working groups, holding a full discussion with the working group chair at the start and then regular updates during their work has meant both that working groups have been better able to understand what FPC wants and give it to them, and also to bridge much more effectively the potential gap between good politically-neutral policy, and the political objectives that the party needs in a particular area.

3.2.8 The work of policy working groups does not engage as many party members as we would like to, with most groups actually having genuine engagement with no more than a few hundred party members at most. This is generally not because of lack of initiatives carried out by groups specifically to achieve this. Recent initiatives include debates at up to a dozen regional and state conferences, webcasts with Ministers to discuss the topics, emails with a short questionnaire to all party members, articles on Lib Dem Voice and elsewhere, packs to support discussions at Pizza and Politics-style local party events, and offers of speakers. However this clearly does not often succeed as well as we would like it to.

3.3 Policy making at federal conference

3.3.1 For any party member who is actively enthusiastic to become involved in policy discussion and contribute to making it, there are a large number of opportunities for them to do so. This includes especially federal and regional and state conferences, but also numerous policy consultations, interest groups, local events, and online locations.

3.3.2 However individuals and groups which are not 'the usual suspects' sometimes find it difficult to get motions accepted for debate at conference. There may be three main reasons for this.

- a) Firstly, some topics are simply too specific ever to be likely to find a place in limited time for conference debate. Addressing this would need a process for policy-creation completely outside a conference-based process. On the other hand, taking forward very specific suggestions may be best achieved through a conversation with a relevant spokesperson and formal status as party policy may not make very much difference. Alternatively, such specific suggestions are often included in a relevant policy paper.
- b) Secondly, submitted motions are often simply inadequately drafted. There is no reason for this to be a barrier: a service exists and is advertised with submissions information for helping anyone who wants to submit something to turn it into a suitably-drafted motion.
- c) Thirdly, prospective motion submitters sometimes simply don't know what it is they are trying to say. Again, party policy process insiders are available to talk this through with them, but beyond that there is probably not much we can do. It may be worth noting, however, that prospective submitters in this category do sometimes experience frustration.

3.3.3 Participation in the final debates at conference is limited to those who are available to attend it. Although members could attend only one specific debate if they wished to, attendance at a whole autumn conference means up to five days away from home, and is unlikely to cost less than £500. This clearly excludes a large number of party members. In support of the conference approach, debates offer a structured and in-depth opportunity for all sides of the debate to engage with each other, which, is important for the quality of debate and for policy. Conference of course also has many other benefits than policy-making – it is one of the party's main opportunities for press coverage, it generates income for the party

(through fees paid by outside organisations who attend), and it delivers campaigning training and valuable networking and morale-boosting opportunities.

3.4 Spokespeople

3.4.1 In recent years there has been much better co-ordination between some of the different groups in the party who each want to lead on developing policy in a certain area. There has been regular active dialogue between Commons spokespeople and FPC and occasionally Lords spokespeople. The formation of departmental Parliamentary Party Committees (PPCs) in 2010, which brought together not only backbench MPs and Peers, but also usually FPC representatives, together with other key groups such as the LGA, to discuss policy development in that area every week or two while Parliament was sitting, was a significant step forward. The PPCs structure may not exist in the same way in this Parliament (these structures were devised partly to provide a forum through which ministers could engage with the party), but it should be important not to lose the regular policy dialogue between stakeholders inside and outside Parliament. In particular FPC's practice of designating usually two members to engage with each departmental area, may be worth retaining.

3.4.2 In recent times the party has had a sufficient number of MPs to operate a full system of spokespeople covering all major government departments, who have led for the party speaking in the Commons, in discussion with Lords, and to interact with party bodies such as FPC as well as external stakeholders. Tim Farron has brought a wider range of people in as party spokespeople drawing on the Lords and non-parliamentarians as well as MPs. The evolving new structures will necessitate some work in identifying how best FPC can engage with Party spokespeople.

3.4.3 It is not unknown for there to be frustration at policy announcements being made by party spokespeople, sometimes on high profile issues, which are reported as policy, but which have not been agreed by the party and some may think would not be. This is an issue the FPC and spokespeople have often addressed and is perhaps currently better than it sometimes has been, but which does recur. From a media profile perspective, the open and consultative nature of the process also means that changes in party policy are rarely 'news' in media terms by the time they are formally agreed. The process could even in fact be said to be designed to stop this happening, but there is a clear trade-off here with gaining media coverage for the party.

3.5 Other

3.5.1 An ongoing challenge is to ensure that the policy and campaigning elements of the party work together as effectively as possible. Our campaigns should be heavily informed by our policy priorities, and our policy should also be developed in awareness of how we may want to campaign on them. This is also important for engaging members, who are often most likely to be engaged in both when they see the connection between them. Historically very separate, the party has become much better at linking them in recent years, but many members' experience remains of two fairly separate sets of activities.

4. Ideas for further development

4.0 Several ideas have been already put forward for possible ways in which the party could address some of the weaknesses mentioned above, and in particular engage more members and local parties in discussing policy. These options are mostly not mutually exclusive – the party could do most or none of these, in any combination.

4.1 Standing panels

4.1.1 One suggestion has been the creation of standing panels in policy areas, similar to those which the pre-merger Liberal party operated. The purpose, composition, methods of working, and outputs of such groups should be the subject of further discussion, but they could take their purpose as simply the co-ordination of policy development in a particular, probably a departmental, area, across all relevant stakeholders associated with the party. They could comprise about 20 people, either perhaps appointed by the FPC on the basis of applications from party members, or elected by some group (perhaps conference representatives). Their outputs could be submitting occasional motions to conference, although if they were formed across all policy areas then they would probably be unlikely to have a motion selected for debate more than once every year or two. They could possibly fulfil the role of FPC working groups, although they would be unlikely to be asked to do this more than perhaps once over the course of the five-year Parliament. They could also provide advice to Peers and MPs in their Parliamentary work; a discussion with those groups to identify whether that would be helpful to them will be important.

4.1.2 Considering the possible weaknesses of our current system that we would like to address, an advantage of these groups could be that they would help to co-ordinate policy across different stakeholders. An important condition for their success would be that

they would need successfully to engage relevant spokespeople in Parliament, especially Lords, and relevant others such as the LGA. They would not however achieve noticeably wider engagement across the party. They would reinforce centrality around wherever they met, which would be likely to be London. It is unclear what staff support, if any, would be available to help them work effectively.

4.2 Online communication

4.2.1 A second suggestion for a new approach to policy-making is making much greater use of online communication. Again, there should be further discussion on possible detailed models, but a possible model could be forums in major departmental areas (so one on health, another on foreign affairs, etc), which allowed all party members to participate in discussion there. To ensure that these remained sufficiently high quality and avoid some familiar difficulties of online discussion, some strong leadership of these would be important. One approach might be that, say, the two FPC members designated to shadow, say, home affairs, should take a leadership role in posing questions to such a forum and periodically rounding up views that seemed useful and presenting them to groups such as MPs, Peers, FPC, and perhaps (through motions) conference. Alternatively they could be run by the standing panels suggested above.

4.2.2 Such forums could be seen in this model as not a policy-making grouping, but strictly a consultative discussion area, from which any members could draw ideas and material which they might want to put forward through the formal policy-making structures. If managed well, they could be a useful conduit for those with useful ideas or expertise to contribute, to exchange with those in Parliament and party bodies, as well as for a wide range of party members who want to engage in policy discussion in policy areas to do so, irrespective of geography.

4.2.3 Clearly such an approach would require participants to use the internet. An informed rough estimate suggests that this might exclude about 10% of party members. A view would need to be taken about whether this would be seen to be acceptable; as an exclusion rate this compares extremely favourably with some of our existing mechanisms.

4.2.4 This kind of approach could address some of the main gaps identified in the current policy process, especially around wide and geographically spread engagement of members. If we go down this route, we should take steps to ensure that it is done in a way which would be attractive to traditionally under-represented groups. Even if led by FPC members, it would be likely to require some staff resource to support, which would require some working through.

4.3 Parliamentary Party Committees

4.3.1 In the 2010-15 Parliament a system of 'Parliamentary Party Committees' (PPCs) operated, shadowing each of the major government departments, and bringing together any MPs and Peers interested, with representatives of FPC, the LGA, party staff and other relevant stakeholders. As far as detailed Parliamentary speaking for the party goes, it seems very likely that in this Parliament the Lords group will pick up much of the day to day heavy lifting which in the past has been done by MPs. However there is no reason why these bodies could not continue to exist in the 2015-20 Parliament, albeit with a much lower Commons membership. MPs were only one, if an important, component of them in the past. These would need to be led by the Lords, and so clearly would be dependent on their interest in doing so.

4.3.2 Although in many cases the PPCs worked well in the 2010-15 Parliament, some PPCs did limit their value in policy co-ordination by

excluding non-MPs and Peers from key policy discussions, either explicitly or by making particular working arrangements. If these are continued, these issues should be addressed.

4.3.3 Since these have already existed, continuing these would not further address any of the challenges identified above, and clearly they do not significantly broaden participation in policy discussion across the party.

4.4 Other ways of engaging members in policy

4.4.1 A further suggestion made has been putting policy decisions to a vote of all party members instead of by conference. Clearly this would expand member involvement in the policy decision-making of the party, and decisions could be supported by information provided to members (not every member may have a fully-formed opinion on, say, rail franchising arrangements).

4.4.2 Some important questions would need to be thought through about how this might work. Firstly, what would be the specific mechanism used for members voting? If it is proposed to do so online, this would exclude the small but not negligible number of party members who are not comfortable using the internet. This is probably more important for formal decision-making than it is for simply informal discussion. If it takes place by post (like the leadership ballot, for example), this would have implications for speed and cost. Secondly, how much policy decision-making should be done in this way? The case for all party members voting on, say, two or three headline policies, around which there could be much debate, is different from a case for making the kind of policy volume debated by conference being decided in this way. Thirdly, what would be the arrangements for discussing the different options prior to making a policy decision? At present this is done through debate

at conference, both formally in the auditorium where the different sides of key arguments are systematically put, and more informally among those attending conference. These are also supported by discussion among the submitters and the various party bodies prior to debate at conference. If policy decisions are made by all members, it would be important to find a way for pre-decision debate to take place, allowing the relevant sides of arguments to put their views forward. It is not in the interests of the party to have either party members with no real knowledge or interest in particular subjects making key policy decisions on them, or a very low turnout in such votes.

4.4.3 One option for resolving some of these challenges might be to allow party members to vote remotely through electronic means, on votes at the end of conference debates which have been live-streamed so that members can follow them. This could combine some of the advantages of holding a conference debate with the benefits of allowing much wider participation of members in policy making. Clearly this would be reliant on the use of appropriate technology, and taking a view on the exclusion of party members who for whatever reason are not able to access the internet.

4.4.4 The FPC and others responsible for policy development currently take a range of initiatives intended to engage members in policy-making. These are not wholly consistently applied, and are certainly not as successful as we would wish, although when used they do together probably engage several hundred party members to some extent in making particular policies. However they may provide some basis for improving or expanding them to engage more. These initiatives include events at regional and state conferences about current federal policy work, packs to support local discussions, and online discussions involving variously Lib Dem Voice, webcasts, and large-scale email surveys, usually centred around the work of a particular policy working group.

4.4.5 A more systematic and active approach to, say, encouraging policy discussions in local parties, supported by packs, and perhaps also a mechanism for reporting back the outcome to the federal (or state/regional) level could significantly expand the number of members engaged in policy discussion, as well as encouraging them to engage elsewhere through conference or online. Stronger local policy discussion could also be useful for strengthening local parties more generally too.

4.4.6 The FPC could also make a renewed effort to promote policy discussion at state and regional conferences, more systematically running sessions at them on working groups under way. It could also provide further support for state and regional conferences debating motions to then to submit to federal conference. These would need to be on nationally-relevant issues, as FCC would not normally take a motion on issues in only one region for debate at federal conference.

4.4.7 The FPC could provide further reports back on its work. Clearly the major outputs of its work are policy papers and motions which go to conference, together with General Election and European manifestos every five years, which are published.

4.4.8 In addition, at present it provides a report on its current and future planned work to conference every six months, plus a report on each meeting (usually about every month). Despite the best of intentions those post-meeting reports have been somewhat variable in their appearance and distribution. However, this has not resulted in a wave of complaints from party members, which suggests that what the reports were covering was not sufficiently interesting to be missed.

Review of the Liberal Democrat policy process

4.4.9 The package of measures to introduce one-member, one-vote (OMOV) for party committee elections and party conference include a requirement for regular reports from all the Federal Committees, the FPC included.

4.4.10 So in refreshing the regular reports, what should the FPC be including in them, how should they be distributed and should there be a mechanism for easy question and answer exchanges triggered by the appearance of each report?

4.4.11 It should be noted that formal votes on the FPC are not common; most decisions are taken by consensus.

4.4.12 As mentioned above, among our membership there are individuals with substantial policy expertise in specific areas, much of which is not known to the centre, especially of course among new members. FPC could take responsibility for comprehensively surveying members to identify them, to encourage these individuals to participate in various forums for policy discussion, including working groups.

4.4.13 FPC could make more frequent use of its reserve power to make 'interim policy' on behalf of the party, between conferences. To date FPC has done this on only very rare occasions indeed, in highly exceptional circumstances. FPC making interim policy more frequently would have the advantage of being speedier than conference, as FPC tends to meet approximately monthly, and involve a wider group than simply the spokesperson. However this would still not be swift enough for 24-hour news cycles. Other arguments made against FPC doing this more frequently are that policy-making for the party is properly the role for conference, not FPC; it could create confusion if FPC said something different from what conference had previously said; and that spokespeople are effectively accountable to the next conference anyway since if they

diverge from the party's position then there will be a motion at the next conference re-asserting it.

5. Questions

- 1. How can we involve a much larger proportion, and a much more diverse range, of our members, in policy discussion within the party?*
- 2. How can we best encourage informal policy discussion to be much more widespread in local parties?*
- 3. Is it as easy as it should be, for a new member wanting to participate in policy discussion, to do so? If not, what we can best to do make it so?*
- 4. What practical ways can we use to make some policy discussion, especially working groups, much less South East-centric?*
- 5. What are the best practical ways to make use of modern technology to engage many more party members, and more frequently?*
- 6. Do we need to make formal party policy-making procedures more visible to members? If so, what are the best ways of doing that?*
- 7. How can we make engaging in policy discussion, in whatever forum, more attractive to members?*
- 8. Should finding ways for all party members to be able to vote remotely, following live-streamed debates at conference, be a priority?*
- 9. Should the fundamental principles of conference making policy, supported by a policy committee, be changed? If so, how?*

10. How can we best ensure ongoing effective co-ordination between the party's formal policy-making structures, and MPs, Peers, MSPs, AMs and MEPs?

11. How can we best ensure effective joint working between the policy and campaigning wings of the party?

12. How can we ensure sufficient staffing resource to support policy making?

13. What else about our policy process is it important that we improve?