Frameworks, not politicians, run the UK government

By Marcus Coetzee, August 2026

Introduction

I have realised that the UK is run by frameworks. These are binding legal obligations, created by statute, treaty, or common law, that sit above ordinary politics. I use the term "framework" instead of "law" or "act" to indicate their far-reaching implications, and their ability to both direct and constrain the actions of political and government leaders, from both wise and reckless decisions. Laws and acts are generally understood to act more narrowly and vertically, with clear boundaries and mandates, and are easier to modify or uproot.

This essay shares key insights from my investigation into these frameworks. I chose to write this essay without political or moral bias, simply stating facts and influences. I've only mentioned the names of politicians and political parties when I've absolutely needed to, as this would detract from my message.

I'm especially interested in the frameworks that:

1. Have significantly limited, for good or for bad, the strategies and policies of the UK government, the regional devolved governments, and local authorities.
2. Have impacted efforts to grow and strengthen the economy and make it more resilient.
3. Have impacted the UK government's efforts to operate as a coherent whole, with a distinct identity, protecting the interests of citizens and residents, and being mindful of its longevity.

How frameworks work

Frameworks prescribe the boundaries within which government decisions can be made. They direct decision-making towards predetermined outcomes, regardless of cost, and regardless of whether elected representatives would have chosen that outcome themselves. Frameworks remove the ability of ministers, MPs, MSPs, and councillors to weigh competing interests and exercise judgement and discretion, replacing all this with a predetermined set of parameters and direction for action.

These frameworks impact all tiers of government: UK government, national and devolved governments, and local authorities. They also interact with each other and reinforce each other, and are often referenced or linked together.

Frameworks are a bit like training wheels on a bicycle for a child, except that they're welded on and never come off. They help prevent a child from falling over, crashing, going too fast, or turning too rapidly. They also inhibit a child's natural development, as they inhibit their ability to navigate obstacles and balance in more complex and challenging environments.

Frameworks impacting local authorities

My impression is that local councillors are more there to provide governance and oversight, and to act as customer representatives, rather than being able to significantly impact the strategy and decisions of a council. I've had several conversations with local councillors from different political parties in Scotland, often as part of a stakeholder consultation, and they've tended to be accessible and helpful. This is a stark contrast to my work in South Africa, where local councillors were largely inaccessible and had a reputation for corruption.

I have also heard or read of several cases where a group of newly elected councillors worked hard to balance a council's budget, eventually succeeding within the operating constraints, only for an obligation to a framework to appear and instantly bankrupt the council again. For example, national government might shift a group of people needing emergency housing to the local authority, or a court might rule that the equity of a job grading system means different, and unrelated positions, should be paid the same amount. Political opponents are then usually quick to point out on social media that the relevant political party can't govern effectively.

The income of councils is capped, but spending is an external obligation. Balancing the budget can easily become an impossible task, regardless of the level of prudence and efficiency. This is why the concept of a "bankrupt council," often used to show the incompetence of one political party or another, is meaningless without a proper interrogation of the facts.

Councils can't always use their judgement to weigh up the pros and cons of an action and take opportunity costs into consideration, because their choices are prescribed. This is what discretion involves, and what we assume councils should be able to do, but this is not always the case. A council sometimes doesn't have a range of reasonable responses to choose from; it has one lawful outcome, prescribed by a framework.

Here is a sample of six frameworks that impact the amount of discretion elected officials and local authority leaders in Scotland can exercise in their work. I chose to focus on Scotland since I live here, but much the same principles tend to apply in England, Wales and Northern Ireland. The frameworks are ranked subjectively according to the strictness of their constraints.

A. Homelessness duties — Housing (Scotland) Act 1987, as amended, and the Homelessness etc. (Scotland) Act 2003

Scotland abolished the priority need test for housing in 2012. This means that the statutory duty to provide accommodation now extends to all unintentionally homeless applicants, not just those in priority need categories. This makes Scotland's duty broader, and arguably harder for councils to manage, than England's equivalent rules, since there's no discretion at all over who qualifies, or who must be prioritised. Scottish councils do, however, retain some assessment discretion over whether an applicant is genuinely homeless or became so intentionally, but once those tests are met, the duty to secure accommodation becomes a fixed entitlement. This duty cannot be rationed by budget or relative need.

B. Children's social care - Children (Scotland) Act 1995 and Children and Young People (Scotland) Act 2014

Scotland's framework for looked-after children and child protection is underpinned since 2014 by the Getting It Right For Every Child (GIRFEC) approach. The same uncapped, individually enforceable structure applies. A council cannot ration protection for a child at risk based on budget. As of July 2025, a total of 11,824 children were being looked after by Scottish local authorities, according to the government.

C. Council tax control via Scottish Government funding settlements

The Scottish Government has repeatedly secured a national council tax freeze through its funding settlement. This happened over nine years from 2007-08 to 2016-17, and again in 2024/25, when councils were offered £147 million to freeze rates. This total sum was split into individual amounts for each council on condition that they froze their rates. Every council except Inverclyde froze; Inverclyde raised its rate by 8.2%, and the Scottish Government instead gave residents a compensating rebate to reverse the effect. Councils retain the legal power to set their own rate, but the Scottish Government uses its financial leverage to achieve much the same as a legal cap. This framework limits the income available to councils.

D. Additional Support for Learning — Education (Additional Support for Learning) (Scotland) Act 2004, as amended 2009

Local authorities in Scotland have a statutory duty to identify and meet the needs of children with additional support needs (ASN). Most are supported within mainstream provision without a formal plan, and a smaller number qualify for a Co-ordinated Support Plan (CSP), the individually enforceable duty a council must fund regardless of budget once granted. The number of pupils identified with ASN has nearly doubled in a decade to 43% of the school population, and councils spent over £1 billion on ASN in 2023-24. However, the statutory need is defined broadly, and only a small share of pupils hold the individually enforceable CSP. The duty to meet those broader needs remains compulsory, but without a CSP it isn't individually enforceable in court, giving councils discretion over how most of their £1 billion ASN spend is allocated, even though spending itself isn't optional.

E. Non-domestic (business) rates (set nationally by the Scottish Government)

Unlike England's locally-retained business rates system, Scotland's non-domestic rates is set centrally by the Scottish Government each year. The revenue is then pooled at a regional level and redistributed to councils. Since 2023, councils have been able to retain 50% of rates income they generate above an agreed growth target, a limited exception to the pooled system. This remains a different mechanism from England's retention framework, and Scottish councils still have far less local control over this revenue source than their English counterparts. Scottish councils cannot lower or vary the poundage to attract investment or retain a growing employer, since the rate is set nationally regardless of local economic strategy or income requirements.

F. Local Government in Scotland Act 2003 (Power to Advance Wellbeing)

This Act gave Scottish councils a Power to Advance Wellbeing. This is the ability to do anything likely to promote the wellbeing of their area - alongside a duty of Best Value, also from the same law. Scotland has never had a true general power of competence like

England, Wales, and Northern Ireland, and is currently consulting on introducing one. This Act was introduced specifically to give councils more room to exercise discretion, after decades of being strictly limited to statutes. However, this framework comes with its own built-in limits: it cannot be used to raise money through taxes or charges, or to duplicate the functions of another public body, or to override existing parameters.

The framework designed to expand council discretion is itself a framework bounded by other frameworks, unable to operate outside the limits Westminster and Holyrood have separately set. As a result, councils remain reluctant to rely on it for anything beyond their explicit statutory functions, for fear of legal challenge. COSLA and council leaders have pushed the Scottish Government for a stronger power to match the rest of the UK, but a 2025 consultation on the issue has not yet resulted in change.

Scottish councils also often deliver services through Arm's-Length External Organisations, known locally as ALEOs, which move some service-delivery decisions outside of direct political control.

Frameworks impacting devolved governments

There are also frameworks at the level of devolved governments, i.e. Scotland and Northern Ireland. Below is a sample of four frameworks that apply to Scotland, where I live. They limit the level of discretion MSPs and leaders in the Scottish government can exercise.

As a general principle, the power of devolved government is limited, since it must still adhere to UK frameworks and laws. However, devolved governments do have the ability to customise their efforts to suit the regional context.

The sample of four devolved frameworks are subjectively ranked by how much genuine discretion each removes from Scottish Government decision-making, from most to least absolute.

A. Section 29 of the Scotland Act, dealing with ECHR compliance

This Act states that any provision of the Scottish Government that is incompatible with Convention Rights, as defined by the UK's Human Rights Act 1998, is outside the power and law of the Scottish Government to adopt. This applies even after a law is adopted. It also means the Scottish Parliament's competence is tied directly to the Human Rights Act's definition of Convention rights, so any UK-level change to the HRA would automatically alter the boundaries of what Holyrood is permitted to legislate on, without Holyrood having any independent power to prevent it. The same would apply to changes in the ECHR treaty.

B. Scotland Act 1998/2016

This Act clearly sets out the legislative and executive powers devolved to the Scottish Parliament and Scottish Ministers. It also identifies which responsibilities remain reserved to the UK Parliament at Westminster, including areas such as defence, immigration and most aspects of social security. The framework has been amended over time to devolve additional powers to Scotland, including certain tax-raising (within set parameters) and welfare powers. This Act effectively makes Scotland function like the national branch of a multinational corporation - free to adapt strategy to local conditions within its own remit, but with no power over the parent company's charter. On reserved matters, Holyrood has no power to legislate at all, however strong the political consensus in Scotland might be for a different approach.

C. The Scotland-specific fiscal framework / block grant adjustment mechanism

This framework and inter-government agreement is unique to Scotland's devolution settlement; Wales and Northern Ireland have their own versions. The core block grant is calculated using the controversial Barnett Formula, based largely on population, but this is then adjusted through Block Grant Adjustments to account for Scotland's own devolved tax and social security powers. This means a devolved tax doesn't simply sit on top of the grant as a separate income stream; using it changes the size of the grant itself. The result is that the Scottish Government cannot simply raise a devolved tax to expand its overall budget; any gain is offset against the grant, so tax policy and spending capacity are locked together rather than being independent choices. I have written previously about the block grant in an essay about where all three tiers of government get their money from, and how more money might enter the system.

D. Climate Change (Scotland) Act 2009, as amended in 2019

Scotland legislated its own, more ambitious, net zero target - to achieve it by 2045 instead of the UK target of 2050. This is a self-authored constraint rather than one imposed by Westminster. However, the original annual target system proved unworkable: Scotland missed eight of its last twelve annual climate targets since 2009, and the government's own independent climate advisers judged it unachievable. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 replaced it with four five-year carbon budgets covering 2026 to 2045, but the underlying obligation remains legally binding and enforceable. This shows how even a self-authored framework has needed restructuring once its original design proved unworkable. This means Scottish ministers cannot simply relax the pace of decarbonisation in response to economic pressure, energy security concerns, economic development plans or delivery capacity. The carbon targets are binding regardless of what other priorities exist.

Frameworks impacting the UK government

Below are six frameworks that significantly constrain the permissible decisions of government leaders and politicians. These frameworks also apply to regional and local governments. These are the frameworks that UK prime ministers often run into problems with - launching into office with great enthusiasm and election manifestos, only to get bogged down in the inertia of frameworks.

The sample of six UK government frameworks are subjectively ranked according to how much genuine discretion each removes from government decision-making, from most to least absolute:

A. Judicial review (common law)

This is the general mechanism courts use to check whether a public body's decision was lawful. It is broader and older than any single Act on this list. It's the principal mechanism through which courts review whether public authorities have acted within their legal limits. Unlike the ECHR or the Refugee Convention, judicial review is entirely domestic and embedded in common law, so it can't be dismissed as a foreign imposition. In practice, this means ministers must build a documented, rational justification before acting, since a decision can be quashed retrospectively by the courts for procedural unfairness or irrationality. This applies even when the underlying policy choice is lawful.

B. The UK Human Rights Act 1998 (came into force in 2000)

This Act brought rights from the European Convention on Human Rights (ECHR) into UK law, so people can use UK courts when public bodies breach those rights. This is one of the key laws influencing UK immigration policy and the policies elected officials can implement. Courts cannot strike down an Act of Parliament under the Human Rights Act, but they can issue a declaration of incompatibility. This places significant political pressure on government to change the law. Article 8, the right to family life, has proven especially consequential for immigration and deportation cases. It has become one of the most contested parts of the Act among politicians across the spectrum.

C. Bank of England Act 1998

This Act granted the Bank of England operational independence over the UK's monetary policy. It transferred day-to-day responsibility for interest rate decisions from ministers to the Bank's Monetary Policy Committee to insulate economic management from short-term political pressure. This means that no elected UK government has direct control over one of the most powerful levers available for managing the economy. Interest rates influence foreign direct investment, currency value, and exports, which are often critical aspects of industrial development strategies. This is because interest rates influence inflation, borrowing costs, investment, and exchange rates, and so shape many of the conditions industrial and economic policy has to work within. Almost every country has a central bank, and formal independence of this function is now the global norm, showing that this framework is not UK-specific.

D. Climate Change Act 2008

This Act set the UK's first legally binding carbon reduction targets, and was amended in 2019 to commit the UK to Net Zero emissions by 2050. The targets are statutory and judicially enforceable. This means that the Act imposes legal duties on both the target itself and how government must plan to meet it. In 2022, the High Court held the government's Net Zero Strategy unlawful because the Secretary of State had not been given enough information to assess whether the proposed policies would actually meet the statutory carbon budgets. The ruling meant the government had to revise its strategy. This showed how a framework can bind both the UK government's plans and efforts to prove these plans will work.

E. Subsidy Control Act 2022

This Act replaced EU state aid rules after Brexit. It only received royal assent in April 2022 but transitional arrangements and obligations covered the period until the Act came fully into operation in January 2023. It sets the legal conditions under which the UK government can support businesses or industries through grants, loans, or tax incentives. Any breach can be challenged through the Competition Appeal Tribunal. The Act directly limits the tools available for an active industrial strategy. It constrains the forms and circumstances in which government can use direct financial support to favour particular businesses or industries.

This limits the government's ability to support those sectors that would strengthen the economy, provide employment, and improve national resilience.

This Act is stricter than the World Trade Organisation's requirements, which undercuts a common assumption that Brexit maximised the UK's freedom to subsidise industry. I have explored these themes in more detail in my essay on why the Brexit experiment was never fully conducted, and in my essay on why Scotland's industry has largely disappeared.

F. UK-EU Trade and Cooperation Agreement 2020

This Agreement governs the terms of the UK's largest trading relationship following Brexit. It includes human rights commitments linked to the European Convention on Human Rights (ECHR), forming part of the agreement's 'essential elements' framework. This means that a serious breach of those commitments could carry consequences for the wider cooperation agreement. It constrains regulatory divergence and trade policy discretion even outside EU membership. In practice, this means the UK cannot unilaterally lower food safety or product standards to strike new trade deals without risking additional checks or tariff increases on the goods most exposed to EU trade. The agreement's law enforcement chapter carries its own clause tied specifically to the ECHR, so UK withdrawal from the Convention could trigger termination of that cooperation even if the rest of the agreement stayed in force. This is a good example of a framework reaching into other areas of government, and of EU frameworks still applying post-Brexit.

Why frameworks are hard to remove

Parliament has the legal power to vote any of these frameworks away in an afternoon, assuming sufficient consensus was achieved. However, there are practical, diplomatic, and political costs to doing so, along with the risk of litigation, as unhappy politicians and charities sue the government using whatever remnants of the framework are scattered around government and manifest in an array of other policies. The more frameworks are stacked on top of each other, the harder it becomes to remove any one of them.

These frameworks are also intertwined with so many other treaties, laws, conventions, and policies that they are very difficult to safely extract without disrupting the system. It requires the precision of a surgeon, making sure not to accidentally damage a critical part of a living organism while operating.

Hence, it's easier to let a framework be than to waste all one's political energy and capital trying to change it. Politicians tend to wait until there is widespread political consensus across the spectrum that a framework needs to be reinterpreted or eliminated before they start to tamper with it. Currently, that level of political and media consensus doesn't exist for any of the frameworks discussed here.

But frameworks are easier to enhance

It is much easier to add a new framework, law, or statutory power that reconciles with existing frameworks than it is to remove one. It is much easier to tighten the ratchet of frameworks than to loosen it. Frameworks are asymmetric: easier to add to than to extract from.

A good example is the rapid and concerning increase in government surveillance and restrictions over the past year, namely the Online Safety Act, which I have recently written about. This example sharpens my view of frameworks, rather than detracting from it. There is no treaty text guaranteeing citizens a right to an unregulated internet the way the ECHR guarantees rights around deportation or family life. Article 10 of the ECHR provides a right to freedom of expression, but it does not guarantee an unregulated internet - only that any restriction must be proportionate. The freedom-of-expression argument was the basis for the Wikimedia Foundation's judicial review, dismissed by the High Court in 2025 on the grounds that the government had acted reasonably and proportionately in seeking to balance rights.

There is also a potential collision with GDPR legislation, which provides a right to privacy and encourages organisations to collect as little personal information as possible, while the Online Safety Act requires platforms to scan personal messages and posts to screen for "harmful content" - a term open to significant interpretation. This contradiction will most likely form the basis of another judicial review, which will be judged using the same argument of proportionality and balancing of rights.

This example shows how it is easier to introduce a new law or power. The government must simply show that it considers and seeks to balance the impacts of previous laws when adopting a new one. This is very different from removing a law, where the process is more absolute.

Discussion

Several reflections emerged while writing this essay, focusing on the power and constraints presented by frameworks, and how they are making it increasingly difficult for our elected representatives to point the government in the optimal direction.

Frameworks limit the power of elected leadership

My concern is that the increasing layers of these frameworks reduce the power of democracy in the UK - the influence of voters relative to the power of the bureaucratic machinery of government. These frameworks act as a ratchet: each additional layer pushes the ratchet further and constrains the ability of future democratically elected governments to act on the mandate given to them by voters.

These frameworks tie the hands of politicians. They were put there deliberately, by elected officials, to stop themselves and their successors from doing damage through having too much discretion. But these many layers of frameworks also protect themselves from politicians trying to use their discretion and expertise to make the big decisions needed to put the UK properly on track again. So they protect against reckless harm, but they also prevent politicians from putting the UK on a proper turnaround strategy. This is very different from how businesses operate, even large ones, since the board and CEO have considerably more leeway to make decisions and adjust the course of the organisation they govern and run.

I spoke with a friend about this essay while writing it. He said that frameworks exist because "politicians have long become the impotent mouthpieces of interests." It shows the underlying sentiment about politicians, and why frameworks try to prevent short-term gains for factions. But there is predictably a trade-off: frameworks prevent reckless short-term action, but they also inhibit course corrections required over the long term.

Political parties tend to underestimate the power of frameworks, until it's too late

Politicians tend to enthusiastically campaign on their policies and then discover the obstacles only once they're in office. By the time they've recognised that frameworks, not simply political opposition, are what's blocking them, they've already spent the political capital needed to actually confront the frameworks themselves. The fight to implement the original policy has exhausted the very resource that would have been needed to tackle the frameworks directly, and there's little energy or mandate left for the harder, structural fight. A wiser strategy might be to identify the relevant frameworks before taking office, and spend the first, highest-capital months of a government dismantling or reforming them, rather than the last, weakest ones. We are seeing this dynamic happen in real time as I write this essay.

For example, Liz Truss's 2022 mini-budget exploited a genuine gap in the framework rather than breaking any law. There was no legal requirement under any framework to obtain an OBR forecast before publishing a budget. However, the market reacted poorly to this breach in convention, requiring the Bank of England to intervene to help resolve the economic emergency. This contributed to the reversal of most of the package and her resignation after 49 days. Parliament has since closed that gap. The Budget Responsibility Act 2024 now legally requires the Treasury to commission an OBR forecast before any minister announces a major fiscal measure. This converts an unwritten convention into a binding framework, directly because one Prime Minister tested its absence.

South African frameworks are stricter, but acknowledge resource shortages

South Africa, where I lived until 2021, has even stronger frameworks than the UK, embedded significantly in the post-apartheid 1996 constitution. South Africa prides itself on having one of the most modern and ethical constitutions in the world. However, South Africa's constitution explicitly acknowledges resource constraints and constraints on the ability to deliver. The UK's frameworks, in contrast, function more absolutely, with minimal ability to compromise based on limited resources or capacity. For example, local government in South Africa must do what it can with limited capacity and resources, trying to balance short- and long-term outcomes, whereas local government in the UK must achieve a set of absolute outcomes or be considered non-compliant and forced to implement the framework by the courts.

Frameworks are like technical debt in software development

Frameworks remind me a bit of software development and technical debt. Computer programmers tend to add new code to fix bugs and vulnerabilities and to create improvements in functionality and user experience. Eventually, the software becomes increasingly cumbersome and slow, but it's still easier and cheaper to add more code to it than to remove code. This is called "technical debt." At some point, the software becomes unwieldy, and a company must invest considerably in developing an entirely new software programme, then go through the painful process of switching over.

Consider how Microsoft Windows has become a bloated piece of software that wants to consume very expensive RAM, and how Microsoft is doing its absolute best to streamline it given current market conditions. Windows has become so complex that a software rewrite may not be feasible. Fortunately, I have swapped over to Linux Fedora, which runs my laptop, and it's like a breath of fresh air.

A software rewrite is famously one of the highest-risk moves in the industry, consuming considerable time and money, and often companies end up worse off than if they'd simply continued to patch the existing software. But there is a danger called the "second-system effect," where software developers, finally unleashed to begin anew, become too ambitious about every aspect of the new software they envision, and, unless the scope is very tightly managed, end up bogged down, creating a similarly bloated piece of software. This is a similar dilemma to the one the UK government faces.

Frameworks establish doctrine, but can become dogma over time

Frameworks tend to become doctrine once they are embedded in an organisation. Unfortunately, doctrine tends to become dogma over time, and dogma tends to lead to rigid thinking, which in turn leads to critical strategic errors, as leaders fail to understand what is going on in time and fail to take the required corrective action. Typically, in successful organisations, a series of strategic catastrophes results in leaders building the mandate to identify and root out any dogma and replace it with new frameworks which become doctrine; otherwise, the organisation may suffer, and possibly collapse.

Politicians and government leaders tend to be focused on single frameworks

None of what I've written is entirely new territory. For example, Policy Exchange, a UK think tank, has run a dedicated Judicial Power Project since 2015, arguing that courts have expanded into what used to be political discretion. Its work was picked up across the 2019 manifestos of the Conservative, Labour, Liberal Democrat, and Green parties, so there was shared understanding across parties at the time. On infrastructure specifically, Britain Remade, the Centre for Policy Studies, and UK Day One have made the same argument about judicial review as a brake on delivery.

There is, however, a lack of synthesis. These efforts tend to tackle one framework at a time - reform judicial review, leave the ECHR, restrict infrastructure litigation - and seem to gloss over the power of frameworks operating across all three tiers of government at once. I would hope that the sentiment of my essay has simply been unconsciously absorbed and is implicit in any government strategy, but the evidence suggests that politicians and government leaders are still getting tripped up by frameworks all the time, sapping their political capital - so perhaps the power of frameworks is not as widely understood as I would have hoped.

One Prime Minister set more of this in motion than anyone has managed to undo

Tony Blair's first term, from 1997 to 2001, delivered the single largest concentration of framework-building on this list. Bank of England independence, the Human Rights Act, and the Scotland Act were all legislated within roughly eighteen months of each other, alongside Welsh and Northern Irish devolution, the Good Friday Agreement, and the Freedom of Information Act. I've heard politicians describe it as the biggest package of constitutional reform in twentieth-century Britain. Every government since, of every party, has operated inside the frameworks he built in those eighteen months. None has removed a comparable share of them.

Blair also entrenched this pattern institutionally, creating 92 arm's-length bodies, insulated from political interference, during his premiership. This locks government functions away from elected politicians. This is more than any Prime Minister in modern British history. The same practice continues, but no successor has matched his total.

Conclusion

This dynamic with frameworks, layering on top of each other, and referencing each other, ultimately creates a strategic prison that keeps the UK locked into its current trajectory, like an autopilot set decades ago, even though a captain needs to take the helm and make some urgent corrections to avoid disaster.

This is a massive constraint on the UK government. These safety rails prevent any leader, regardless of party or programme, from taking decisive action on the mandate they were elected to deliver, unless they can first achieve a level of cross-party and judicial consensus that rarely exists for anything genuinely significant. The frameworks don't consider whether a government's direction is right or wrong, wise or foolish, given the current strategic situation and choices that must be made. Rather, they apply regardless, and absolutely. Government leaders will need to figure out how to revise frameworks; otherwise, they will only be able to apply tweaks to UK strategies within the predetermined course of the country.