

Constitutional Options Analysis Framework

The core of the framework consists of a series of key issues which any constitutional model will impact. The Commission's intention is to:

- prepare a base analysis based on the framework, as objectively as possible and
- test the robustness of these initial findings when considered in a number of different contextual scenarios.

The final report will present the base analysis and any changes to this analysis which would be necessary in the different contextual scenarios. In considering the framework, it is essential to bear in mind that constitutional systems and structures cannot in themselves deliver specific policy outcomes. In a democracy, it is not inevitable that current values and assumptions will be shared by a future political party which comes to power through the ballot box.

While it is appropriate therefore to evaluate the extent to which the different options enable what the Commission (and a broader political consensus currently) might consider to be desirable outcomes, it is important to avoid any assumption that any option will automatically deliver such outcomes.

Analytical criteria

What would this option mean for:

The Commission's values

1. **Accountability** – how far there is clarity about where and by whom decisions are made and how those decision makers can be held to account. (8)¹
2. **Agency** – how far the people of Wales can exercise control or influence over the key decisions made in Wales that affect their lives and have confidence that Wales' voice is heard in decision-making at the UK level. (2,10)
3. **Subsidiarity** – how far does it ensure that decisions are taken as close as meaningfully possible to the people and communities they affect
4. **Equality and Inclusion** – how far does it ensure inclusion in the democratic process of all those who live in Wales and more broadly enable policies to be put in place which ensure equality of treatment and access to services for all the people in Wales.

From theory to reality

5. **External dependencies** - what would need to happen in terms of the agreement or goodwill on the part of institutions outside Wales to enable this option to become a reality, recognising that any outcome depends on negotiation.
6. **Capacity and cost** - what additional state capacity would Wales need to build (e.g. to manage policing and justice or welfare, or to ensure Wales place in the world was maintained and promoted), in order to make it a reality and what would be the net financial impact of developing this capacity, relative to the costs implied by the status quo and the other options for

¹ The numbers after each of the issues refer to the pressure points set out in the Interim Report

Analytical criteria

The tools to do the job of governing Wales

7. **Stability** – how far does it provide a stable and sustainable model for government in Wales in the long term (1, 7)
8. **Joined-up Government** – how far does it facilitate the necessary co-ordination between different policy areas and effective service delivery across the border with England (4)
9. **Public Finances** – how far does it provide for an adequate financial basis for maintaining and improving public services, relative to the status quo and the other options for change (5, 6, 9)

Impact on the economy and society

10. **Appropriate economic policies** – how far it is likely to enable macro- and micro-economic policies geared to sustainably meeting Wales' needs, including the needs of future generations (9)
11. **Economic stability** - how far (if at all) it risks destabilising the Welsh economy relative to the status quo and the other options for change. (9)
12. **Flow of people and goods across borders** - how far it enhances or inhibits individuals and businesses working effectively across the border between Wales and England and how it might impact on Wales' demographic challenge. (3)

Scenarios

As noted above, it will be important to ‘stress test’ the analysis against different potential scenarios.

The scenarios we envisage using for this second phase are:

A. Where there is major constitutional change elsewhere in Great Britain and Ireland i.e. Scotland votes for independence (and potentially rejoins the EU), reunification of Ireland

B. Where there is a UK Government with a significant programme of constitutional reform aimed at entrenching devolution and increasing regional devolution in England

C. Where a UK Government continues to use the supremacy of Parliament, without Sewel consent to make further changes which are perceived in Wales as undermining the roles and responsibilities of the Senedd and Welsh Government e.g. enabling the UK Government to intervene in health or education matters.

In addition, in the case of independence we will also consider the case where an independent Wales were to join the EU.

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